

FEBRUARY 4, 1981

OLYMPIA, WASHINGTON

ISSUE 81-03



IN THIS ISSUE

Agriculture, Department of
Attorney General, Office of the
Bellevue Community College
Blind, Commission for the
Centralia College
Data Processing Authority
Eastern Washington University
Ecology, Department of
Education, State Board of
Energy Facility Site Evaluation Council
Fisheries, Department of
Fort Steilacoom Community College
Gambling Commission
Game, Department of
Governor, Office of the
Hazardous Materials, Transportation of,
 Technical Advisory Committee
Health, Board of
Insurance Commissioner/Fire Marshal
Jail Commission

Labor and Industries, Department of
Licensing, Department of
Medical Examiners, Board of
Mexican-American Affairs, Commission on
Natural Resources, Department of
Personnel, Department of
Pilgrimage Commissioners, Board of
Public Disclosure Commission
Retirement Systems, Department of
Seattle Community College
Social and Health Services, Department of
State Employees Insurance Board
Tacoma Community College
Transportation, Department of
Utilities and Transportation Commission
Vocational Education, Advisory Council on
Vocational Education, Commission for
Walla Walla Community College
Wenatchee Valley College
Yakima Valley College

(Subject/Agency index at back of index)
This issue contains documents officially
filed not later than January 21, 1981

Audit 10-20-81 20

CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-37.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Code Reviser pursuant to chapter 28B.19 RCW or 34.04 RCW is available for public inspection during normal office hours. The Code Reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee. Office of the Code Reviser, Olympia, WA 98504, pursuant to chapter 240, Laws of 1977 ex. sess. Subscription rate \$50 per year, postpaid to points in the United States. Second-class postage paid at Olympia, Washington.

Changes of address notices, subscription orders, and undelivered copies should be sent to:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
Olympia, WA 98504

The Washington State Register is an official publication of the State of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the Code Reviser pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

Robert L. Charette,
Chairman, Statute Law Committee

Dennis W. Cooper,
Code Reviser

Gary Reid,
*Assistant Code Reviser
For WAC and WSR*

GayLynne Marelius
Editor

Joyce Christian
Subscription Clerk

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.

1981

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Distribution Date	First Agency Action Date ²	Closing Dates ¹		
			OTS ³ OR 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
81-01	Jan 7, 1981	Jan 27	Dec 24, 1980	Dec 10	Nov 26
81-02	Jan 21	Feb 10	Jan 7	Dec 24, 1980	Dec 10
81-03	Feb 4	Feb 24	Jan 21	Jan 7	Dec 24, 1980
81-04	Feb 18	Mar 10	Feb 4	Jan 21	Jan 7
81-05	Mar 4	Mar 24	Feb 18	Feb 4	Jan 21
81-06	Mar 18	Apr 7	Mar 4	Feb 18	Feb 4
81-07	Apr 1	Apr 21	Mar 18	Mar 4	Feb 18
81-08	Apr 15	May 5	Apr 1	Mar 18	Mar 4
81-09	May 6	May 26	Apr 22	Apr 8	Mar 25
81-10	May 20	Jun 9	May 6	Apr 22	Apr 8
81-11	Jun 3	Jun 23	May 20	May 6	Apr 22
81-12	Jun 17	Jul 7	Jun 3	May 20	May 6
81-13	Jul 1	Jul 21	Jun 17	Jun 3	May 20
81-14	Jul 15	Aug 4	Jul 1	Jun 17	Jun 3
81-15	Aug 5	Aug 25	Jul 22	Jul 8	Jun 24
81-16	Aug 19	Sep 8	Aug 5	Jul 22	Jul 8
81-17	Sep 2	Sep 22	Aug 19	Aug 5	Jul 22
81-18	Sep 16	Oct 6	Sep 2	Aug 19	Aug 5
81-19	Oct 7	Oct 27	Sep 23	Sep 9	Aug 26
81-20	Oct 21	Nov 10	Oct 7	Sep 23	Sep 9
81-21	Nov 4	Nov 24	Oct 21	Oct 7	Sep 23
81-22	Nov 18	Dec 8	Nov 4	Oct 21	Oct 7
81-23	Dec 2	Dec 22	Nov 18	Nov 4	Oct 21
81-24	Dec 16	Jan 5, 1982	Dec 2	Nov 18	Nov 4

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

²"No proceeding shall be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained." RCW 28B.19.030(2) and 34.04.025(2). These dates represent the twentieth day after the distribution date of the immediate preceding Register.

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

WSR 81-02-006
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1583—Filed December 30, 1980]

I, Glen Miller, Asst. Secretary of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

I, Glen Miller, 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 secretary is required to adopt rules implementing RCW 74.46.070 by December 31, 1980.

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

This rule is promulgated pursuant to RCW 74.46.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED December 26, 1980.

By Glen H. Miller
Assistant Secretary

AMENDATORY SECTION (Amending Order 1527, filed 7/22/80)

WAC 388-96-010 TERMS. Unless the context clearly requires otherwise, the following terms shall have the meaning set forth below when used in this chapter.

"Accrual method of accounting" – A method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

"Allowable costs" – See WAC 388-96-501.

"Ancillary care" – Those services required by the individual, comprehensive plan of care provided by qualified therapists.

"Appraisal" – The process of establishing the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

"Arms-length transaction" – A transaction resulting from good-faith bargaining between a buyer and seller who are unrelated and have adverse bargaining positions in the market place.

"Assets" – Economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles. They also include certain deferred charges which are not resources but which are recognized and measured in accordance with generally accepted accounting principles.

"Bad debts" – Amounts considered to be uncollectable from accounts and notes receivable.

"Beds" – Unless otherwise specified, the number of set-up beds in the nursing home, not to exceed the number of licensed beds.

"Beneficial owner" – Any person who:

(1) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(a) Voting power which includes the power to vote, or to direct the voting of such ownership interest, and/or

(b) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(2) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(3) Subject to subsection (2) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(a) Through the exercise of any option, warrant, or right;

(b) Through the conversion of an ownership interest;

(c) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(d) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except that, any person who acquires an ownership interest or power specified in subdivisions (a), (b), or (c) of this subsection with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power.

(4) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised: PROVIDED, That

(a) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (2) of this section; and

(b) The pledge agreement, prior to default, does not grant to the pledgee:

(i) The power to vote or direct or to direct the vote of the pledged ownership interest; or

(ii) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

~~"Capitalization" - ((The process of recording and carrying forward into one or more future periods an expenditure the benefits or proceeds from which will then be enjoyed))~~ The recording of an expenditure as an asset.

"Capitalized lease" - A lease which is required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

"Cash method of accounting" - A method of accounting in which revenues are recognized only when cash is received, and expenditures for expense and asset items are not recorded until cash is disbursed for them.

"Change of ownership" - A change in the individual or legal organization which is responsible for the daily operation of a nursing home.

(1) Events which change ownership include but are not limited to the following:

(a) The form of legal organization of the ((owner)) contractor is changed (e.g., a sole proprietor forms a partnership or corporation);

(b) Title to the nursing home enterprise is transferred by the ((operating entity)) contractor to another party;

(c) The nursing home enterprise is leased, or an existing lease is terminated;

(d) Where the ((owner)) contractor is a partnership, any event occurs which dissolves the partnership;

(e) Where the ((owner)) contractor is a corporation, it is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(2) Ownership does not change when the following, without more, occur:

(a) A party contracts with the ((owner)) contractor to manage the enterprise as the ((owner's)) contractor's agent, i.e., subject to the ((owner's)) contractor's general approval of daily operating decisions;

(b) If the ((owner)) contractor is a corporation, some or all of its stock is transferred.

"Charity allowances" - Reductions in charges made by the contractor because of the indigence or medical indigence of a patient.

"Contract" - A contract between the department and a contractor for the delivery of SNF, ICF and/or IMR services to medical care recipients.

"Contractor" - An entity which contracts with the department to deliver ((SNF, ICF and/or IMR)) care

services to medical care recipients in a facility and which entity is responsible for operational decisions.

"Courtesy allowances" - Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

"CSO" - The local community services office of the department.

"Department" - The department of social and health services (DSHS) and its employees.

"Depreciation" - The systematic distribution of the cost or other base of ~~((a depreciable))~~ tangible assets, less salvage, over ((its)) the estimated useful life of the assets.

"Donated asset" - An asset which the contractor acquired without making any payment for it in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring it. An asset purchased using donated funds is not a donated asset.

"Entity" - An individual ~~((or legal organization))~~ partnership, corporation, or any other association of individuals capable of entering enforceable contracts ((e.g., corporation, partnership)).

"Equity capital" - Total fixed assets which are necessary, ordinary and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

"Exceptional care recipient" - A medical care recipient determined by the department to require exceptionally heavy care.

"Facility" - A nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

"Fair market value" - The price for which an asset would have been purchased on the date of acquisition in an arms-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

"Fiscal year" - The operating or business year of a contractor. All contractors report on the basis of a twelve month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

"Fixed asset" - A tangible asset with an historical cost in excess of one hundred fifty dollars and a useful life of more than one year.

"Generally accepted accounting principles" - Accounting principles ~~((currently))~~ approved by the ~~((American institute of certified public accountants))~~ financial accounting standards board (FASB).

"Goodwill" - The excess of the price paid for a business over the fair market value of all other identifiable, tangible and intangible assets acquired. Also, the excess of the price paid for an asset over its fair market value.

"Historical cost" - The actual cost incurred in acquiring and preparing an ~~((fixed))~~ asset for use ~~((Historical cost includes such planning costs as))~~, including feasibility studies, architects' fees, and engineering studies. ((It does not include "start-up costs" as defined in

~~this section or construction interest (see WAC 388-96-543).)~~

"ICF" – When referring to a nursing home, an intermediate care facility. When referring to a level of care, intermediate care. When referring to a patient, a patient requiring intermediate care.

"Imprest fund" – A fund which is regularly replenished in exactly the amount expended from it.

"IMR" – When referring to a facility, one certified to provide services to the mentally retarded or persons with related conditions. When referring to a level of care, services for the mentally retarded or persons with related conditions. When referring to a recipient, a recipient requiring IMR services.

"Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

"Intermediate care facility" – A licensed facility certified to deliver intermediate care services to medical care recipients.

"Joint facility costs" – Any costs representing expenses incurred which benefit more than one facility, or one facility and any other entity.

"Levels of care" – The classification of types of services provided to patients by a contractor, e.g., skilled nursing care or intermediate care.

"Medical care program" – Medical assistance provided under RCW 74.09.500 or authorized state medical care services.

"Medical care recipient" – ~~((A recipient of medical assistance under Title XIX of the Social Security Act or of state funded medical care services.))~~ An individual determined eligible by the department for the services provided in chapter 74.09 RCW.

"Multiservice facility" – A facility at which two or more types of health or related care are delivered, e.g., a hospital and SNF and/or ICF, or a boarding home and SNF and/or ICF. A combined SNF/ICF or ICF/IMR is not considered a multiservice facility.

"Nonallowable costs" – ~~((Costs which do not meet every test of an allowable cost.))~~ Same as "unallowable costs."

"Nonrestricted funds" – Funds which are not restricted to a specific use by the donor, e.g., general operating funds.

"Nursing home" – A home, place or institution, licensed in accordance with chapter 18.51 RCW, in which skilled nursing, intermediate care and/or IMR services are delivered.

"Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

"Owner" – ~~((The individual or legal organization which is responsible for the daily operation of a nursing home. This party is legally responsible for operational decisions and liabilities.))~~ A sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

"Ownership interest" – All interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

"Patient day" – A calendar day of patient care. In computing calendar days of care, the day of admission is

always counted. The day of discharge is counted only when the patient was admitted on the same day. A patient is admitted for purposes of this definition when he or she is assigned a bed and a patient medical record is opened.

"Per diem (per patient day) costs" – Total allowable costs for a fiscal period divided by total patient days for the same period.

"Prospective daily payment rate" – The rate assigned by the department to a contractor for providing service to medical care recipients. The rate is used to compute the maximum participation of the department in the contractor's costs.

"Qualified therapist" – Any of the following:

(1) An activities specialist who has specialized education, training, or experience as specified by the department.

(2) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience.

(3) A mental health professional as defined by chapter 71.05 RCW.

(4) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled.

(5) A social worker who is a graduate of a school of social work.

(6) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience.

(7) A physical therapist as defined by chapter 18.74 RCW.

(8) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

"Recipient" – A medical care recipient.

"Regression analysis" – A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

"Related organization" – An entity which, to a significant extent, is under common ownership and/or control with, or has control of or is controlled by, the contractor. An entity is deemed to "control" another entity if it has a five percent or greater ownership interest in the other, or if it has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other.

"Relative" – Spouse, natural parent, child, or sibling; adopted child or adoptive parent; step-parent, step-child, step-brother, step-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece or cousin.

"Restricted fund" – A fund the use of the principal and/or income of which is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the ~~((owner))~~ contractor has complete control. These generally fall into three categories:

(1) Funds restricted by the donor to specific operating purposes;

(2) Funds restricted by the donor for additions to property, plant and equipment; and

(3) Endowment funds.

"Secretary" – The secretary of the department of social and health services (DSHS).

"Skilled nursing facility" – A licensed facility certified to deliver skilled nursing care services to medical care recipients.

"SNF" – When referring to a facility, a skilled nursing facility. When referring to a level of care, skilled nursing care. When referring to a patient, a patient requiring skilled nursing care.

"Start-up costs" – The one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first patient is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. They do not include ((such costs as feasibility studies, engineering studies and architects' fees which are part of the historical cost of the facility)) expenditures for capital assets.

"Title XIX" – The 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

"Unallowable costs" – Costs which do not meet every test of an allowable cost.

"Uniform chart of accounts" – A list of account titles identified by code numbers established by the department for contractors to use in reporting their costs.

"Vendor number" – A number assigned to each contractor delivering ((SNF, ICF and/or IMR)) care services to medical care recipients.

"Working capital" – Total current assets which are necessary, ordinary and related to patient care from the most recent cost report minus total current liabilities which are necessary, ordinary and related to patient care from the most recent cost report.

NEW SECTION

WAC 388-96-015 PHASE-IN OF OTHER DEFINITIONS. Notwithstanding anything stated in WAC 388-96-010, effective January 1, 1981, the following terms shall have the meanings set forth below when used in this chapter, for purposes of computing rates for rate periods beginning July 1, 1982, and subsequently. Notwithstanding anything stated in WAC 388-96-010, effective July 1, 1982, the following terms shall have the meanings set forth below when used in this chapter, for all purposes.

"Arm's-length transaction" – A transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transaction shall not be considered arm's-length transactions. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered an arm's-length transaction.

"Fair market value" – The replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

AMENDATORY SECTION (Amending Order 1461, filed 11/30/79)

WAC 388-96-222 SETTLEMENT. (1) Following completion of the field audit of an annual report, the department will compare the prospective rates paid to the contractor during the report period, weighted according to the number of patient days during which each rate was in effect, with the contractor's audited allowable costs for the period, taking into account all authorized shifting (WAC 388-96-223) and the upper rate limits set out in WAC 388-96-760.

(2) Within sixty days after completion of the field audit, the department will send a written audit report to the contractor. In this report, the department will:

(a) Explain the application of relevant contract provisions, regulations, auditing standards, rate formulas, and department policies to the contractor's report, in sufficient detail to permit the contractor to calculate with reasonable certainty its audited allowable costs and its settlement with the department;

(b) Advise the contractor of rules and regulations justifying a settlement determination resulting in reimbursement in any cost center at less than actual allowable costs, as reported by the contractor and verified by audit;

(c) Summarize all audit disallowances; and

(d) Request the contractor to refund money, if necessary, in accordance with the following principles:

(i) In the patient care and food cost areas, the contractor shall refund all portions of payments received for recipients in excess of allowable patient care and food costs, respectively, for those recipients;

(ii) In the administration and operations and property cost areas, after January 1, 1979, the contractor shall refund all portions of payments received for recipients in excess of administration and operations and property costs, respectively, for those recipients;

(iii) In the property cost area, the contractor shall refund amounts determined under WAC ((388-96-571(4) or)) 388-96-573 and, for settlement periods prior to January 1, 1981, amounts determined under WAC 388-96-571(4).

(3) The contractor shall pay the refund, or shall commence repayment in accordance with a schedule determined by the department, within sixty days after receiving the audit report, unless the contractor contests settlement issues in good faith in accordance with the procedures set out in WAC 388-96-904. If the settlement determination is contested, the contractor shall pay or commence repayment in accordance with a schedule determined by the department within sixty days after such proceedings are concluded. The department will pay any amount due the contractor as the result of errors discovered at audit in billing or payment within thirty days after the audit report is received by the contractor or within thirty days after proceedings to contest the settlement are concluded.

(4) If the contractor does not refund the over-payment or any installment when due, the department may withhold payments from current billings until the overpayment is refunded. Payments will only be withheld under this subsection up to the unrefunded amount of the overpayment.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-225 DATE SETTLEMENT BECOMES FINAL. (1) A settlement determination will become final thirty days after the date the settlement report is received by the contractor unless the contractor contests this determination in accordance with the procedures set out in WAC 388-96-904. In the event the settlement determination is contested, it will be final as of the date these proceedings are concluded.

(2) A settlement for a settlement period prior to January 1, 1981, will be reopened if necessary to make adjustments in accordance with WAC 388-96-571(4).

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-501 ALLOWABLE COSTS. Allowable costs are documented costs which are necessary, ordinary and related to the ~~((provision of SNF, ICF or IMR services to nursing home patients))~~ care of medical care recipients, and are not expressly declared nonallowable by applicable statutes or regulations. Costs are ordinary if they are of the nature and magnitude which prudent and cost-conscious management would pay.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-503 SUBSTANCE PREVAILS OVER FORM. (1) In determining allowable costs, the substance of a transaction will prevail over its form. Accordingly, allowable costs will not include increased costs resulting from transactions or the application of accounting methods which circumvent the principles of the prospective cost-related reimbursement system.

(2) Increased costs resulting from a series of transactions between the same parties and involving the same assets (e.g., sale and leaseback, successive sales or leases of a single facility or piece of equipment) will not be allowed.

(3) The payment for property usage is to be independent of ownership structure and financing arrangements. This subsection is effective January 1, 1981, for purposes of rate setting for rate periods beginning July 1, 1982, and subsequently. This subsection is effective July 1, 1982, for all purposes.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-505 OFFSET OF MISCELLANEOUS REVENUES. (1) Allowable costs shall be reduced by the contractor whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts or rebates)

other than through the contractor's normal billing for ~~((SNF, ICF or IMR))~~ care services, except that, unrestricted grants, gifts, and endowments, and interest therefrom, will not be deducted from the allowable costs of a nonprofit facility.

(2) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, it shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate.

(3) Only allowable costs shall be recovered under this section. Costs allocable to activities or services which are not included in SNF, ICF or IMR services (e.g., costs of vending machines, patients' personal laundry, and services specified in chapter 388-86 WAC which are not included in SNF, ICF or IMR services) are nonallowable costs.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-507 COSTS OF MEETING STANDARDS. All necessary and ordinary expenses a contractor incurs in providing ~~((SNF, ICF and/or IMR))~~ care services meeting all applicable standards will be allowable costs. These expenses include necessary and ordinary costs of:

- (1) Meeting licensing and certification standards;
- (2) Meeting standards of providing regular room, ~~((dietary and))~~ nursing, ancillary, and dietary services, ~~((minor medical and surgical supplies, and the use of equipment and facilities;))~~ in accordance with WAC 388-88-050 and 388-88-051;
- (3) Fulfilling accounting and reporting requirements imposed by ~~((the department))~~ this chapter and chapter 74.46 RCW; and
- (4) Performing any patient assessment activity required by the department.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-513 LIMIT ON COSTS TO RELATED ORGANIZATIONS. (1) Costs applicable to services, facilities and supplies furnished by organizations related to the contractor shall be allowable only to the extent they do not exceed the lower of the cost to the related organization or the price of comparable services, facilities or supplies purchased elsewhere. The term "related organization" is defined in WAC 388-96-010.

(2) Documentation of costs to related organizations shall be made available to ~~((department))~~ the auditor(s) at the time and place the financial records relating to the ~~((nursing home))~~ entity are audited. Payments to or for the benefit of the related organization will be disallowed where the cost to the related organization cannot be documented.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-523 ORGANIZATION COSTS.

(1) Necessary and ordinary costs which are directly incident to the creation of a corporation or other form of business of the contractor and that are incurred prior to the admission of the first patient, will be allowable if they are amortized over not less than sixty consecutive months beginning with the month in which the first patient is admitted for care.

(2) Allowable organization costs include but are not limited to legal fees incurred in establishing the corporation or other organization and fees paid to states for incorporation. They do not include costs relating to the issuance and sale of shares of capital stock or other securities.

AMENDATORY SECTION (Amending Order 1510, filed 5/30/80)

WAC 388-96-525 EDUCATION AND TRAINING.

(1) Necessary and ordinary expenses of (~~employee orientation~~) on-the-job training(~~(;)~~) and 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)~~) required for employee orientation and certification training directly related to the performance of duties assigned (~~(or reasonably in prospect)~~) will be allowable costs.

(2) Ordinary expenses of nursing assistant training conducted pursuant to chapter 18.54A RCW will be allowable costs.

(3) Necessary and ordinary expenses of recreational and social activity 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 1262, filed 12/30/77)

WAC 388-96-529 TOTAL COMPENSATION—OWNERS, RELATIVES AND CERTAIN ADMINISTRATIVE PERSONNEL.

(1) For purposes of the test(~~(s)~~) in WAC 388-96-531 (~~(and 388-96-533)~~), total compensation includes gross salary or wages, excluding payroll taxes paid by the contractor, plus fringe benefits (e.g., health insurance) made available to all employees.

(2) For purposes of the test in WAC 388-96-533, subsection (1) of this section shall apply for settlement purposes for periods prior to January 1, 1981, and for rate-setting purposes for periods prior to July 1, 1982.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-531 OWNER OR RELATIVE—COMPENSATION.

(1) Total compensation of an owner or relative of an owner shall be limited to ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if it is the amount usually paid for comparable services in a comparable facility to an unrelated employee, and does not exceed limits set out in this chapter.

(b) A service is necessary if it is related to patient care and would have had to be performed by another person if the owner or relative had not done it.

(2) The contractor (~~(shall maintain)~~), in maintaining customary time records adequate for audit, shall include such records for owners and relatives who receive compensation.

(3) For purposes of this section, if the contractor with the department is a (~~(partnership or)~~) corporation, "owner" includes (~~(all general and limited partners, and)~~) all corporate officers(~~(;)~~) and directors(~~(; and)~~) beneficial interest holders of five percent or more of the corporation's outstanding stock).

AMENDATORY SECTION (Amending Order 1510, filed 5/30/80)

WAC 388-96-533 MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL.

(1) Compensation for administrative personnel shall be an allowable cost, subject to the limits contained in this section. Effective January 1, 1981, for settlement purposes for periods after that date and for rate-setting purposes for periods beginning July 1, 1982, and subsequently, such compensation shall be as defined in the contract between the contractor and such personnel, subject to the limits contained in this section.

~~((+))~~ (2) Total compensation of the licensed administrator for services actually rendered to a nursing home on a full-time basis (at least 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.

~~((+))~~ (3) 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 (b) seventy-five percent of the appropriate amount in the table in subsection (4) of this section.

~~((+))~~ (4) 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 (b) sixty percent of the appropriate amount in the table.

~~((+))~~ (5)

TABLE

Maximum Allowable Total Compensation for Licensed Administrators—Calendar Year ~~((+980))~~ 1981

BED SIZE

1 - ((+9)) 79 ((50-99))	((25,775)) \$27,200 ((26,974))
((+00-149)) 80 - 159	((29,222)) \$30,100
((+50)) 160 and up	((31,000)) \$32,000

~~((5))~~ (6) A table to be promulgated by the department will apply for subsequent calendar years.

~~((6))~~ (7) If ~~((any of the above employees works fewer than forty hours as))~~ the licensed administrator, licensed assistant administrator, or registered administrator-in-training ~~((in the average))~~ regularly work fewer than forty hours per 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))~~ derived from the division of the actual hours worked by 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))~~ (8) The contractor shall maintain time records for the licensed administrator and for an assistant administrator or administrator-in-training, if any.

AMENDATORY SECTION (Amending Order 1527, filed 7/22/80)

WAC 388-96-535 MANAGEMENT AGREEMENTS, MANAGEMENT FEES AND CENTRAL OFFICE SERVICES. (1) If a contractor intends to enter into a management agreement with an individual or firm which will manage the nursing home as agent of the contractor, a copy of the agreement must be received by the department at least ninety days before it is to become effective. A copy of any amendment to a management agreement must also be received by the department in advance of the date it is to become effective. No management fees for periods prior to the time the department receives a copy of the applicable agreement will be allowable. When necessary for the health and safety of medical care recipients, the ninety-day notice requirement may be waived, in writing, by the department.

(2) Management fees will be allowed only if (a) a written management agreement both creates a principal/agent relationship between the contractor and the manager, and sets forth the items, services and activities to be provided by the manager, and (b) documentation demonstrates that the services contracted for were actually delivered. ~~((3))~~ To be allowable, fees must be for necessary, nonduplicative services.

(3) Allowable fees for general management services, including the portion of a management fee which is not allocated to specific services such as accounting, are limited to (a) the maximum allowable compensation under WAC 388-96-533 of the licensed administrator and, if the facility has at least eighty ~~((set-up))~~ beds, of an assistant administrator, less (b) actual compensation received by the licensed administrator and by the assistant

administrator, if any. In computing maximum allowable compensation under WAC 388-96-533 for a facility with at least eighty set-up beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed.

(4) (a) Notwithstanding subsection (3) of this section, effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, this subsection shall apply.

(b) Effective July 1, 1982, this subsection shall apply instead of subsection (3) of this section for all purposes.

(c) Allowable fees for general management services, including the portion of a management fee which is not allocated to specific services such as accounting, are limited to:

(i) The maximum allowable compensation under WAC 388-96-533 of the licensed administrator, and, if the facility has at least eighty beds, of an assistant administrator, less

(ii) Actual compensation received by the licensed administrator and by the assistant administrator and administrator-in-training, if any.

In computing maximum allowable compensation under WAC 388-96-533 for a facility with at least eighty beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed.

~~((4))~~ (5) A management fee paid to or for the benefit of a related organization will be allowable to the extent it does not exceed the lesser of (a) the limits set out in subsection (3) of this section, or (b) the lower of the actual cost to the related organization of providing necessary services related to patient care under the agreement, or the cost of comparable services purchased elsewhere. Where costs to the related organization represent joint facility costs, the measurement of such costs shall comply with WAC 388-96-534.

~~((5))~~ (6) Central office joint facility costs for general management services, including the portion of a management expense which is not allocated to specific services, shall be subject to the management fee limits determined in subsections (3), ~~((and))~~ (4), and (5) of this section.

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 388-96-537 TEMPORARY CONTRACT LABOR. (1) Costs for the purchased services of temporary contract labor shall be allowable only to the extent they do not exceed the average of the usual and customary rate for the wages and benefits of the facility's comparable permanent staff, as reimbursed pursuant to RCW 74.46.480 and 74.46.500.

(2) This section shall take effect January 1, 1981, only for purposes of computing rates for rate periods beginning July 1, 1982, and subsequently.

(3) Beginning July 1, 1982, this section shall be effective for all purposes.

AMENDATORY SECTION (Amending Order 1300, filed 06/01/78)WAC 388-96-539 ALLOWABLE INTEREST.

(1) The contractor's necessary and ordinary interest for working capital and capital indebtedness will be allowable.

(a) To be necessary, interest must be incurred in connection with a loan which satisfies a financial need of the contractor and be for a purpose related to patient care. Interest expense relating to business opportunity or goodwill will not be allowed.

(b) To be ordinary, interest must be at a rate which is not in excess of what a prudent borrower would have to pay at the time of the loan in an arms-length transaction in the money market.

(c) Interest expense shall include amortization of bond discounts and expenses related to the bond issue. Amortization shall be over the period from the date of sale to the date of maturity or, if earlier, the date of extinguishment of the bonds.

(2) Interest paid to or for the benefit of a related organization will be allowed only to the extent the actual interest does not exceed the cost to the related organization of obtaining the use of the funds.

(3) This section shall cease to be effective on January 1, 1981, for purposes of computing rates for rate periods beginning July 1, 1982, and subsequently.

(4) This section shall cease to be effective on July 1, 1982, for all purposes.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-541 OFFSET OF INTEREST INCOME. (1) In computing allowable costs, interest income from the investment or lending of nonrestricted funds shall be deducted from allowable interest expense.

(2) Interest income from the investment or lending of restricted funds shall not be deducted from allowable interest expense.

(3) This section shall cease to be effective on January 1, 1981, for purposes of computing rates for rate periods beginning July 1, 1982, and subsequently.

(4) This section shall cease to be effective on July 1, 1982, for all purposes.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-543 EXPENSE FOR CONSTRUCTION INTEREST. Interest expense and loan origination fees relating to construction of a nursing home incurred during the period of construction shall be capitalized and amortized over not less than sixty consecutive months from the date the first patient is admitted. For settlement purposes for periods subsequent to December 31, 1980, and for rate-setting purposes for periods beginning July 1, 1982, and subsequently, such expenses and fees shall be amortized over the life of the facility pursuant to WAC 388-96-565, but not in excess of the project certificate of need period pursuant to

RCW 70.38.125. The period of construction shall extend from the date of the construction loan to the date the facility is put into service for patient care.

NEW SECTION

WAC 388-96-545 OPERATING LEASES OF EQUIPMENT. Rental or lease costs under arm's-length operating leases of office equipment shall be allowable to the extent the cost is necessary and ordinary.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-547 OPERATING LEASES OF FACILITIES AND EQUIPMENT—TRANSITION PERIOD. (1) Rental or lease costs under arms-length operating leases of facilities and/or equipment shall be allowable for settlement purposes only for periods prior to July 1, 1982, to the extent the cost is not in excess of arms-length rental or lease costs of comparable facilities or equipment.

(2) Effective July 1, 1982, such costs shall only be allowable as provided in WAC 388-96-545.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-553 CAPITALIZATION. The following costs shall be capitalized (~~and depreciated in computing allowable costs~~):

(1) Expenses for equipment with historical cost in excess of \$150 per unit and a useful life of more than one year from the date of purchase;

(2) Expenses for equipment with historical cost of \$150 or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded \$150; or

(b) The item was part of the initial stock of the nursing home.

(3) Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the sum "\$500" replacing the sum "\$150."

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-557 DEPRECIABLE ASSETS. (1) Tangible assets of the following types in which a contractor has an economic interest through ownership are subject to depreciation:

(a) Building – the basic structure or shell and additions thereto.

(b) Building Fixed Equipment – attachments to buildings, such as wiring, electrical fixtures, plumbing, elevators, heating system, and air conditioning system. The general characteristics of this equipment are:

(i) Affixed to the building and not subject to transfer, and

(ii) A fairly long life, but shorter than the life of the building to which affixed.

(c) Major Movable Equipment – such items as beds, wheelchairs, desks, and ~~((vehicles))~~ x-ray machines. The general characteristics of this equipment are:

- (i) A relatively fixed location in the building;
- (ii) Capable of being moved as distinguished from building equipment;
- (iii) A unit cost sufficient to justify ledger control;
- (iv) Sufficient size and identity to make control feasible by means of identification tags; and
- (v) A minimum life of approximately three years. Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, this equipment shall be characterized by a minimum life of greater than one year.

(d) Minor Equipment – such items as waste baskets, bed pans, syringes, catheters, silverware, mops, and buckets which are properly capitalized. No depreciation shall be taken on items which are not properly capitalized (see WAC 388-96-553). The general characteristics of minor equipment are:

- (i) In general, no fixed location and subject to use by various departments;
- (ii) ~~((Comparatively))~~ Small in size and unit cost;
- (iii) Subject to inventory control;
- (iv) ~~((Fairly))~~ Large number in use; and
- (v) Generally, a useful life of one to three years.

(e) Land Improvements – such items as paving, tunnels, underpasses, on-site sewer and water lines, parking lots, shrubbery, fences, walls, etc., where replacement is the responsibility of the contractor.

(f) Leasehold Improvements – betterments and additions made by the lessee to the leased property, which become the property of the lessor after the expiration of the lease.

(2) Land is not depreciable. The cost of land includes the cost of such items as off-site sewer and water lines, public utility charges necessary to service the land, governmental assessments for street paving and sewers, the cost of permanent roadways and grading of a nondepreciable nature, and the cost of curbs and sidewalks, replacement of which is not the responsibility of the contractor.

(3) Assets of the kind defined in this section as subject to depreciation in which the contractor has an interest through leasing are subject to depreciation through June 30, 1982, only for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently. Beginning July 1, 1982, such assets are subject to depreciation for all purposes.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-559 DEPRECIATION BASE. (1) The depreciation base shall be the historical cost of the contractor in acquiring the asset from an unrelated organization and preparing it for use, less goodwill and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsection (4) of this section and such portions of WAC 388-96-561, 388-

96-563, 388-96-565, and 388-96-567 as are applicable to the period for which the depreciation expense is being claimed. If the department challenges the historical cost of an asset, it will have the fair market value of the asset at the time of purchase established by an MAI appraisal (for facilities). The fair market value of items of equipment will be established by appraisals performed by vendors of the particular type of equipment. The department may also have the fair market value established by the department of general administration, through an appraisal proceeding. When these appraisals are conducted, the depreciation base of the asset will not exceed its fair market value. Estimated salvage value shall be deducted from historical cost where the straight-line or sum-of-the-years digits method of depreciation is used.

(2) Effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(3) Effective July 1, 1982, in all cases subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

~~((2))~~ (4) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under ~~((the program))~~ a contract with the department.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-561 DEPRECIATION BASE—DONATED OR INHERITED ASSETS. (1) The depreciation base of donated assets, as defined in WAC 388-96-010, or of assets received through testate or intestate distribution, shall be the lesser of (a) fair market value at the date of donation or death, less goodwill. Estimated salvage value shall be deducted from fair market value where the straight-line or sum-of-the-years digits method of depreciation is used; or (b) the depreciation base under the cost-related reimbursement program of the owner last ~~((participating in the program))~~ contracting with the department, if any.

(2) If the donation or distribution is between related organizations, the base shall be the lesser of (a) fair market value, less goodwill and, where appropriate, salvage value, or (b) the depreciation base the related ~~((party))~~ organization had or would have had for the asset under ~~((the program))~~ a contract with the department.

NEW SECTION

WAC 388-96-563 DEPRECIATION BASE OF ASSETS PREVIOUSLY USED IN MEDICAL CARE PROGRAM. (1) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that

depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(2) Subsection (1) of this section shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(3) This section shall be effective January 1, 1981, only for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently.

(4) This section shall be effective July 1, 1982, for all purposes.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-565 LIVES. (1) ~~((Except for buildings.))~~ The contractor shall use lives no shorter than guideline lives contained in the internal revenue service Class Life ADR System or published by the American Hospital Association in computing allowable depreciation. The shortest life which may be used for buildings is thirty years.

(2) Lives shall be measured from the date of the most recent arms-length acquisition of the asset.

(3)(a) This subsection shall apply in the place of subsection (2) of this section effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently.

(b) Lives shall be measured from the date of the most recent arms-length acquisition of the asset or from the date on which the asset was first used in the medical care program, whichever is more recent. In cases where WAC 388-96-563 does apply, the shortest life that may be used for buildings is the remaining useful life under the prior contract. In all cases, lives shall be extended to reflect periods, if any, when assets were not used in or as a facility.

~~((2))~~ (4) Building improvements shall be depreciated over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

~~((3))~~ (5) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

~~((4))~~ (6) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-567 METHODS OF DEPRECIATION. (1) Buildings, land improvements, and fixed equipment shall be depreciated using the straight-line method. Major-minor equipment shall be depreciated using either the straight-line method ~~((or a recognized accelerated depreciation method (declining balance, double declining balance, or sum-of-the-years digits)))~~, the sum of the years' digits method, or declining balance method not to exceed 150% of the straight-line rate. ~~Contractors which have elected to take ((accelerated)) either the sum-of-the-years' digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.~~

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes not both necessary and related to patient care.

~~((3) In computing depreciation on assets acquired before the contractor entered the program, depreciation computed in accordance with this chapter for the period before entry shall be deducted from the depreciation base.)~~

~~((4))~~ (3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to WAC 388-96-559 or 388-96-563.

AMENDATORY SECTION (Amending Order 1262, filed 12/30/77)

WAC 388-96-569 RETIREMENT OF DEPRECIABLE ASSETS. (1) Where depreciable assets are disposed of through sale, trade-in, scrapping, exchange, theft, wrecking, or fire or other casualty, depreciation shall no longer be taken on the assets. No further depreciation shall be taken on permanently abandoned assets.

(2) Where an asset has been retired from active use but is being held for stand-by or emergency service, and ~~((there is a likelihood that it))~~ the department has determined that it is needed and can be effectively used in the future, depreciation may be taken.

AMENDATORY SECTION (Amending Order 1300, filed 6/1/78)

WAC 388-96-571 HANDLING OF GAINS AND LOSSES UPON RETIREMENT OF DEPRECIABLE ASSETS SETTLEMENT PERIODS PRIOR TO 1/1/81 AND RATE PERIODS PRIOR TO 7/1/82.

(1) For settlement purposes for periods prior to January 1, 1981, and for rate-setting purposes for periods prior to July 1, 1982, gains and losses on the retirement of depreciable assets either during the period of participation in the program or within twelve months following termination, shall be treated in accordance with this section.

(2) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset. For purposes of subsections (3) and (4) of this section, the total gain shall be reduced by one

percent for each month of ownership of an asset with an expected useful life of one hundred months or longer. For an asset with an expected useful life of less than one hundred months, total gain shall be reduced by the portion thereof equal to the ratio of the actual life of the asset from its most recent arms-length acquisition up to the date of retirement to its expected useful life.

(3) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided that a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

(4) If the retired asset is not replaced, or if the contractor is terminating its contract, the gain or loss shall be spread over the actual life of the asset up to the date of retirement, provided that a loss will only be so spread if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset. The difference between reimbursement actually paid for depreciation in any period beginning on or after January 1, 1978, and the reimbursement for depreciation which would have been paid with the base adjusted to reflect the gain or loss, will be computed. Where the difference results from a gain, it shall be recovered by the department. Where the difference results from a loss, it will be added to allowable costs for purposes of determining settlement.

NEW SECTION

WAC 388-96-572 HANDLING OF GAINS AND LOSSES UPON RETIREMENT OF DEPRECIABLE ASSETS—OTHER PERIODS. (1) This section shall apply in the place of WAC 388-96-571 effective January 1, 1981, for purposes of settlement for settlement periods prior to that date, and for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently.

(2) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset.

(3) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided that a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

AMENDATORY SECTION (Amending Order 1387, filed 4/4/79)

WAC 388-96-585 ((NONALLOWABLE)) UNALLOWABLE COSTS. (1) Costs will be ((nonallowable)) unallowable if they are not documented, necessary, ordinary, and related to the provision of ((SNF, ICF or IMR)) care services to ((nursing-home)) authorized patients.

(2) Nonallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the ((Title XIX)) medical care program((, including costs of unnecessary care)). Costs of nonprogram items or services will be ((nonallowable)) unallowable even if they

are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF, ICF or IMR recipients which are covered by the department's medical care program but not included in SNF, ICF or IMR services respectively. Items and services covered by the medical care program are listed in chapter 388-86 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date they are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes, or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter or in chapter 74.46 RCW.

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities or supplies purchased elsewhere.

(j) Bad debts.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs or in IMR programs where clothing is a part of routine care.

(r) Fund-raising expenses, except those directly related to the patient activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios and similar appliances in patients' private accommodations.

(u) Federal, state and other income taxes.

(v) Costs of special care services((, such as private duty nurses,)) except where authorized by the department ((for exceptional care recipients)).

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.

(x) Expenses of profit-sharing plans.

(y) (~~Costs of training programs for nonemployees other than volunteers~~) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care.

(z) Personal expenses and allowances of owners or relatives (except those allowable as compensation).

(aa) All expenses of maintaining professional licenses or membership in professional organizations (not related to operation of the facility). For settlement purposes for periods prior to January 1, 1981, such expenses are unallowable only if not related to the operation of the facility.

(bb) Costs related to agreements not to compete.

(cc) Goodwill and amortization of goodwill.

(dd) (~~Organization costs, start-up costs, and construction interest not amortized over at least sixty months after opening~~) Expense related to vehicles which are in excess of what a prudent contractor would expend to the ordinary and economic provision of transportation needs related to patient care.

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands.

(ff) Legal and consultant fees in connection with a lawsuit against the department (are nonallowable).

(~~fff~~) (gg) Lease acquisition costs (costs associated with agreements not to compete,) and other intangibles not related to patient care.

(hh) All audit costs incurred pursuant to RCW 74.46.120(1).

NEW SECTION

WAC 388-96-587 PHASE-IN OF OTHER UNALLOWABLE COSTS. Effective January 1, 1981, the following costs will be unallowable only for purposes of rate setting for rate periods beginning July 1, 1982, and subsequently. Effective July 1, 1982, the following costs will be unallowable for all purposes:

(1) All interest costs other than those allowable under WAC 388-96-543.

(2) All rental and lease costs other than those allowable under WAC 388-96-545.

AMENDATORY SECTION (Amending Order 1510, filed 5/30/80)

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 to recipients in accordance with WAC 388-88-050 and 388-88-051.

(2)(a) 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 (~~changed~~) 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 (~~the~~) 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. For the 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 are not allowable costs.

(f) The standard hours calculated above will be multiplied by the wages calculated above to determine a rate.

(g) ((On)) An 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 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.

WSR 81-03-001
ADOPTED RULES
PUBLIC DISCLOSURE COMMISSION
 [Order 80-08—Filed January 8, 1981]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza, FJ-42, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to registration and reporting by lobbyists organizations, adopting WAC 390-20-144.

This action is taken pursuant to Notice No. WSR 80-16-069 filed with the code reviser on November 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure Commission has authority to implement the provisions of the Washington State Open Government Act.

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

APPROVED AND ADOPTED December 23, 1980.
 By Graham E. Johnson
 Administrator

NEW SECTION

WAC 390-20-144 REGISTRATION AND REPORTING BY LOBBYIST ORGANIZATIONS. (1) Registration. Any firm, company, association or similar organization required to register as a lobbyist shall file one registration statement (PDC form L-1) for each employer in whose behalf the organization will lobby.

(a) The lobbying organization will attach to the registration statement a photo and the biographical information required by RCW 42.17.155 (page 3 of the L-1 form) for each individual agent of the organization who is authorized to lobby for that particular employer.

(b) If the agent is authorized to lobby for several employers, only one photo and biographical sheet need be submitted.

(2) Monthly Expenditure Reports. One monthly expenditure report (PDC form L-2) shall be submitted showing all expenditures made by the organization and its agents. It is unnecessary to prorate or attribute expenditures to individual agents of the organization. However, expenditures for entertainment exceeding \$25 per occasion shall identify the individual agent (s) who were present at the occasion. The L-2 report shall be signed by the president or chief executive officer of the lobbying organization.

(3) Termination of Authority to Lobby. If any individual agent of the organization ceases to lobby or the organization terminates that agent's authority to lobby, the organization shall notify PDC in writing or by notation on the L-2 report of the termination.

WSR 81-03-002

ADOPTED RULES

DEPARTMENT OF ECOLOGY ✓

[Order DE 80-53—Filed January 8, 1981]

I Randy S. Fisher, acting deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to general regulations for air pollution sources, amending chapter 173-400 WAC.

This action is taken pursuant to Notice No. WSR 80-16-065 filed with the code reviser on November 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.331, 70.94.510 and 70.94.785 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 17, 1980.

By Randy S. Fisher
Acting Deputy Director

AMENDATORY SECTION (Amending Order DE 80-14, filed 8/20/80)

WAC 173-400-110 NEW SOURCE REVIEW.

(1) Whenever the construction, installation or establishment of a new stationary source is contemplated, and such source is within a source category listed in WAC 173-400-100, the owner or operator thereof shall file a notice of construction with the department unless the filing of such a notice is required by an air pollution control authority with jurisdiction over the source.

(a) This requirement shall also apply to any source for which a federal standard of performance has been promulgated prior to the filing of the notice of construction. A list of sources for which a federal standard of performance or a national emission standard for hazardous air pollutants (NESHAPS) has been promulgated, and the standards which apply to such sources, shall be available at the headquarters office and each regional office of the department of ecology.

(b) Whenever the construction, installation or establishment of a new major stationary source of carbon monoxide or volatile organic compounds is contemplated in an area designated as nonattainment for carbon monoxide or ozone, it is required that there be an analysis of alternative sites, sizes and production processes and environmental control techniques for the proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction and modification. This analysis is the responsibility of the applicant who may use an environmental impact statement prepared under the state environmental policy act or the national environmental policy act as a source of information for this analyses.

(2) Whenever the construction, installation or establishment of any new stationary source, except single-family and duplex dwellings, is contemplated and such source is not within a source category listed in WAC 173-400-100, the department may require the owner or operator thereof to file a notice of construction with the department. The department shall not impose such requirement if an equivalent notice is required by an air pollution control authority with jurisdiction over the source.

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

(b) Addition to, enlargement, modification, replacement, or alteration of any process or source, other than the replacement of air pollution control equipment as covered in WAC 173-400-110(3)(a), which will increase potential emissions or ambient concentration of any contaminant for which a federal or state emission or ambient standard has been set, will require the filing of a notice of construction. The new source review will apply to that part of the source which is affected and for the contaminants which may be increased.

(4) Any contemplated new stationary source subject to the provisions of chapter 80.50 RCW, energy facilities siting act, shall comply with the provisions of that statute in lieu of the provisions of this section.

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

(6) The department shall review notices of construction and plans, specifications and other information associated therewith in order to determine that:

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

(b) The proposed project will utilize best available control technology (BACT) for emission control. If the project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, it will comply with the lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated. Compliance with federal emission standards for hazardous air pollutants and new source performance standards (NSPS) when applicable to the source will be required. BACT, LAER and NSPS will be required only for those pollutants which will increase potential emissions due to the proposed project.

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

(d) The proposed project will not violate the requirements for reasonable further progress established by the implementation plan. If the project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the total allowable emissions from existing sources and the new source of the contaminants for which nonattainment has been designated must be less than allowable emissions from existing sources at the time the application for approval was filed as demonstrated by an offsetting reduction from existing source or sources of 1.3 times the emissions of the new or modified source. The offset reduction may not be required if an adequate emissions growth allowance is included in an approved plan for attainment. Arrangements for such an offsetting reduction must be made by the owner or operator of the proposed new source. Replacement of process equipment with new equipment of identical capacity may be approved with an emission offset of less than 1.3 if LAER and all other new source requirements are met. Details of the offsetting transaction shall be included in an order of approval and the source or sources furnishing the offsetting reduction shall be made parties to such order and shall agree to be bound by its terms. The approval order shall establish allowable emission limits for the new source and new allowable limits for the source or sources supplying the offsetting reduction. No such order will be issued until after an opportunity for a public hearing has been provided. The offsetting reduction must be accomplished prior to the startup of the new source. If the offset is accomplished by the shutdown of an existing source, the approval order will state that a new notice of construction and a new offset must be approved prior to starting up that source again. Procedures for administering offsets will be in accordance with EPA's Interpretive Offset Ruling Part IV, Paragraph C and D (40 CFR 51, appendix S) on file with the department.

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

(f) If the project is a major source or the modification of a major source which will cause more than a de minimus increase in potential emissions and is located in a nonattainment area, the owner or operator shall demonstrate that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the federal clean air act.

(g) The requirement for a net reduction in emissions in the nonattainment area before a new major source in the area can be approved is acceptable evidence that it will not delay attainment. For a new source in an attainment area the requirements of (6)(e) of this section that the proposed new source will not delay the attainment date for any nonattainment area will be considered to be met if the impact of the new source on any point

within a nonattainment area does not exceed the following levels:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m ³	-	2 mg/m ³
TSP	1.0 µg/m ³	5 µg/m ³	-	-	-
SO ₂	1.0 µg/m ³	5 µg/m ³	-	25 µg/m ³	30 µg/m ³

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

(a) Make preliminary determinations on the matters set forth in WAC 173-400-100(6);

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

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

(8) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determination of (6)(a), (6)(b), (6)(c), (6)(d), (6)(e) or (6)(f) in the negative, it shall issue an order for the prevention of the construction, installation or establishment of the new stationary source.

(9) If, after review of all information received, including public comment with respect to any proposed project, the department makes the determinations of (6)(a), (6)(b), and where applicable, (6)(c), (6)(d), (6)(e) and (6)(f) in the affirmative, it shall issue an order of approval for the construction, installation or establishment of the new stationary source. The order of approval may provide such conditions of operation as are reasonably necessary to assure the continuous compliance with chapter 70.94 RCW and the applicable rules and regulations in force pursuant thereto.

(10) For portable sources which locate temporarily (one year or less) at particular sites, the owner or operator shall be permitted to operate at the temporary location without filing a notice of construction, providing that the owner or operator notifies the department of intent to operate at the new location at least thirty days prior to starting the operation and supplies sufficient information to enable the department to determine that the operation will comply with the emission standards for a new source, will not cause a violation of applicable ambient air standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time and the department may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards. The provisions of this subsection do not apply to major sources wishing to establish operations in nonattainment areas. Such sources must meet all applicable requirements of this section.

(11) The owner or operator of a proposed new source shall not commence operations until written permission

to commence has been granted by the department or authority.

WSR 81-03-003
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 80-54—Filed January 8, 1981] ✓

I, Randy S. Fisher, acting deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to emission standards and controls for sources emitting volatile organic compounds (VOC), amending chapter 173-490 WAC.

This action is taken pursuant to Notice No. WSR 80-16-067 filed with the code reviser on November 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.94.331, 70.94.510 and 70.94.785 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 17, 1980.

By Randy S. Fisher
 Acting Deputy Director

AMENDATORY SECTION (Amending Order DE 80-18, filed 8/20/80)

WAC 173-490-020 DEFINITIONS. The specific definitions of terms contained in chapter 173-400 WAC are by this reference incorporated into this chapter, and all words and phrases there defined shall, when used in this chapter, carry the meanings set forth in chapter 173-400 WAC. Unless a different meaning is indicated by context, the following words and phrases, as used in this chapter, shall have the following meanings:

(1) "Bottom loading" means the filling of a tank through a submerged fill line.

(2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.

(3) "Class II hardboard paneling finish" means finishes which meet the specifications of Voluntary Product Standard PS-56-73 as approved by the American National Standards Institute.

(4) "Closed refinery system" means a system that will process or dispose of those VOC collected from another system. The mass quantity of collected VOC emitted to the ambient air from the closed refinery system shall by comparison not exceed that required for a disposal system.

(5) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the

temperature or pressure and remains liquid at standard conditions.

(6) "Condenser" means a device for cooling a gas stream to a temperature where specific volatile organic compounds become liquid and are removed.

(7) "Control system" means one or more control devices, including condensers, that are designed and operated to reduce the quantity of VOC emitted to the atmosphere.

(8) "Crude oil" means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.

(9) "Cutback asphalt" means an asphalt that has been blended with petroleum distillates to reduce the viscosity for ease of handling and lower application temperature. An inverted emulsified asphalt shall be considered a cutback asphalt when the continuous phase of the emulsion is a cutback asphalt.

(10) "Demonstrate" means a presentation of the necessary data and calculations to support the required conclusion. The material is recorded for each event and made a part of air quality records or reports required by the state.

(11) "Disposal system" means a process or device that reduces the mass quantity of the VOC that would have been emitted to the ambient air by at least ninety percent prior to their actual emission.

(12) "Dry cleaning facility" means a facility engaged in the cleaning of fabrics in an essentially nonaqueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes, but is not limited to, any washer, dryer, filter and purification systems, waste disposal systems, holding tanks, pumps and attendant piping and valves.

(13) "External floating roof" means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the petroleum liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

(14) "Flexographic printing" means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(15) "Gas service" means equipment that processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the gaseous phase.

(16) "Gasoline" means a petroleum distillate having a true vapor pressure greater than 200 mm of Hg (4 psia) at 20°C, that is a liquid at standard conditions of 760 mm of Hg and 20°C, and is used as a fuel for internal combustion engines.

(17) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.

(18) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination

by pipeline, ship or barge, and loads gasoline into transport tanks.

(19) "Hardboard" means a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.

(20) "Hardboard plywood" means plywood whose surface layer is a veneer of hardwood.

(21) "Lease custody transfer" means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

(22) "Liquid-mounted seal" means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof around the circumference of the tank.

(23) "Liquid service" means equipment that processes, transfers or contains a volatile organic compound or mixture of volatile organic compounds in the liquid phase.

(24) "Natural finish hardwood plywood panels" means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.

(25) "Packaging rotogravure printing" means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(26) "Petroleum liquids" means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery, excluding No. 2 through 6 fuel oils (ASTM D396-69), No. 2GT through 4 GT gas turbine fuel oils (ASTM D2880-71) or No. 2D and 4D diesel fuel oils (ASTM D975-68).

(27) "Petroleum refinery" means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.

(28) "Printed interior panels" means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.

(29) "Proper attachment fittings" means hardware for the attachment of gasoline transfer or vapor collection lines that meet or exceed industrial standards or specifications and the standards of other agencies or institutions responsible for safety and health.

(30) "Publication rotogravure printing" means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.

(31) "Reactor" means a vessel that may be jacketed for temperature control in which to conduct chemical reactions.

(32) "Refinery unit" means a set of components that are a part of a basic process operation, such as distillation, hydrotreating, cracking or reforming of hydrocarbons.

(33) "Roll printing" means the application of words, designs, and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

(34) "Rotogravure printing" means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves an intaglio or recessed image areas in the form of cells.

(35) "Separation operation" means a process that separates a mixture of compounds and solvents into two or more components. Specific mechanisms include extraction, centrifugation, filtration, and crystallization.

(36) "Submerged fill line" means a pipe, tube, fitting or other hardware for loading liquids into a tank with either a discharge opening flush with the tank bottom; or with a discharge opening entirely below the lowest normal operating drawoff level or that level determined by a liquid depth two and one half times the fill line diameter when measured in the main portion of the tank, but not in sumps or similar protrusions.

(37) "Submerged loading" means the filling of a tank with a submerged fill line.

(38) "Suitable closure or cover" means a door, hatch, cover, lid, pipe cap, pipe blind, valve or similar device that prevents the accidental spilling or emitting of VOC. Pressure relief valves, aspirator vents or other devices specifically required for safety and fire protection are not included.

(39) "Thin particleboard" means a manufactured board one-quarter inch or less in thickness made of individual wood particles which have been coated with a binder and former into flat sheets by pressure.

(40) "Tileboard" means panelling that has a colored waterproof surface coating.

(41) "Transport tank" means a container having a usable liquid volume greater than one thousand liters (260 gallons) used for shipping gasoline on land, including but not limited to, tank trucks, tank trailers, railroad tank cars, and metallic or nonmetallic tanks or cells conveyed on any vehicle.

(42) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks," 1962.

(43) "Valves not externally regulated" means valves that have no external controls, such as in-line check valves.

(44) "Vapor collection system" means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

(45) "Vapor control system" means a system designed and operated to reduce or limit the emission of VOC, or to recover the VOC to prevent their emission into the ambient air.

(46) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath

the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

(47) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 mm of Hg (millimeters of mercury) at a temperature of 20°C and pressure of 760 mm of Hg. Excluded compounds are methane, ethane, trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12), chlorodifluoromethane (CFC-22), trifluoromethane (FC-23), trichlorotrifluoroethane (CFC-113), dichlorotetrafluoroethane (CFC-114), chloropentafluoroethane (CFC-115), methylene chloride and 1, 1, 1-trichloroethane (methyl chloroform).

(48) "Waxy, heavy pour crude oil" means a crude oil with a pour point of 50°F or higher as determined by the American Society for Testing and Materials Standard D97-66, "Test for Pour Point of Petroleum Oils."

AMENDATORY SECTION (Amending Order DE 80-18, filed 8/20/80)

WAC 173-490-040 REQUIREMENTS. Sources shall demonstrate compliance with this chapter using the sampling procedures on file with and approved by the director.

(1) Petroleum refineries.

(a) This chapter shall apply to all petroleum refineries with a crude oil or feed stock capacity greater than one million five hundred thousand liters (9,000 bbl) per day.

(b) A petroleum refinery with a crude oil or feed stock capacity of eight million three hundred twenty eight thousand liters (50,000 bbl) per day or less and which is owned or controlled by a refiner with a total combined crude oil or feed stock capacity of twenty-three million liters (137,500 bbl) per day or less shall be classified as a small refinery.

(c) Vacuum producing system.

(i) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system.

(ii) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

(d) Wastewater separator.

(i) Wastewater separators with demonstrated VOC emissions less than twenty-five tons annually shall be exempt from the requirements of WAC 173-490-040(1)(d)(ii) and (iii).

(ii) Wastewater separator forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed totally enclosing the compartmented liquid contents, or a floating pontoon or a double deck-type cover equipped with closure seals between the cover edge and compartment wall.

(iii) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use.

(e) Process unit turnaround.

(i) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a

closed refinery system, combusted by a flare, or vented to a disposal system.

(ii) The pressure in a process unit following depressurization for turnaround shall be less than five psig before venting to the ambient air.

(iii) Venting or depressurization to the ambient air of a process unit for turnaround at a pressure greater than five psig shall be allowed if the owner demonstrates the actual emission of VOC to the ambient air is less than permitted by WAC 173-490-040(1)(e)(ii).

(f) Maintenance and operation of emission control equipment. Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner commensurate with the level of maintenance and housekeeping of the overall plant.

(2) Petroleum liquid storage tanks.

(a) All fixed-roof tanks except as noted in subparagraph (d) of this subsection storing volatile organic petroleum liquids with a true vapor pressure as stored greater than 78 mm of Hg (1.5 psi), but less than 570 mm of Hg (11.1 psi) at actual monthly average storage temperatures and having a capacity greater than one hundred fifty thousand liters (40,000 gallons) shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in WAC 173-490-040(2)(a)(i) or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in WAC 173-490-040(2)(a)(ii) and (iii) are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in WAC 173-490-040(4)(b) shall be exempt from the requirements of WAC 173-490-040(2).

(3) Gasoline loading terminals.

(a) This chapter shall apply to all gasoline loading terminals with an average annual daily gasoline throughput greater than seventy-five thousand liters (20,000 gallons).

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor recovery system (VRS) as described in WAC 173-490-040(3)(c) and comply with the following conditions:

(i) The loading facility shall employ submerged loading or bottom loading for all transport tanks.

(ii) The VRS shall be connected to the transport tank being loaded and operating during the entire loading of every transport tank loaded at the facility.

(iii) The loading of all transport tanks shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released to the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically upon disconnect. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor recovery system (VRS). The VRS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VRS shall prevent at least ninety percent by weight of the gasoline vapors displaced during loading of each transport tank from entering the ambient air and in no case shall the gasoline vapors emitted to the ambient air exceed eighty milligrams per liter of gasoline loaded.

(ii) The VRS shall be equipped with a signal device to alert personnel when the system is not operating or unintentionally shuts down.

(iii) The back pressure in the VRS collection lines shall not exceed the transport tank's pressure relief settings.

(d) Alternative loading facility. The loading of transport tanks by other means and using other vapor control systems shall require the facility owner to demonstrate that the emission of gasoline vapors to the ambient air is less than eighty milligrams per liter of gasoline loaded.

(4) Bulk gasoline plants.

(a) This chapter shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than fifteen thousand liters (4,000 gallons).

(b) Storage tanks. All storage tanks with a capacity greater than two thousand one hundred liters (550 gallons) and used for the storage of gasoline shall comply with the following conditions:

(i) Each storage tank shall be equipped with a submerged fill line.

(ii) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(iii) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iv) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Transport tanks. All transport tanks, except those meeting the conditions in WAC 173-490-040(4)(d), transferring gasoline with storage tanks in a bulk gasoline plant shall comply with the following conditions:

(i) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(ii) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iii) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(d) Transport tanks used for gasoline and meeting all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines:

(i) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of WAC 173-490-040(5); and

(ii) The transport tank has a total capacity less than fifteen thousand liters (4,000 gallons) and is of a compartmented design and construction requiring the installation of four or more separate vapor balance fittings.

(e) Gasoline transfer operations. No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a transport tank and a storage tank except under the following conditions:

(i) All tanks shall be submerged filled or bottom loaded.

(ii) The loading of all tanks, except those exempted under WAC 173-490-040(4)(d) shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released into the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions.

(f) Equipment or system failures. Failures or leaks in the vapor balance system shall be limited by the following conditions:

(i) During the months of June, July, August and September, failures of the vapor balance system to comply with this chapter shall require the discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used.

(ii) The loading or unloading of the transport tank connected to the failed part of the vapor balance system may be completed.

(iii) Breakdowns and upset conditions during all months of the year shall comply with the additional provisions of WAC 173-400-120(4).

(g) The owner or operator of a bulk gasoline plant or transport tank shall take all reasonable necessary measures to prevent the spilling, discarding in sewers, storing in open containers or handling of gasoline in a manner on the plant site that will result in evaporation to the ambient air.

(5) Gasoline dispensing facilities (Stage I).

(a) This chapter shall apply to all gasoline dispensing facilities with a total annual gasoline output greater than seven hundred fifty-seven thousand liters (200,000 gallons) or sixty-three thousand one hundred liters (16,670 gallons) per month and total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons).

(b) Storage tanks. All gasoline storage tanks of the facilities defined in WAC 173-490-040(5)(a) shall be equipped with submerged fill lines and fittings for vapor balancing gasoline vapors with the delivery transport tank. Storage tanks required to comply are:

(i) All tanks with a capacity greater than seven thousand five hundred liters (2,000 gallons) installed before January 1, 1979, except as provided for in WAC 173-490-040(5)(c).

(ii) All tanks with a capacity greater than one thousand liters (260 gallons) installed on or after January 1, 1979.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of WAC 173-490-040(5)(b) if installed prior to January 1, 1979.

(d) Vapor balance system. The vapor balance system (for the purpose of measuring compliance with the emission control efficiency) shall consist of the transport tank, gasoline vapor transfer lines, storage tank and all tank vents. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air.

(6) Surface coaters.

(a) The operation of a coater and dryer, that may serve one or more process lines, shall comply with the following emission limits if the uncontrolled emissions of VOC from the coater, flashoff areas, and dryer would be greater than ((~~270 kg (600 pounds)~~) 18 kg (40 pounds)) in any given twenty-four hour period. The emission limits and uncontrolled emission quantity shall include the additional quantity of emissions from the dryer during the twelve hour period after application of the coating.

Process	Limitation Grams/Liter of Coating (Excluding Water)	lb/Gal.of Coating (Excluding Water)
Can Coating		
Sheet basecoat and overvarnish; two-piece can exterior	340	2.8
Two and three piece can interior body spray, two piece can exterior end	510	4.2
Side-seam spray	660	5.5
End sealing compound	440	3.7
Coil coating	310	2.6
Fabric coating	350	2.9
Vinyl coating	450	3.8
Paper coating	350	2.9
Auto and light duty truck coating		
Prime	230	1.9
Topcoat	340	2.8
Repair	580	4.8
Metal furniture coating	360	3.0
Magnet wire coating	200	1.7
Large appliance coating	340	2.8

(b) Sources of volatile organic compound emissions may be exempted, by the director, from any or all requirements to control or reduce the emissions of volatile organic compounds when the source is a development operation and the equipment is used exclusively for research, laboratory analysis or determination of product quality and commercial acceptance, provided emissions

of volatile organic compounds from such operations do not exceed 300 kg (660 lbs) per month.

(7) Open top vapor degreasers.

(a) All open top vapor degreasers shall comply with the following equipment specifications:

(i) Be equipped with a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover shall be located below the lip exhaust. When a degreaser has a freeboard ratio equal to or greater than 0.75 and the opening is greater than one square meter (10 square feet) the cover shall be power operated.

(ii) Have one of the following:

(A) A freeboard ratio equal to or greater than 0.75.

(B) A freeboard chiller.

(C) A closed design such that the cover opens only when the part enters or exits the degreaser.

(iii) Be equipped with at least the following three safety switches:

(A) Condenser-flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm).

(B) Spray safety switch (shuts off spray pump or conveyor if the vapor level drops excessively).

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(iv) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope.

(B) The cover of the degreaser should be closed at all times except when processing workloads.

(C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet per minute).

(D) Rack parts so as to facilitate solvent drainage from the parts.

(E) Workloads should not occupy more than one-half of the vapor-air interface area.

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet per minute).

(G) Degrease the workload in the vapor zone until condensation ceases.

(H) Spraying operations should be done within the vapor layer.

(I) Hold parts in the degreaser until visually dry.

(J) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.

(K) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(L) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leak-proof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(8) Conveyorized degreasers.

(a) The owner or operator of conveyorized cold cleaners and conveyorized vapor degreasers shall comply with the following operating requirements:

(i) Exhaust ventilation should not exceed twenty cubic meters per minute of square meter (65 cfm per ft.²) of degreaser opening, unless necessary to meet OSHA requirements. Work place fans should not be used near the degreaser opening.

(ii) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Rack parts for best drainage.

(B) Maintain vertical speed of conveyed parts to less than 3.35 meters per minute (11 feet per minute).

(C) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(D) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leak-proof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(f) All conveyorized cold cleaners and conveyorized vapor degreasers with air/vapor interfaces of 2.0 m² or greater shall have one of the following major control devices installed and operating after April 1, 1982:

(i) Carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle (based on exhaust ventilation of 15 m²/min per m² of air/vapor area, when downtime covers are open), or

(ii) Refrigerated chiller with control effectiveness equal to or better than WAC 173-490-040(8)(f)(i), or

(iii) A system with control effectiveness equal to or better than WAC 173-490-040(8)(f)(i).

(9) Cutback asphalt paving.

(a) After June 1, 1981 all paving applications of cutback asphalts are prohibited during the months of June, July, August and September, except as provided for in WAC 173-490-040(9)(b).

(b) The following paving uses and applications of cutback asphalts are permitted during all months of the year.

(i) As a penetrating prime coat on aggregate bases prior to paving.

(ii) The manufacture of patching mixes used exclusively for pavement maintenance and needed to be stockpiled for times longer than one month.

(iii) All paving uses when the temperature during application is below 10°C (50°F). Any person using cutback asphalt for paving shall demonstrate that the ambient air temperature at 8 a.m. (PST) is below 50°F. The paving application of cutback asphalt when the ambient air temperature is 50°F or higher is in violation of this chapter.

(c) The person responsible for the paving use or application of any cutback asphalt shall submit an annual report on the uses of cutback asphalt during the months of June, July, August and September. The report shall be on a form and according to instructions received from the department or local air pollution control authority. The report shall be submitted by November 15 of the year for which it applies.

(10) Cold cleaners.

(a) The owner or operator of all cold cleaners shall comply with the following equipment specifications:

(i) Be equipped with a cover that is readily opened and closed.

(ii) Be equipped with a drainrack that returns the drained solvent to the solvent bath.

(iii) Have a freeboard ratio of at least 0.5.

(iv) Have a visible fill line.

(b) An owner or operator of a cold cleaner shall be responsible for following the required operating parameters and work practices. The owner shall post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the following work practices:

(i) The solvent level shall not be above the fill line.

(ii) The spraying of parts to be cleaned shall be performed only within the confines of the cold cleaner.

(iii) The cover of the cold cleaner shall be closed when not in use or when parts are being soaked or cleaned by solvent agitation.

(iv) Solvent-cleaned parts shall be rotated to drain cavities or blind holes and then set to drain until dripping has stopped.

(v) Waste solvent shall be stored in covered containers and returned to the supplier or a disposal firm handling solvents for final disposal.

(c) The owner or operator shall maintain cold cleaners in good working condition and free of solvent leaks.

(d) If the solvent has a vapor pressure greater than 2.0 kPa (0.3 psi) measured at 38°C (100°F), or if the solvent is agitated or heated, then the cover must be designed so that it can be easily operated with one hand.

(e) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), then the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an internal type cannot fit into the cleaning system.

(f) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), or if the solvent is heated above 50°C (120°F), then one of the following solvent vapor control systems must be used:

- (i) The freeboard ratio must be equal to or greater than 0.70; or
- (ii) Water must be kept over the solvent, which must be insoluble in and heavier than water; or
- (iii) Other systems of equivalent control, such as a refrigerated chiller.

AMENDATORY SECTION (Amending Order DE 80-18, filed 8/20/80)

WAC 173-490-203 PERCHLOROETHYLENE DRY CLEANING SYSTEMS. (1) Specific applicability. This section shall apply to all dry cleaning systems using perchloroethylene cleaning solvent and as qualified in WAC 173-490-203 (1)(a) and (b) and 173-490-025.

(a) The following dry cleaning systems are exempt from the requirements of WAC 173-490-203 (2)(a)(i) and (ii):

- (i) Coin-operated systems;
- (ii) Systems located in a facility with inadequate space to accommodate an adsorber; or
- (iii) Systems with an average monthly loss less than twenty-five gallons (2 tons per year).
- (iv) Systems with insufficient steam capacity to desorb adsorbers.

(b) An exemption for the conditions stated in WAC 173-490-203 (1)(a)(ii) and (iii) may be granted by the director when sufficient evidence is submitted by the owner or operator of the dry cleaning system to justify the exemption.

(2) Provisions for specific processes.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to this chapter shall:

- (i) Vent the entire dryer exhaust through a properly functioning carbon absorption system or equally effective control device;
- (ii) Emit no more than 100 ppmv when determined in accordance with WAC 173-490-203(4)(c)(i), of volatile organic compounds from the dryer control device before dilution;
- (iii) Immediately repair all components found to be leaking liquid volatile organic compounds;
- (iv) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg or less of volatile organic compounds per 100 kg of wet waste material;
- (v) Reduce the volatile organic compounds from all solvent stills to 60 kg or less per 100 kg of wet waste material;
- (vi) Drain all filtration cartridges, in the filter housing or other enclosed container, for at least twenty-four hours before discarding the cartridges; and
- (vii) When possible, dry all drained cartridges without emitting volatile organic compounds to the atmosphere.

(3) Schedule of control dates.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to WAC 173-490-203 (2)(a)(i) and (ii) shall meet the applicable increments of progress

in the following schedule or a schedule approved under WAC 173-490-071.

(i) Award contracts, issue purchase orders, or otherwise order the emission control system and process equipment, before July 1, 1981;

(ii) Complete installation of the emission control and process equipment before July 1, 1982;

(iii) Achieve final compliance, determined in accordance with WAC 173-490-203(4) before July 1, 1982;

(iv) In the event that equipment cannot be delivered prior to May 1, 1982, and the owner or operator placed the order prior to July 1, 1981, the final compliance date shall be sixty days following delivery of the equipment.

(b) The owner or operator of a perchloroethylene dry cleaning facility subject to this chapter shall comply with the operational and maintenance provisions of WAC 173-490-203 (2)(a)(iii) through (vii) by July 1, 1981.

(4) Testing and monitoring.

(a) Compliance with WAC 173-490-203 (2)(a)(i), (vi), and (vii) shall be determined by means of visual inspection.

(b) Compliance with WAC 173-490-203(2)(a)(iii) shall be determined by means of visual inspection of the following components:

- (i) Hose connections, unions, couplings and valves;
- (ii) Machine door gaskets and seatings;
- (iii) Filter head gasket and seating;
- (iv) Pumps;
- (v) Base ((tans)) tanks and storage containers;
- (vi) Water separators;
- (vii) Filter sludge recovery;
- (viii) Distillation unit;
- (ix) Diverter valves;
- (x) Saturated lint from lint basket; and
- (xi) Cartridge filters.

(c) Compliance with WAC 173-490-203(2)(a)(ii) shall be determined by:

(i) A test consistent with the procedures on file with and approved by the department; or

(ii) The proper installation, operation, and maintenance of equipment that has been demonstrated by the owner or operator to adequately meet the emission limits in WAC 173-490-203(2)(a)(ii).

(d) Compliance with WAC 173-490-203 (2)(a)(iv) and (v) shall be determined by tests consistent with the procedures on file with and approved by the department.

WSR 81-03-004
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed January 8, 1981]

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 homes, amending chapter 248-14 WAC.

A public hearing to consider these proposed rules was held on November 26, 1980. WAC 248-14-235 was adopted on December 2. WAC 248-14-285 was adopted on January 7. The purpose of this notice is to postpone adoption of the remainder of the proposed rules until March 25, 1981;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 25, 1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 18.51.070.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-15-115 and 81-01-002 filed with the code reviser's office on October 22, 1980 and December 4, 1980.

Dated: January 7, 1981
By: N.S. Hammond
Executive Assistant

WSR 81-03-005
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 1586—Filed January 8, 1981]

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 nursing homes, amending chapter 248-14 WAC.

This action is taken pursuant to Notice Nos. WSR 80-15-115 and 81-01-002 filed with the code reviser on August 22, 1980 and December 4, 1980. Such rules shall take effect pursuant to RCW 34.04.040 (2).

This rule is promulgated pursuant to RCW 18.51.070 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 7, 1981.

By N.S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-285 PHARMACEUTICAL SERVICES. (1) Administration of pharmaceutical services.

(a) There shall be provision for timely delivery of drugs and biologicals ((from a pharmacy so a physician's orders for drug therapy can be implemented without undue delay)).

(b) ((Unless the nursing home operates a pharmacy which is licensed by the Washington state board of pharmacy, the nursing home shall have a written agreement with a licensed pharmacist which provides for him to serve as a consultant on pharmaceutical services. A

staff pharmacist or the consultant pharmacist shall regularly visit all nursing units and any other areas of the nursing home in which drugs are kept to review and make recommendations regarding methods and practices in ordering, storing, record keeping and disposing of drugs and biologicals. The pharmacist shall make such on-site reviews at least monthly. Signed, dated records of the pharmacist's on-site reviews with his recommendations shall be kept on file in the nursing home.

(c)) There shall be a Pharmaceutical ((and therapeutics)) Services Committee((, whose membership includes a staff or consultant pharmacist and at least one physician and the director of nursing or her designee, responsible for advising and assisting in the formulation of)) which ensures that written policies and procedures ((pertinent to pharmaceutical services and for the review and approval of such policies and procedures)) for safe and effective drug therapy, distribution, control, and use are developed and followed in practice.

((((d) There shall be written policies and procedures which provide for the procurement, storage, control, use, retention, release and disposal of drugs and biologicals in accordance with applicable federal and state laws and regulations. Written policies and procedures shall be kept current and followed in practice, shall be reviewed at least annually by the pharmaceutical and therapeutics committee, and shall be dated and signed by members of the committee.

(e) If an emergency drug kit is provided, the nursing home shall comply with the rules and regulations adopted by the Washington state board of pharmacy establishing minimum standards for emergency kits which are found in WAC 360-13-010 and WAC 360-13-020.))

(c) If drugs are maintained for emergency use, a system for their control and accountability shall be established.

(d) There shall be procedures for reporting and reviewing medication errors and adverse drug reactions.

(2) A staff pharmacist or consultant pharmacist shall be responsible for coordinating pharmaceutical services which includes:

(a) Provision of pharmaceutical services evaluations and recommendations to the administrative staff.

(b) On-site reviews to ensure that drug handling and utilization procedures are carried out in conformance with recognized standards of practice.

(c) Regular reviews of each resident's therapy to screen for potential or existing drug therapy problems and documenting recommendations.

(d) Provision of drug information to the staff and physicians as needed.

(e) Planning and participation in the staff development program.

(f) Consultation with other departments regarding resident care services.

((((2)) (3) Security and storage((, labeling and control)) of drugs.

(a) ((All drugs shall be stored in an orderly fashion in locked cabinets or in cabinets in a locked room which serves exclusively for storage of drugs and supplies and equipment used in the administration of drugs.)) Drugs shall be stored under proper conditions of sanitation,

temperature, light, moisture, ventilation, segregation, and security.

(b) Drugs shall be stored in locked cabinets, rooms, or carts accessible only to ((persons who are legally authorized)) personnel authorized to ((dispense or)) administer or dispense drugs ((and shall be kept in locked storage at any time such a legally authorized person is not in immediate attendance)).

((b) Schedule III controlled substances shall be stored apart from other drugs on a separate shelf or in a separate compartment or cabinet; provided, however, schedule III controlled substances may be stored with schedule II controlled substances.

(c) Drugs for external use shall be stored apart from drugs for internal use on a separate shelf or in a separate compartment or cabinet. Any shelf, compartment or separate cabinet used for storage of external drugs shall be clearly labeled to indicate it is to be used for external drugs only.

(d) All drugs requiring refrigeration shall be stored in a separate, locked box or compartment within a refrigerator, or in a separate refrigerator which is locked or in a locked room and shall be accessible only to persons legally authorized to dispense or administer drugs. In each refrigerator in which drugs are stored, there shall be a thermometer located so it can be read easily. The inside temperature of a refrigerator in which drugs are stored shall be maintained within a 35° Fahrenheit to 50° Fahrenheit range.

(e) At all times, all keys to drug boxes, cabinets and rooms shall be carried by persons who are legally authorized to administer drugs and on duty on the premises. All drug administration shall be by persons legally authorized to administer drugs.

This shall not be interpreted to preclude the keeping of one set of reserve, duplicate keys to drug storage facilities, provided such a set is kept in a secure location that is known and available to only the nursing home administrator or a responsible person designated by the administrator.

(f) All drugs shall be obtained and kept in containers which have been labeled securely and legibly by a pharmacist, or in their original containers labeled by their manufacturers and shall not be transferred from the container in which they were obtained except for preparation of a dose for administration.

(g) The label for each legend drug which is not dispensed in a unit-dose in accordance with WAC 248-14-280(4) shall have: the name and address of the pharmacy from which the drug was dispensed; the prescription number; the physician's name; the patient's full name; the date of issue; the initials of the dispensing pharmacist; the name and strength of the drug; the controlled substances schedule, if any; the amount (e.g., number of tablets or cc's) of the drug dispensed; and the expiration date, if a time-dated drug. In the case of a compounded drug which contains schedule II or III controlled substances, the quantity of each controlled substance per cc or teaspoonful shall be shown on the label.

A label on a container of drugs shall not be altered or replaced except by the pharmacist. Drug containers having soiled, damaged, incomplete, or makeshift labels

shall be returned to the pharmacy for relabeling or disposal. Drugs in containers having no labels or illegible labels shall be destroyed.

(h) No drugs may be returned from the nursing home to a pharmacy except as provided in the preceding subsection (g) and the following subsection WAC 248-14-280(4) pertaining to unit dose drug distribution system.

(i) Drugs shall be released to a patient upon discharge only on written authorization of a physician. A receipt shall be secured for all legend drugs released to a patient or a responsible person who accepts the drug(s) for the patient. The patient, or other responsible person to whom the drugs are released, shall acknowledge receipt of the drugs by signing a statement in which the following data are included: the name of the patient; the date of the release of the drugs; the prescription number; name, strength, and amount of each drug; the signature of the person releasing the drugs and the signature of the person receiving the drugs. Signed acknowledgments of receipt of drugs shall be kept in the patient's record. The release record for any schedule II and III controlled substance shall be entered on the appropriate page for the given drug in the bound controlled substance record book. This entry shall include the date, the amount of the drug, the location to which the patient is going, the signature of the person releasing the drug, and the signature of the person receiving the drug.

(j) There shall be written policies establishing a reasonable period of time after which the administration of drugs must be stopped automatically unless a physician's order for a drug specified the number of doses or a definite period of time the order was to be in effect. Such automatic stop order times shall not exceed: three (3) days for narcotics and anticoagulants; seven (7) days for amphetamines, antibiotics, anti-inflammatories, antiemetics, antihistamines, anti-neoplastics, barbiturates, cold preparations, cortisones, cough preparations, sulfonamides and tranquilizers, and thirty (30) days for all other drugs.

(i) Patients' attending physicians shall be informed of stop order policies.

(ii) Prior to the time administration of a drug would be stopped automatically in accordance with policy, a licensed nurse shall notify the physician and review the patient's condition in conference with him so continuity in the patient's drug therapy will not be interrupted should the physician decide to renew his order. A statement about this notification of the physician and review of the patient's condition with him shall be entered in the patient's clinical record, dated and signed by the licensed nurse.

(k) All of an individual patient's drugs, including schedule III, IV, and V controlled substances, that are discontinued by the physician and remain unused, shall be destroyed by a licensed nurse employee of the nursing home within six months after having been discontinued.

Any drug having an expiration date shall be removed from usage and destroyed immediately after the expiration date.

All of an individual patient's drugs, except those released to the patient on discharge and schedule II controlled substances, shall be destroyed by a licensed nurse

immediately after discharge or death of the patient; provided, however, the nursing home may, for a period not to exceed one month, retain the individual drugs of a nursing home patient who has been hospitalized and may return directly to the nursing home upon discharge from the hospital.

(i) ~~Drugs shall be destroyed by a licensed nurse in the presence of a witness in such a manner that they cannot be retrieved, salvaged, or used; they shall not be discarded with garbage or refuse.~~

(ii) ~~For any drug which is destroyed or any drug which is retained for a hospitalized patient, there shall be an entry in the patient's record which shall include the following: the date, the name, strength, and quantity of the drug; a statement as to whether the drug was destroyed or retained; the signature of the licensed nurse who destroyed or retained the drug; and, for any drug destruction, the signature of the witness. In addition, a record of the destruction of any schedule III controlled substance shall be entered on the page for the particular prescription in the schedule III record book.)~~

(c) Outdated, unapproved, contaminated, deteriorated, adulterated, or recalled drugs shall not be available for use.

(d) If a supplemental dose kit within a unit dose drug distribution system is provided, it must comply with WAC 360-13-030.

(4) Drugs shall be clearly labeled to ensure the right medication is administered to the right resident.

(5) Records of drug disposition shall provide accurate documentation of drug:

(a) Administration

(b) Destruction

(c) Release

(d) Retention

(e) Return to the pharmacy.

((3)) (6) Special requirements for Schedule II and III Controlled Substances(-):

(a) ((All schedule H controlled substances)) Storage shall be ((stored in)) separately keyed ((and locked, secure storage within a drug facility. This may be accomplished by maintaining a separately keyed and locked secure cabinet or metal-lined drawer or separately keyed and locked metal box securely fastened down within a locked drug cabinet)) except in unit dose drug distribution systems.

(b) Except in unit dose drug distribution systems, there shall be a ((schedule H controlled substances record book which shall be a)) bound book(s) with consecutively numbered pages, in which ((each)) a complete record of receipt and ((withdrawal of a schedule H controlled substance)) disposition is ((recorded)) maintained. ((The record for each prescription of a schedule H controlled substance shall be on a separate page. For each receipt of a schedule H controlled substance the following shall be recorded: the patient's full name, the prescription number; the name of the pharmacy; the name of the prescribing physician; the name, strength and number of dosage units of the drug received; the method of administration; the date of receipt and the signature of the licensed nurse who received the drug.

~~For each withdrawal from a prescription container of a schedule H controlled substance, the following shall be recorded, the date and time, the signature of the nurse who withdrew the drug, the amount of the drug withdrawn, and the balance of the drug in the container after the withdrawal:~~

~~At least once a day, the amount (e.g., number of tablets, ampules or cc's) of the drug in each container of a schedule H controlled substance (including any for which a physician has ordered discontinuance of administration) shall be counted simultaneously by at least two persons who are legally authorized to administer drugs. A record of each count shall be entered on the page for the particular prescription in the schedule H controlled substance record book and signed by persons who made the count or the daily count may be entered in a separate, bound record book and signed by the persons who made the count:~~

~~(c) There shall be a schedule III controlled substances record book which shall be a bound book with numbered pages in which each receipt and withdrawal of a schedule III controlled substance shall be recorded in the same manner as that required for schedule H controlled substances.~~

~~At least once a week, the amount (e.g., number of tablets, ampules or cc's) of the drug in each container of a schedule III controlled substance (including any for which a physician has ordered discontinuance of administration) shall be counted simultaneously by at least two persons who are legally authorized to administer drugs. A record of each count shall be entered on the page for the particular prescription in the schedule III controlled substance record book and signed by persons who made the count or the weekly count may be entered in a separate, bound record book and signed by persons who made the count:~~

~~(d) For any discrepancy)) (c) Discrepancies between ((actual)) count ((and the record for any schedule H or schedule III controlled substance prescription, a signed entry describing the discrepancy shall be made on)) of drugs and the record ((page for the particular prescription in which the discrepancy was found. The discrepancy)) shall be documented and reported ((in writing)) immediately to the ((responsible)) supervisor ((who shall investigate)). ((Any discrepancy)) Discrepancies which ((has)) have not been ((corrected within seven calendar days)) resolved shall be reported to the ((department or)) pharmacist and the Washington state Board of Pharmacy.~~

~~((e) Unused schedule H controlled substances for which a physician has ordered discontinuance of administration shall be returned to the drug enforcement administration within 60 days after having been discontinued:~~

~~(f) All schedule H controlled substances which remain after the discharge or the death of patients shall be returned to the drug enforcement administration at least once each month. They may be delivered in person by an authorized representative of the nursing home or sent by registered mail to:~~

District Supervisor
Drug Enforcement Administration
221 First Avenue West, Room 200
Seattle, Washington 98119

Appropriate forms will be furnished by the drug enforcement administration. Receipts for drugs from the drug enforcement administration shall be kept on file in the nursing home, and readily accessible to authorized representatives of the department and the Washington state board of pharmacy.

(4) Unit dose drug distribution system. The following additional requirements shall apply to any unit dose drug distribution system:

(a) The nursing home shall have in effect a current written agreement with the pharmacy which supplies drugs for the unit dose drug distribution system. The agreement shall delineate the functions, responsibilities and services of both the nursing home and the pharmacy, shall provide assurance of compliance with applicable federal and state laws and regulations and shall be dated and signed by individuals authorized to execute such an agreement on behalf of the nursing home and the pharmacy:

(b) There shall be policies and procedures, as required under WAC 248-14-280(1)(d), which are specific to the unit dose drug distribution system as well as policies and procedures pertaining to other components of the pharmaceutical services.

(c) Policies shall specify the kinds of drugs which will and the kinds of drugs which will not be dispensed under the unit dose drug distribution system.

(i) In specifying the kinds of drugs to be included or excluded, consideration shall be given to all forms of drugs such as liquids, injectables, tablets, capsules, powders, ointments, drops, and suppositories.

(ii) Schedule H and HH controlled substances may be included in the unit dose drug distribution system only if the methods of incorporating such drugs into the system are in compliance with applicable federal and state laws, rules and regulations and an accurate written description of such methods has been reviewed and approved in writing by the state board of pharmacy. A copy of this written description upon which the state board of pharmacy has recorded its approval shall be kept on file in the nursing home.

(d) There shall be a system for transmitting physicians' orders for administration of drugs from the nursing home to the pharmacist which ensures the transmission of orders is complete, accurate, and timely. This shall include provision for timely transmission of orders for newly admitted patients, changes in orders, discontinuance of orders and orders to be carried out immediately ("Stat").

(i) A direct copy (carbon copy, photocopy, or facsimile) of each physician's order for administration of drugs shall be sent to the pharmacy.

(ii) Any telephone transmittal of a physician's order by nursing home staff shall be by a licensed nurse to a licensed pharmacist and shall be followed by transmittal of a direct copy of the physician's order.

(e) Both the pharmacist and the nursing home shall maintain a complete, up-to-date, accurate record (drug profile) of each patient's drug orders.

(i) Each record (drug profile) shall include the following for each drug order which is currently in effect: the date of the order, the name and dose of the drug, the route or method of administration, the time or frequency of administration, and the number of doses to be administered or the date and time at which the administration of the drug is to be stopped according to the physician's order or stop-order policy.

For a drug which is ordered to be given only when necessary (p.r.n.) and not on a regular basis, the record (drug profile) shall clearly indicate the following instead of time and frequency: the minimum interval of time between doses, the maximum number of doses which may be administered, and the specific condition for which the drug is to be given.

(ii) The drug profile in the nursing home shall be designed and used for recording all administration of drugs to the patient.

(f) Each single unit or unit dose of a drug shall be packaged in a manner which protects the drug from contamination or deterioration and prevents escape of the drug until the time the package is opened deliberately.

(g) A clear, legible label shall be printed on or affixed securely to each package of a single unit or unit dose of a drug. Each drug label shall include: the name, strength and, for each unit dose package, the dosage amount of the drug, the expiration date for any time-dated drug; the lot or control number, and controlled substance schedule number, if any.

(h) Packages of single units or unit doses of drugs shall be placed, transported and kept in individual compartments so that drugs for one patient are segregated from drugs for another patient.

(i) Each individual drug compartment shall be labeled with the full name of the patient whose drug the compartment contains and the name of the patient's physician.

(ii) Packages of drugs shall be placed systematically in individual compartments so they may be located readily at the proper time for administration.

(i) Cabinets, carts and other equipment used to transport or store individual compartments of drugs for patients shall be designed to prevent loss or intermixing of drugs for different patients.

(j) After delivery of drugs to a nursing home, no single unit or unit dose package of a drug shall be removed from an individual patient's drug compartment and no single unit or unit dose package shall be opened until the time a nurse is ready to administer the drug to the patient.

(k) The schedule for drug delivery shall ensure that drugs are on nursing units ready for administration in accordance with physicians' orders at the established time for drug administration. Definite provision shall be made for timely delivery of drugs needed to implement changes in physicians' orders for drugs, drug orders for newly admitted patients, and orders for immediate administration of drugs ("Stat" orders).

~~If a supplemental use dose kit is provided, the nursing home shall comply with the rules and regulations adopted by the Washington state board of pharmacy establishing minimum standards for supplemental use dose kits which are found in WAC 360-13-030.~~

~~(t) There shall be an established system for recording and for reporting to the pharmacist any patient's untoward reaction to a drug and any errors, omissions or other variations in drug administration.~~

~~(m) There shall be an established system for determining the number of unit doses of each p.r.n. to be delivered for a particular patient each day so each p.r.n. drug is available when needed by a patient.~~

~~(n) Unopened single unit or unit dose packages of drugs which were not administered shall be left in the patient's individual drug compartments and returned to the pharmacy at the time of the next drug delivery. Single unit or unit dose packages of drugs which have been opened but not administered to the patient shall be destroyed. There shall be an established system for sending written reports to the pharmacist regarding each loss or destruction of a drug:))~~

(7) Drug administration.

(a) Staff shall follow written procedures which provide for the safe handling and administration of drugs to residents.

(i) Only licensed nurses administer drugs.

(ii) The resident shall be identified prior to administration.

(b) All drugs shall be identified up to the point of administration.

(c) Drugs shall be prepared for administration immediately prior to their administration and administered by the same person who prepares them.

(d) Drug administration shall be documented as soon as possible after the act of administration and shall include:

(i) Verification of administration.

(ii) Reasons for ordered doses not taken.

(iii) Reasons for administration of and response to drugs given on an as needed basis (PRN).

(e) Drug orders shall be received only by a licensed nurse and administered only on the written or verbal order of a practitioner. Verbal orders shall be signed by the prescribing practitioner in a timely manner.

(f) The self-administration of medication program shall provide evidence of:

(i) Assessment of the resident's capabilities.

(ii) Instructions for administration.

(iii) Monitoring of progress and compliance with orders.

(iv) Safe storage of drugs.

WSR 81-03-006
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed January 8, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 49.17.040, 49.17.240 and chapters 43.22 and 42.30 RCW, that the Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning safety standards for pulp, paper and paperboard, chapter 296-79 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 3:00 p.m., Thursday, January 8, 1981, in the Director's office, General Administration Building.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-10-045 filed with the code reviser's office on August 6, 1980.

Dated: January 8, 1981

By: James T. Hughes
 Director

WSR 81-03-007
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 80-31—Filed January 8, 1981]

I, James T. Hughes, director of the Department of Labor and Industries, do promulgate and adopt at the Director's office, the annexed rules relating to safety standards for pulp, paper and paperboard, amending chapter 296-79 WAC.

This action is taken pursuant to Notice No. WSR 80-10-045 filed with the code reviser on August 6, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040, 49.17.240 and chapters 43.22 and 42.30 RCW.

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

APPROVED AND ADOPTED January 8, 1981.

By James T. Hughes
 Director

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-140 INSTALLATION, INSPECTION, AND MAINTENANCE OF PIPES, PIPING SYSTEMS, AND HOSES. ~~((+)) Installation and Maintenance. Pipes and piping systems should be installed and maintained in accordance with the recommendations of the American Society of Mechanical~~

Engineers Code for Pressure Piping, National Fire Protection Association, Washington State Pressure Vessel Requirements administered by the Boiler and Pressure Vessels Section of the Division of Building and Construction Safety Inspection, Department of Labor and Industries, or recommendations adopted by reputable societies, manufacturers or organizations based on sound engineering practices:)

(1) Definitions applicable to this section.

(a) Hazardous material system - any system within the following classifications:

(i) Flammable or explosive - any system containing materials which are hazardous because they are easily ignited and create a fire or explosion hazard, defined by NFPA as Class I liquids;

(ii) Chemically active or toxic - any system containing material which offers corrosion or toxic hazard in itself or can be productive of harmful gases upon release, defined by NFPA 704M as Class 3 and 4 materials;

(iii) Thermally hazardous - any system above 130°F which exposes persons to potential thermal burns.

(iv) Pressurized - any gaseous system above 200 psig or liquid system above 500 psig.

(b) Piping system - any fixed piping, either rigid pipe or flexible hose, including all fittings and valves, in either permanent or temporary application.

(2) Design and installation. All new piping systems intended to be used in hazardous material service shall be designed and installed in accordance with applicable provisions of the ASME Code for Pressure Piping or in accordance with applicable provisions of ANSI B31.1 through B31.8. The referenced edition in effect at the time of installation shall be utilized.

NOTE: Both referenced standards have identical requirements.

(3) Inspection and maintenance.

(a) Management shall develop a formal program of inspections for all hazardous material piping systems. The program shall be based on sound maintenance engineering principle and shall demonstrate due consideration for the manufacturing specifications of the pipe, hose, valves and fittings, the ambient environment of the installation and the corrosive or abrasive effect of the material handled within the system.

(b) Type and frequency of tests and/or inspections and selection of inspection sites shall be adequate to give indications that minimum safe design operating tolerances are maintained. The tests may include visual or nondestructive methods.

(c) All companies shall submit their formal program of initial and ongoing inspections to the department for approval within one year after the effective date of this requirement.

(d) All existing hazardous material systems shall be inspected to the criteria of this section prior to two years after effective date, or in accordance with a schedule approved by the department.

(4) Inspection records.

(a) Results of inspections and/or tests shall be maintained as a record for each system.

(b) Past records may be discarded provided the current inspection report and the immediately preceding two reports are maintained.

(c) When a system is replaced, a new record shall be established and all past records may be discarded.

(d) The records for each system shall be made available for review by the department upon request.

(e) Portions of systems that are buried or enclosed in permanent structures in such a manner as to prevent exposure to employees even in the event of a failure, may be exempted from the inspection requirements only.

(5) Systems or sections of systems found to be below the minimum safety factor requirements for the current service shall be repaired or replaced with component parts and methods which equal the requirements for new installations.

~~((2))~~ (6) Identification of piping systems ~~((to be identified)).~~

(a) Pipes containing hazardous materials shall be identified. It is recommended that USAS A13.1 "Scheme for Identification of Piping Systems" be followed.

~~((a))~~ (b) Positive identification of a piping system content shall be lettered legend giving the name of the content in full or abbreviated form, or a commonly used identification system. Such identification shall be made and maintained at suitable intervals and at valves, fittings, and on both sides of walls or floors as needed. Arrows may be used to indicate the direction of flow. Where it is desirable or necessary to give supplementary information such as hazard of use of the piping system content, this may be done by additional legend or by color applied to the entire piping system or as colored bands. Legends may be placed on colored bands.

Examples of legend which may give both positive identification and supplementary information regarding hazards or use are:

Ammonia	Hazardous liquid or gas
Chlorine	Hazardous liquid or gas
Chlorine Dioxide	Hazardous liquid or gas
((Cooking Acid	Hazardous liquid or gas))
Sulphur Dioxide	Hazardous gas
((Green Liquor	Hazardous liquid))
((White Liquor	Hazardous liquid))
Liquid Caustic	Hazardous liquid
Liquid Sulphur	Hazardous liquid
Sulphuric Acid	Hazardous liquid
Sodium Chlorate	When dry, danger of fire or explosion

NOTE: Manual L-1, published by ~~((Manufacturing Chemists Association, Inc.))~~ Chemical Manufacturers Association, Inc., is a valuable guide in respect to supplementary legend.

~~((b))~~ (c) When color, applied to the entire piping system or as colored bands, is used to give supplementary information it should conform to the following:

CLASSIFICATION PREDOMINANT COLOR

- F—Fire-Protection Equipment Red
- D—Dangerous Materials Yellow
(or orange)
- S—Safe Materials Green
(or the achromatic colors, white, black, gray or aluminum)

and, when required,

- P—Protective Materials Bright blue

(d) Legend boards showing the color and identification scheme in use shall be prominently displayed at each plant. They shall be located so that employees who may be exposed to hazardous material piping systems will have a frequent reminder of the identification program.

(e) All employees who work in the area of hazardous material piping systems shall be given training in the color and identification scheme in use.

~~((3))~~ (7) Test holes not to be covered. Test holes in blow lines of piping systems shall not be covered with insulation or other materials.

~~((4))~~ (8) Steam hoses. Steam hoses shall be specifically designed to safely carry steam at any pressures to which they may be subjected.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-170 REQUIREMENTS FOR CRAWLER AND TRUCK CRANES. (1) Rated capacity chart. A chart indicating the manufacturer's rated capacity at all operating radii for all permissible boom lengths and jib lengths with alternate ratings for optional equipment affecting such ratings shall be posted in all mobile type cranes and shall be readily visible to the operator in his normal operating position.

(2) Boom length indicated. The length shall be plainly marked on each boom section of a mobile crane having a sectioned boom.

(3) Radius or boom angle indicator. A radius or boom angle indicator shall be installed where it is readily visible to the operator in his normal operating position on all cranes having a movable working boom.

(4) Safety device for light fixtures. Any light fixtures attached to crane boom or machinery house shall have a safety strap or other device attached which will prevent the fixture from falling.

(5) Boom stops. Boom stops shall be installed to govern the upward travel of the boom to a safe limit. Boom stops shall be of adequate strength to prevent the boom from traveling past the vertical position.

(6) Controls marked. Crane operating controls shall be marked or an explanation of the controls' functions shall be posted in full view of the operator.

(7) Locking hydraulic outriggers. Hydraulic outriggers shall be equipped with a pilot operated check valve or a mechanical lock shall be installed which will prevent outriggers from retracting in case of failure of the hydraulic system.

(8) Top of boom painted. The top six feet of the boom or jib shall be painted bright yellow or other bright contrasting color if the boom is yellow.

(Several makes of cranes are already "all yellow." Users say they want to retain the contrasting color theme to call attention to the boomtop.)

(9) Warning devices. All cranes shall be equipped with a suitable warning device such as a horn or whistle.

(10) Hook safety device. All hooks shall be equipped with a safety device or other effective means shall be used to prevent accidental unhooking of the load.

(11) Counterweight limited. The amount of crane counterweight shall not exceed the maximum amount specified by the crane manufacturer.

(12) Use proper size wire rope for sheaves. The size and diameter of sheaves and wire rope shall be compatible and follow the recommendations published by the Wire Rope Institute or other acceptable engineering practices.

(13) Loading or unloading gear. Unloading gear such as grapples, tongs, and buckets, shall not be left suspended when not in use.

(a) Where grapples, trip tongs or similar device is used for loading, the log holding device shall be lowered to the ground whenever the machine is unattended.

(14) No one under load. Personnel shall not position themselves under crane loads and such loads shall not be carried over workers.

(15) Operating clearance from stationary objects. A distance of 30" shall be maintained between the outermost part of a revolving crane and any stationary object within the swing radius of the crane where the area is accessible to workers or the hazardous area must be temporarily guarded or barricaded.

(16) ~~((Operating))~~ Clearance ~~((for))~~ requirements from unprotected ~~((Energized Lines))~~ electrical transmission and distribution lines. (a) ~~((Crane booms, lines or material shall be kept 10 feet or more from unprotected energized power lines)).~~ Except as provided in item (b), all parts of cranes and loads being handled shall maintain the following specified clearances:

(i) For lines rated 50 kv or below, minimum clearance between the lines and any part of the crane or load shall be ten feet;

~~((b))~~ (ii) For ~~((unprotected))~~ lines rated over 50 kv, minimum, clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or twice the length of the line insulator but never less than 10 feet.

~~((c))~~ (iii) In transit with no load and boom lowered the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kv, and 10 feet for voltages over 50 kv up to and including 345 kv, and 16 feet for voltages up to and including 750 kv.

(iv) A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means.

(v) Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visible grounded.

(b) Cranes may be operated within the clearances specified in item (a) only when the following precautions are taken:

(i) Lines may be deenergized and visibly grounded at the point of work; or

(ii) Lines owned or under the control of the employer may be deenergized, grounded and locked out on the employer's premises; or

(iii) On N.E.C. approved metallic sheath aerial cable, insulating barriers, not a part of or an attachment to the equipment or machinery, may be erected to prevent physical contact with the line.

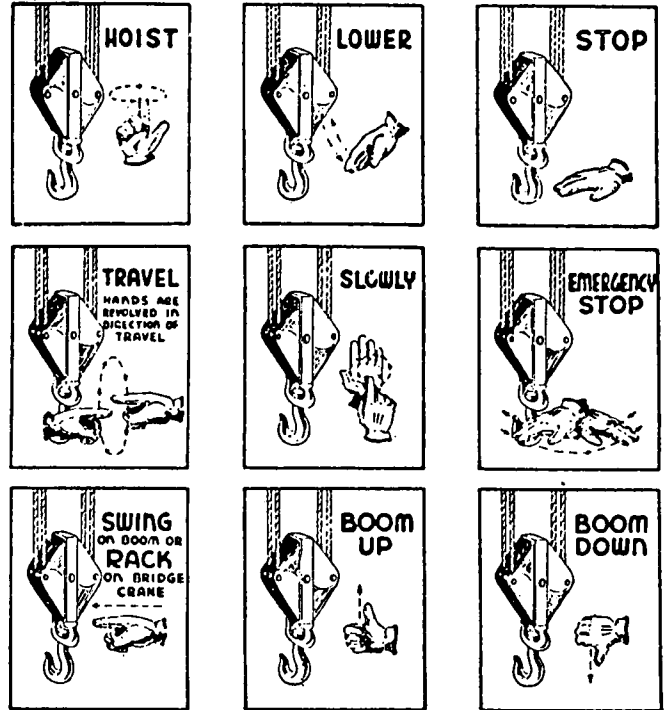
(17) ((Operating Clearances for Shielded Distribution or Transmission Lines. When lines are shielded to the voltage rating of the line in accordance with NFPA requirements, the operating clearance requirements for energized lines may be omitted provided, adequate care is exercised not to contact the line.)) Operators shall avoid contacting overhead obstructions which may damage the boom or adversely affect stability. In instances where the operator may have difficulty in observing clearances, a signal person shall be stationed where they can observe clearances and signal the operator.

(18) Safe travel across thoroughfares or railroad tracks. When moving across thoroughfares or railroad tracks with cranes, shovels or similar types of equipment, which by its design does not allow the operator clear vision of approaching traffic, a ((flagman)) flagperson shall be stationed where he/she can control other traffic and signal the equipment operator.

(19) One crew member to give signals. Only a designated member of the crew shall give signals to the crane operator except that anyone may give an emergency stop signal.

(20) Standard hand signals. When visual signals are used standard hand signals, as illustrated in the General Safety and Health Standards, shall be used for directing crane operators.

CRANE SIGNALS



(21) Signals by use of radio frequencies. Class "D" citizen's band radio frequencies shall not be used for signalling crane operators.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-180 PRIVATELY OWNED STANDARD GAUGE RAILROAD OPERATIONS.

(1) Blue flag or light. A blue signal (blue flag or blue light for nonilluminated areas) shall be displayed at one or both ends of an engine, car(s), or train, to indicate that workers are under or about the railway equipment. When such warning devices are displayed, the equipment shall not be coupled to or moved. On a dead end spur, a blue signal may be displayed adjacent to the switch opening while cars are being loaded or unloaded.

(2) Work being carried on which subjects employees to the hazard of moving railroad equipment shall be protected by blue signals and derails set a minimum of 50 feet from one or both ends of the worksite. Where the spur track switch is less than 50 feet from the work location, the switch padlocked in the open position will take the place of the derail and the blue signal shall be placed at that point.

(3) Signals unobscured. Equipment which would obscure the blue signal shall not be placed on the track.

(4) Signals displayed by each maintenance crew. Each maintenance crew shall display and remove its own set of blue signals.

(5) Warning device. A flashing warning light or other device shall be installed near any opening which leads to a passageway crossing railroad tracks adjacent to the building. Such light or device shall be activated prior to any switching or movement of railroad equipment to warn workers of the dangerous condition in the area.

(6) Cars to be immobilized. Spotted cars shall either have brakes set, wheels blocked, or shall be coupled to other immobilized cars to prevent each car from rolling.

(7) Crawling under or between coupled cars prohibited. Workers shall not crawl under or pass between coupled railroad cars to cross tracks.

(8) Warning at road crossing. An audible whistle, horn or bell shall be sounded by the locomotive engineer to give adequate warning prior to switching across any road crossing.

(9) Flying switches. When switching railroad equipment in congested areas or across roadways or walkways "flying switches" shall be prohibited.

(10) Car opening devices. All box car doors and associated mechanisms shall be carefully inspected before workers attempt to open or close them. If the door is not free and cannot be opened safely by hand, equipment shall be provided, where necessary, and a safe method shall be used to open or close the door.

(11) Clearance from railroad tracks. Materials shall not be stacked or piled closer than 8 1/2' from the center line of a standard gauge railroad track.

(12) Operating under limited visibility conditions.

(a) Unless trains are operated in a manner to allow the operator to see a safe stopping distance in the direction of travel, a flagperson(s) shall be positioned in such a manner to safely direct movement of the train.

(b) Flagperson shall remain within sight of the operator or shall be equipped to maintain visual or voice communication with the operator as conditions dictate.

(13) A flagperson shall direct the movement of trains being moved across main roads or thoroughfares which do not have adequate traffic warning lights, bells or barricades.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-79-220 ((DEENERGIZING)) DEACTIVATING AND LOCK-OUT ((PROCEDURES)) REQUIREMENTS. ((It is recommended that tag-out systems or other alternate systems be phased out and replaced by lock-outs exclusively as soon as possible and tags used only for information purposes.

((1) Whenever the unexpected startup of machinery or electrical equipment, or the opening of valves would endanger anyone while maintenance, adjustment, cleanup, or construction work is being done on this equipment, the main disconnect(s) (line circuit breakers) or supply valve(s) shall first be locked or tagged out to avoid such accidental startup.)) (1) Tagout or other alternative security procedures shall be phased out by (1 year after effective date). In the one year interim, all requirements and procedures of this section shall apply except:

(a) Physical restraint devices other than padlocks may be used.

(b) Whenever devices other than identified padlocks are used, a warning information tag shall be required.

(c) Whenever the operating control cannot be physically blocked by the restraining device, a warning information tag shall be required.

(2) Control requirement. Whenever the unexpected startup of machinery, the energizing of electrical circuits, the flow of material in piping systems or the removal of guards would endanger workers, such exposure shall be prevented by deactivating and locking out the controls as required by this section.

EXCEPTION: In instances where any machine must be in motion for proper adjustment, for removal or replacement of materials from the machine, for machine clothing changes or for roping up, the following precautions shall be observed:

(a) The machine shall be operated at slow or jog speed;

(b) Extension tools which minimize personnel exposure shall be used where possible;

(c) The operating controls shall at all times be under the control of a qualified operator or craftsman;

(d) All personnel shall remain in view of the operator or other means of communications shall be established whenever possible;

(e) All personnel must be beyond the reach of other machine section(s) or element(s) which offer potential exposure. In any instance where such potential exposure exists, such other section(s) or element(s) shall be separately locked out.

(3) Equipment requirements.

((2)) (a) ((Padlocks, Tags, or Devices to be Supplied.)) The employer shall ((supply)) provide and ((the)) each employee shall use as many padlocks, tags, chains, or devices as required to ((follow these procedures)) implement these requirements.

((b) Where a "tag-out" system is used in deactivating equipment, the tag and attachment device shall be constructed of such material that it will not be likely to deteriorate in the environment that it is used. The attachment device shall also offer definite resistance to accidental removal.

(3) Information Required on Tags. Tags used for tagging out purposes shall contain the following information: name of person authorizing placement, reason for placing, date, signature of person placing tag, and department with which such person is associated.

(4) Provisions for Locking or Tagging Out Power Supply. Provisions shall be made whereby the source of power to all power driven equipment can be effectively locked or tagged out.

(5) Lock or Tag-Out by Pushbutton Only Prohibited. Locking or tagging out a machine by use of a pushbutton or other local control device only will not be acceptable as meeting the intent of these rules.

(6) Coordination of Locking or Tagging Out Devices or Systems. When repair, adjustment or maintenance is required and the lock-out or tag-out procedures must be followed, any person involved who is not totally familiar with all power sources or material entry sources to any area involved shall consult with the operator, supervisor, or some person who is capable of informing him of proper lock or tag-out procedures.

(7) Lock-Out or Tag-Out Before Removing Guards. Equipment shall be stopped and tagged or locked out

~~before personnel remove guards or reach into any potentially hazardous area. The only exception will be when the equipment must be in motion in order to make proper adjustments.~~

~~(8) Each Person Involved to Lock-Out or Tag-Out. Each person actively engaged in the repair, maintenance or clean-up shall lock-out or tag-out the affected equipment and shall personally remove his lock or tag upon completion of his work except, when it is positively determined that an employee has left the premises without removing his lock or tag, other persons may remove the locks or tags in accordance with a procedure formulated by each firm and approved by the Division of Industrial Safety and Health.~~

~~(9) Valves to be Locked or Tagged Out. Each valve which is used to control the flow of materials into, or activate, the equipment being worked on shall be locked or tagged out.~~

~~(10) Piping Systems Deactivated. Prior to working on piping systems containing pressurized or hazardous materials the valve(s) controlling the flow to the affected area shall be locked out or tagged out. The piping in the area to be worked on shall be drained and purged, if needed.~~

~~To further safeguard the workers, it is recommended that the lines to be worked on be isolated from the system by the insertion of blank flanges.~~

~~(11) Lines Without Valves to be Blank Flanged. If pipelines or ducts are constructed without valves or closures, the lines or ducts shall be broken at a flange and a blank flange inserted to stop the accidental flow of any material.)~~

(b) Provisions shall be made whereby the source of power or exposure can be locked out in accordance with the requirements of this section.

(c) On electrically powered equipment, "stop/start" control switches shall not be used as lockout switches. Lockout switches must be circuit disconnects and must adequately separate the power source from the prime mover so that accidental startup of the equipment being locked out is precluded.

(4) Training requirements.

(a) Each person who will be given authority to implement these requirements shall first be thoroughly trained in the requirements and procedures.

(b) Before being given authority to deactivate and lockout a particular system or piece of equipment, authorized personnel shall be made fully aware of all power sources and/or material entry sources which may offer exposure.

(c) On complex systems or equipment which contain multiple lockout points not at the immediate work location, a complete checklist of all lockout points necessary for isolation is recommended to help eliminate the chance of human error.

(5) Control procedure.

(a) Each person who would be exposed to the hazard shall apply a personal padlock on the control mechanism. Padlocks shall be applied in such a manner as to physically block the control from being moved into the

operating position. Each lock shall be personally identified or an information tag identifying the owner shall be attached to the lock.

(b) Padlocks used in lockout procedures may only be removed by the person identified on the lock, except, when it is positively determined that the owner/user of the lock has left the premises without removing a lock, the job supervisor may remove the lock in accordance with a specific procedure formulated by the local plant Labor-Management Safety Committee or approved by the department.

~~((12))~~ (6) Testing after ((Lock-Out)) lockout or ((Tag-out)) tagout. After tagging or locking out equipment, a test shall be conducted to ascertain that the equipment has been made inoperative or the flow of material has been positively stopped. Precautions shall be taken to ascertain that persons will not be subjected to hazard while conducting test if power source or flow of material is not shut off.

~~((13) Procedure for Continuous Flow Digesters. Alternate lock-out or tag-out procedures, acceptable to the Division of Industrial Safety and Health, may be used to replace regular lock-out or tag-out procedures while performing work on continuous flow digesters.~~

~~(14) Making Paper Machine Clothing Change or Repairing Clothing. Whenever employees must position themselves in hazardous locations in or about the machine, the lock-out or tag-out procedure shall be followed. The machine shall be so designed that it may be run at slow or job speed when roping up or threading new clothing through the machine by using existing clothing as a guide. Any adjoining section which would create a hazardous condition for the employees making clothing changes or repairs shall be made inoperative.)~~

(7) Alternate lock-out procedure. Before an alternate procedure can be utilized, a specific written procedure shall be reviewed by the local plant Labor/Management Safety Committee and approved by the Department of Labor and Industries.

~~((15))~~ (8) Temporary or alternate power to be avoided. Whenever possible, temporary or alternate sources of power to the equipment being worked on shall be avoided. If the use of such power is necessary, all affected employees shall be informed and the source of temporary or alternate power shall be identified.

(9) Where tags are required to implement these lockout and control procedures, the tag and attachment device shall be constructed of such material that it will not be likely to deteriorate in the environment that it will be subjected to.

(10) Provisional exception. Electrical lighting and instrument circuits of 240 volts or less on single phase systems or 277 volts on three-phase systems may be exempted from the lockout requirements of (5)(a) of this section provided that:

(a) An information tag meeting the requirements of (9) of this section is used in lieu of a padlock;

(b) The information tag shall be placed on the switch or switch cover handle in such a manner as to easily identify the deactivated switchgear.

(11) Deactivating piping systems.

(a) Hazardous material systems are defined as: Gaseous systems that are operated at more than 200 psig; systems containing any liquid at more than 500 psig; systems containing any material at more than 130°F; systems containing material which is chemically hazardous as defined by NFPA 704 M Class 3 and 4; systems containing material classified as flammable or explosive as defined in NFPA Class I.

NOTE: See Ap. I for referenced NFPA material.

(b) Lockout of piping systems shall provide isolation to the worksite, including backflow where such potential exists and the system is classified as a hazardous material system. The required method shall be applied based on the content of the system as specified below:

(i) Nonhazardous systems shall be deactivated by locking out either the pump or a single valve.

(ii) Hazardous material systems shall be deactivated by one of the following methods:

(A) Locking out both the pump and one valve between the pump and the worksite;

(B) Locking out two valves between the hazard source and the worksite;

(C) Installing and locking out a blank flange between the hazard source and worksite;

(D) On hazardous chemical systems where methods (A), (B) or (C) are not available, and where methods (A), (B) or (C) in itself create a hazard, single valve closure isolation may be used provided that potentially exposed employees are adequately protected by other means such as personal protective equipment.

(E) On all steam systems where methods (A), (B) or (C) are not available, single valve closure isolation may be used provided that the system is equipped with valves meeting all requirements of ANSI B16.5 and ANSI B16.34. Where single valve isolation is used, the steamline must also be equipped with a bleed valve downstream from the valve closure to prove isolation of the worksite.

(12) Reactivating separated hazardous material systems. When a blank flange (blind) is used to separate off portions of hazardous material systems from a portion which is in operation, removal of the blind offers potential exposure to employees. The removal procedure shall be protected by:

(a) Two separate valve closures between the blank flange and the potential exposure, or

(b) A single valve closure with a bleeder valve or weep drain between the blank flange and the valve closure. Employees shall closely check for evidence of escapement from the bleeder valve or weep plug before starting to remove the blank flange.

(c) Where subdivisions (a) or (b) are not possible, potentially exposed employees must be adequately protected by personal protective equipment before removing the blank flange.

(d) Bleeder valves are recommended behind all primary valve closures on hazardous material systems. Consideration should be given to the nature of the material in the system when installing bleeder valves. To assist in preventing plugging, bleeder valves should generally be installed in the top one-third of the pipe. Short

exhaust pipes should be installed on bleeder valves to direct the flow of possible escapement away from the position where an employee would normally be when using the bleeder valve.

AMENDATORY SECTION (Amending Order 74-24, filed 5/6/74)

WAC 296-79-29029 BROKE HOLE. (1) An alarm bell or flashing light shall be actuated or other suitable warning shall be given before dropping material through a broke hole when persons working below may be endangered.

(2) Broke holes shall be guarded ((in accordance with the provisions of WAC 296-79-030(6), of this chapter)) to the fullest extent possible consistent with operational necessities. The degree of guarding provided by standard height and strength guardrails will be considered as a minimum acceptable level of protection:

(3) When repulping devices or feed conveyor systems for repulping devices are located beneath broke holes, special precautions shall be used. The broke hole opening shall be reduced to the smallest practical dimension. If such broke hole opening must be large enough to permit a worker to fall through and the opening is not guarded at least to the equivalent degree of protection provided by standard guardrails, any employee pushing broke down the broke hole shall wear a safety belt attached to a safety belt line. The safety belt line shall be fastened in such a manner that it is impossible for the person to fall into the repulping device.

(4) Guarding to the equivalent degree of protection provided by standard guardrails and meeting the requirements of subsections (2) and (3), may be achieved by the use of guard bars separated no more than 15-1/2 inches in a vertical plane and 12 inches in a horizontal plane, or any other location within that segment.

AMENDATORY SECTION (Amending Order 76-7, filed 3/1/76)

WAC 296-79-300 MACHINE ROOM EQUIPMENT AND PROCEDURES. (1) Lock-out and tag-out procedures to be followed. Lock-out and tag-out requirements and procedures contained in these standards shall be complied with.

(2) ((Stopping Devices for Pulp and Paper Machines)) Emergency stopping controls. Pulp and paper machines shall be equipped with emergency stopping ((devices. The devices shall be located where they can be used readily to stop the machines or sections of the machine)) control(s) which can be actuated quickly from all normal operating stations. If useful for the safety of personnel, the stopping control(s) shall be interlocked with adequate retarding or braking action to stop the machine as quickly as is practical.

(3) Walkways. Steps and footwalks along the four-drinier and press section shall have nonslip surfacing and be complete with standard handrails, when practical.

(4) Machine lubrication. If a machine must be lubricated while in operation an automatic lubricating device shall be provided or oil cups and grease fittings shall be

provided which can be serviced safely without exposing the worker to any hazards.

(5) Weights on levers. All levers carrying weights shall be so constructed that weights will not slip or fall off.

(6) Guarding inrunning nip points. (a) The drums on pulp and paper machine winders shall be provided with suitable guards to prevent a person from being caught between the roll and the front drum on the winder when the pinch point is on the operator's side. Any such guard shall be interlocked with the drive mechanism to prevent the winder from running while the guard is not in place except that the winder may be wired to allow it to run at a slow speed only for adjustment and start-up purposes while the guard is not in position. A zero speed switch or locking device shall be installed to prevent the guard from being removed while the roll is turning.

Paper machine winders when used to produce rolls of 15 inches or less in diameter may be exempted from this subsection but must comply with the provisions of (6)(b).

(b) Rewinders. (i) When rewinding large rolls and the nip point is adjacent to the normal work area, the nip point shall be protected by a barrier guard. Such guard shall be interlocked with the drive mechanism to prevent operating the machine above jog speed without the guard in place. A zero speed switch shall be installed to prevent the guard from being raised while the roll is turning.

(ii) On small rolls 15 inches or less in diameter where barrier guards are impractical they shall not be required if the nip point is separated from the employees by at least 18" while operating at more than jog speed. When the rewinder is running at more than jog speed no worker shall place any part of his body closer than 18" from the nip.

(c) Inrunning nips where paper is not being fed into a calender should be protected by barriers.

(7) Audible alarm in dryer section. An audible alarm shall be sounded prior to starting up any section of a pulp or paper machine. Sufficient time shall be allowed between activation of the alarm system and start-up of the equipment to allow any persons to clear the hazardous area.

(8) Starting up dryer section. In starting up a dryer section, steam to heat the drums shall be introduced slowly and while the drums are revolving.

(9) Starting paper into nip. When starting paper into the nip of drum type reels or calender stacks a safe method shall be used. This may be accomplished by the use of feeder belts, carrier ropes, air carriage or other device or instrument. A rope carrying system should be used wherever possible at points of transfer. Sheaves should be spaced so that they do not create a nip point with each other and the sheave and its support should be capable of withstanding the speed and breaking strength of the rope for which they are intended.

(10) Feeding stack with hand held device. Employees shall not feed a stack with any hand held device which is capable of going through the nip.

(11) Broken carrier rope. Employees shall not attempt to remove a broken carrier rope from a dryer while the section is running at operating speed.

(12) Removing a wrap. Employees shall stop dryer to remove a wrap except in cases where it can be safely removed by using air or other safe means.

(13) Deposits on rolls. To remove deposits from rolls, a specially designed scraper or tool shall be used. Scraping of rolls shall be performed on the outgoing nip side.

(14) Cleaning doctor blades. Employees shall not place their hands between the sharp edge of an unloaded doctor blade and the roll while cleaning the doctor blade.

(15) Sharp edges of doctor blades to be covered. Doctor blades shall have the sharp edges properly guarded during transportation and storage.

(16) Handling doctor blades. Special protective gloves shall be provided and shall be worn by employees when filing or handling sharp edged doctor blades.

(17) Steps, platforms or walkways for calender stacks. When steps, platforms, or walkways are necessary to perform work on calender stacks they shall have nonskid type surfaces. Guardrails shall be installed where possible.

(18) Lifting reels. (a) Reels shall stop rotating before being lifted away from reel frame.

(b) All lifting equipment (clamps, cables, and slings) shall be maintained in a safe condition and inspected regularly.

(c) Exposed rotating reel shafts with square block ends shall be guarded.

(19) Reels to be properly seated. The crane operator shall ascertain that reels are properly seated at winder stand or at reel arms before he disengages the hooks.

(20) Space between reels. On stack reels, a clearance of at least 8 inches between the reels of paper shall be maintained.

(21) Set screws. Set screws for securing core collars to winding and unwinding shafts shall not protrude above the face of the collar. All edges of the collar that an operator's hand may come in contact with shall be beveled to remove all sharp corners.

(22) Properly set up core cutting device. The worker shall make certain that any core cutting device is properly set up and guard is in proper position before using the machine.

(23) Winder shaft. All winder shafts should be equipped with a winder collar guide. The winder should have a guide rail to align the shaft for easy entrance into the opened rewind shaft bearing housing. If winder shafts are too heavy for manual handling, mechanical equipment shall be used.

(24) Barrier guards for shaftless winders. Shaftless winders shall be provided with a barrier guard of sufficient strength and size to confine the rolls in the event they become dislodged while running.

(25) Grounding. All calender stacks and spreader bars shall be grounded as protection against shock induced by static electricity.

(26) Sole plates. All exposed sole plates between dryers, calenders, reels and rewinders shall have a nonskid type surface.

(27) Nonskid type surface required. A nonskid type surface shall be provided in the work areas around the winders or rewinders. Areas in front of the winder shall be kept clear of oil, broke, and other debris that may cause workers to slip, trip, or fall.

(28) Roll lowering table. If a powered roll ejector is used it should be interlocked to prevent accidental actuation until the receiving platform or roll lowering table is in position to receive the roll.

(29) Lowerator. Employees shall keep clear of hazardous areas around the lowerator, especially all lowerator openings in a floor and where roll is being discharged.

(30) Rider rolls. Provision shall be made to hold the rider roll when in a raised position unless counterbalancing eliminates the hazard.

(31) Gas hood entry procedures. Whenever an employee is inside a gas hood he shall be accompanied by another worker or a person shall be stationed near the entrance.

(32) Drain openings in pits. Flush floor drain openings larger than 3" in diameter in the bottom of pits shall be guarded to prevent workers from stepping through, while working in this area.

WSR 81-03-008

ADOPTED RULES

STATE PATROL

**(Transportation of Hazardous Materials
Technical Advisory Committee)**

[Order 80-2—Filed January 8, 1981]

Be it resolved by the Transportation of Hazardous Materials Technical Advisory Committee, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to transportation of hazardous materials, hazardous waste and radioactive waste materials, amending chapter 446-50 WAC.

This action is taken pursuant to Notice No. WSR 80-18-039 filed with the code reviser on December 2, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.48.190 which directs that the Transportation of Hazardous Materials Technical Advisory Committee has authority to implement the provisions of RCW 46.48.170.

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 January 6, 1981.

By R. W. Landon
Chairman

AMENDATORY SECTION (Amending Order 79-4, filed December 11, 1979)

WAC 446-50-010 AUTHORITY. (~~By authority of RCW 46.48.170 and 46.48.190~~) Chapter 46.48 RCW authorizes the Washington State Patrol ((together)) acting by and through its Chief after conferring with the Committee(;) created by RCW 46.48.190(;; Transportation of Hazardous Materials Advisory Committee, hereby)) to adopt((s the following)) regulations concerning the ((safety in the)) safe transportation of ((explosives, flammable materials, corrosives, compressed gases, poisons, oxidizing materials,)) hazardous materials, hazardous waste, and radioactive waste materials((, and other dangerous articles)) upon the public highways of this state. Chapter 46.32 RCW permits the inspection of vehicles traveling on the highways of this state.

AMENDATORY SECTION (Amending Order 79-4, filed December 11, 1979)

WAC 446-50-020 PURPOSE. (~~These rules are intended to insure that all radioactive waste materials transported within the State of Washington are safe and that all carriers of radioactive waste materials have equipment that has been deemed safe by a Washington State Patrol equipment inspection.)) These rules are intended to protect persons and property from unreasonable risk of harm or damage due to incidents or accidents resulting from the transportation of hazardous materials and hazardous waste and to insure that the vehicle equipment of all carriers of radioactive waste materials ((has been)) are inspected by the Washington State Patrol.~~

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 79-4, filed December 11, 1979)

WAC 446-50-080 ((EFFECTIVE DATE. These regulations shall be effective on October 10, 1979, and shall remain in effect by appropriate regulations.)) TRANSPORTATION REQUIREMENTS (1) The Washington State Patrol acting by and through the Chief of the Washington State Patrol after conferring with the Committee created by RCW 46.48.190 hereby adopts the following parts or sections of Title 49 Code of Federal Regulations: 170 (Reserved), 171 General information, regulations, and definitions, 172 Hazardous materials table and hazardous materials communications regulations, 173 Shippers—General requirements for shipments and packaging, 177 Carriage on public highway, 178 Shipping container specifications, 180-189 (Reserved). Title 49 CFR, parts 100 through 199, relates to safety in the transportation of hazardous materials upon the public highways. This regulation is intended to apply only to the transportation of hazardous materials by highway in Washington, to the handling and storage operations incident to such transportation, and to the highway portion of an intermodal shipment of hazardous materials.

(2) Copies of Title 49 CFR, parts 100 through 199, now in force are on file at the Code Reviser's Office, Olympia, and at the Washington State Patrol Headquarters, Weight Control Section, Olympia. Additional copies may be available for review at Washington State Patrol District Headquarters Offices, public libraries, Washington Utilities and Transportation Commission Offices, and at the United States Department of Transportation, Bureau of Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D. C. 20402.

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 81-03-009

EMERGENCY RULES

DEPARTMENT OF GAME

[Order 119—Filed January 8, 1981]

Be it resolved by the undersigned, Jack S. Wayland, Interim Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to the closure of the Hoh River to the taking of steelhead trout by treaty Indians, adopting WAC 232-32-128.

I, Jack S. Wayland, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-128 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 is information provided by the licensed fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Hoh River pursuant to the reporting system approved by the United States v. Washington, and information from the Hoh Indian Tribe indicates that the treaty Indian share of the harvestable surplus of steelhead in the Hoh River system has been reached. Therefore, a closure of the Hoh River to all persons to the taking, fishing for, or possessing steelhead trout with gill nets is necessary to assure sports fishermen the right to their share of those steelhead.

Such rule is therefore adopted as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED January 8, 1981.

Jack S. Wayland
Interim Director

NEW SECTION

WAC 232-32-128 CLOSURE OF THE HOH 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 nets in the Hoh River: effective 6:00 p.m., January 9, 1981.*

WSR 81-03-010

EMERGENCY RULES

DEPARTMENT OF GAME

[Order 120—Filed January 8, 1981]

Be it resolved by the undersigned, Jack S. Wayland, Acting Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to the closure of Hoko, Pysht, Queets and Quinault Rivers and Lake Washington System, adopting WAC 232-32-129.

I, Jack S. Wayland, Acting Director, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-129 is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action and that observance of the requirements for adoption of permanent rules which are effective only upon expiration of 30 days after the date of filing is contrary to public interest as the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is data gathered by Department of Game from information provided by fish buyers reporting sales of steelhead harvested by Treaty Indian fishermen from Hoko, Pysht, Queets, and Quinault rivers and Lake Washington System pursuant to the reporting system approved by the United States District Court in United States v. Washington, and information from the Quinault Tribe indicates that the treaty share of harvestable steelhead for the Queets and Quinault rivers has been reached or will have been reached on the effective date of this order. Therefore, a closure of Hoko, Pysht, Queets and Quinault rivers and Lake Washington System is necessary to assure non-treaty sports fishermen their right to take their share of those remaining steelhead.

Such rule is therefore adopted as an emergency.

This rule is promulgated under the authority of the Director of Game as authorized in RCW 77.12.150 with the approval of the Game Commission as provided in that statute.

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

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED January 8, 1981.

Jack S. Wayland

NEW SECTION

WAC 232-32-129 CLOSURE OF HOKO, PYSHT, QUEETS AND QUINAULT RIVERS AND LAKE WASHINGTON SYSTEM 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 nets and purse seine gear in the Hoko, Pysht, Queets and Quinalt Rivers and Lake Washington System: effective 6:00 p.m., January 10, 1981.*

**WSR 81-03-011
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed January 9, 1981]**

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 AFDC-R—Deprivation due to continued absence from home, amending WAC 388-24-070.

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-44C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by February 11, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, February 25, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 4, 1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 25, 1981, and/or orally at 10:00 a.m., Wednesday, February 25, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: January 8, 1981

By: Glen H. Miller
Assistant Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 388-24-070.

Purpose of the rule or rule change is to comply with federal requirements.

Statutory authority: RCW 74.08.090.

Summary of the rule or rule change:

These rules provide that a parent who:

Is sentenced by the court to provide unpaid community service or unpaid work during the workday; and,

Is permitted by the court to reside in the family home.

Is determined to be an absent parent for AFDC deprivation purposes.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Dave Andersen

Title: Program Manager

Office: Bureau of Income Maintenance

Phone: 3-4373, Mail Stop: OB-31 C

The person or organization (if other than DSHS) who proposed these rules is: None

These rules are necessary as a result of Federal law, 45CFR Part 223.

AMENDATORY SECTION (Amending Order 1338, filed 9/18/78)

WAC 388-24-070 AID TO FAMILIES WITH DEPENDENT CHILDREN—REGULAR—DEPRIVATION DUE TO CONTINUED ABSENCE FROM HOME. (1) Determination whether a child has been deprived of parental support or care is made in relation to a child's natural parent, adoptive parent, or stepparent and the term parent as used in this section refers to any of those relationships.

(2) Continued absence of a parent from the home establishes deprivation of parental support or care when

(a) The parent is living out of the home in which the child resides, and

(b) The nature of the absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care or guidance for the child, and

(c) The known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the present support or care of the child.

(3) Absence from the home is considered as "being continued" when the situation has, or is likely to have, a degree of permanency in contrast to a purely temporary disruption of family life. The following situations are examples of situations which are considered to meet this requirement:

(a) Absence as the result of legal action

(i) The parents are divorced or divorce action has been filed; or the marriage has been annulled; or a petition has been filed requesting dissolution of the marriage because the marriage is irretrievably broken; or a separation contract has been filed with the court containing provisions for maintenance, property disposition, custody of children, support, and visitation; or a written separation contract has been published in a legal newspaper, in lieu of a court decree.

(ii) Absence due to divorce is overcome by remarriage of the child's natural or adoptive parent with whom he lives.

(iii) If the natural or adoptive parents, in spite of the legal action, resume living together, there is no longer deprivation on the basis of absence.

(b) Absence due to separation, desertion or abandonment

(i) There is a clear disassociation of one or both parents from their normal family relationship and no indication that the absence is for the purpose of seeking employment, working, or of technically qualifying for assistance.

(ii) If the separation, desertion or abandonment has existed at least thirty days prior to application and there is no indication that the absence will not continue, deprivation is considered established.

(iii) Deprivation may be established if the absence has existed for less than thirty days prior to application only when there is sufficient information as determined by the ((local office)) CSO showing the absence can be expected to continue. The type of information and basis of determination must be documented in the case record.

(iv) If application is made by a nonresponsible relative on behalf of a child who has not been placed in his custody through a court order, whose parent or parents though able have failed to support the child, apparent abandonment shall be assumed and the policies outlined in WAC 388-24-114 shall apply.

(c) Absence of unmarried parents

If the parents have not maintained a home together, deprivation is established. If the parents have maintained a home together and one parent has left the home, the situation should be evaluated as provided in ((subsection)) subdivision (3)(b).

(d) Absence due to other reasons

(i) Parent serving in military service and will be absent from the home more than thirty days.

(ii) Parent confined to an institution and is expected to remain for more than thirty days. A parent who is incarcerated but participating in a work release program is considered to be in an institution.

(iii) Parent has been deported.

(iv) Parent has been convicted of an offense and has been required by the court to perform unpaid work or community service during the workday while being permitted to reside in the family home.

(A) The basis of deprivation will be continued absence, and the needs of the convicted parent will not be included in the determination of eligibility or the payment of the family grant.

(B) A convicted parent earning income outside of the hours of sentenced unpaid work or community service shall have such earnings treated in accordance with WAC 388-28-500.

WSR 81-03-012

ADOPTED RULES

EASTERN WASHINGTON UNIVERSITY

[Order 12-18-80—Filed January 9, 1981]

I, Kenneth R. Dolan, Secretary, Board of Trustees, of the Eastern Washington University, do promulgate and adopt at the Pence Union Building, Cheney, Washington 99004, the annexed rules relating to the Constitution of the Associated Students, EWU, amending chapter 172-114 WAC.

This action is taken pursuant to Notice No. WSR 80-15-071 filed with the code reviser on October 17, 1980. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the Board of Trustees of Eastern Washington University as authorized in RCW 28B.35.10[28B.35.120].

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

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

APPROVED AND ADOPTED December 18, 1980.

By Kenneth Dolan
Secretary, Board of Trustees

AMENDATORY SECTION (Amending Resolution 78-03, filed 8/16/78)

WAC 172-114-010 PREAMBLE. We, the Associated Students of Eastern Washington University, in order to ((develop in the students the concept of self government; an appreciation and understanding of democratic values and processes; to strengthen in the student the realization of his rights, responsibilities, and common interest with the community as a citizen, to represent student interests, needs and welfare; to develop in the students an understanding and appreciation of their personal, social, and vocational relationship to the society in which they live; develop in the students fellowship and understanding, and to provide a physical and social environment in which to achieve the above objectives do affirm and establish this Constitution subject to the authority vested in the Associated Students by the Board of Trustees of Eastern Washington University)) assume the responsibility and privileges of self-government; maintain an appreciation and understanding of democratic values and processes; strengthen the realization of student rights, responsibilities, and common interest with the community as a citizen; represent student interest, needs, and welfare; provide for the development to student fellowship and understanding; do ordain and establish this Constitution, whose purpose it shall be to promote student affairs in cooperation with the Board of Trustees, administration, and faculty.

AMENDATORY SECTION (Amending Resolution 78-03, filed 8/16/78)

WAC 172-114-020 ARTICLE I—NAME, DEFINITIONS, AND MEMBERSHIP. (1) The name of this organization shall be the "Associated Students of Eastern Washington University," referred to herein as "((A.S)) ASEWU."

(2) When used in this Constitution, the following terms shall mean:

(a) "University" means Eastern Washington University and, collectively those responsible for its control and operation.

(b) "Student" includes all persons enrolled in any course at the university.

(c) "Instructor" means all persons hired by the university to conduct classroom activities. In certain situations a person may be both "student" and "instructor." Determination of ((his)) status in a particular situation shall be determined by the ((surrounding)) pertinent facts.

(d) "Legal compulsion" means a state or federal judicial or legislative order which requires some action by the person to whom it is directed.

(e) "Organization" means a number of persons who have complied with the formal requirements of university recognition as in WAC 172-114-030(5).

(f) "Group" means members of the university community who have not yet complied with the formal requirements for becoming an organization.

(g) "Student press" means either an organization whose primary purpose is to publish and distribute any publication on campus or a regular publication of a campus organization.

(h) "Resident" is used to mean enrolled at the University.

(i) "Full time" is used to mean six credit hours or more.

(j) "Shall" is used in the imperative sense.

~~((+))~~ (k) "May" is used in the permissive sense.

~~((+))~~ (l) All other terms have their natural meaning unless the context dictates otherwise.

(3) All students who are registered for one credit hour or more at Eastern Washington University shall be members of this organization for the period of time covered by the fee.

AMENDATORY SECTION (Amending Resolution 78-03, filed 8/16/78)

WAC 172-114-030 ARTICLE II—STUDENTS' RIGHTS AND RESPONSIBILITIES. (1) The following enumeration of rights shall not be construed to deny or disparage others retained by students in ~~((their))~~ the capacity as members of the student body or as citizens.

(2) Access to higher education. Within the limits of its facilities and budget, the university shall be open to all applicants who are qualified according to its admission requirements. No person, once enrolled, may be denied attendance or academic advancement except for disqualification on academic grounds or conviction of violating university rules.

(3) Education.

(a) Students are free to pursue their educational goals within existing university programs; appropriate opportunities for learning shall be provided by the state within its financial resources and the student's ability. This shall include the knowledge, imagination, and dedication of faculty and administrators through excellent teaching and readily available and adequate advice and counsel.

(b) Discussion and expression of all views relevant to the subject matter is permitted in the classroom subject only to the responsibility of the instructor to maintain order and to present course content. Students are responsible for learning the content of any course for which they are enrolled. Requirements for participation in classroom discussion and submission of written exercises are not inconsistent with this section.

(c) Academic evaluation of student performance shall be neither prejudicial nor capricious. Information about student views, beliefs, and political associations acquired by professors in the course of their work as instructors, advisers, and counselors~~((;))~~ is confidential and is not to be disclosed to others unless under legal compulsion. Questions relating to intellectual or skills capacity are not subject to this section.

(4) Campus Expression.

(a) Free inquiry, expression, petition, and assembly are guaranteed to all students. Support of any cause by

lawful means which do not disrupt the operation of the university is permitted. Students, groups, and campus organizations may invite and hear any persons of their own choosing subject only to the requirements for use of university facilities.

(b) The right of peaceful protest is granted within the university community. The university retains the right to assure the safety of individuals, the protection of property, and the continuity of the educational process.

(c) Orderly picketing and other forms of peaceful protest are permitted on university premises. Interference with ingress to and egress from university facilities, interruption of classes, or damage to property exceeds permissible limits. ~~((Even though remedies are available through local enforcement bodies, the university may choose to impose its own disciplinary sanctions.))~~

(d) Every student has the right to be interviewed on campus by any legal organization desiring to recruit at the university. Any student, group, or organization may protest against any such organization provided that protest does not interfere with any other student's right to have such an interview.

(5) Campus Organizations.

(a) Organizations and groups may be established within the university for any legal purpose. Affiliation with an extramural organization shall not, in itself, disqualify the university branch or chapter from university privileges. Any organization which engages in illegal activities may have sanctions imposed against it including withdrawal of university recognition for a period not exceeding one year.

(b) A group shall become an organization when formally recognized by the university. All groups that meet the following requirements shall be recognized:

(i) Submission of a list of officers and copies of the constitution and bylaws to the appropriate university official or body. All changes and amendments shall be submitted within one week after they become effective.

(ii) Where there is affiliation with an extramural organization, that organization's constitution and bylaws shall be filed with the appropriate university official or body. All amendments shall be submitted within a reasonable time after they become effective.

(iii) All sources of outside funds shall be disclosed.

(c) Membership in all university-related organizations, within the limits of their facilities, shall be open to any member of the university community who is willing to subscribe to the stated aims and meet the stated obligations of the organization.

(d) University facilities shall be assigned to organizations, groups, and individuals within the university community for regular business meetings, for social programs, and for programs open to the public; provided:

(i) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, to regulate time and use, and to insure proper maintenance.

(ii) Preference may be given to programs designed for audiences consisting primarily of members of the university community.

(iii) Allocation of space shall be made based on priority of requests and the demonstrated needs of the organization, group, or individual.

(iv) The university may delegate the assignment function to an administrative official or a student committee or organization.

(v) Charges may be imposed for any unusual costs for use of facilities.

(vi) Physical abuse of assigned facilities shall result in reasonable limitations on future allocation of space to offending parties and restitution for damages.

(vii) The individual, group, or organization requesting space must inform the university of the names of outside speakers and indicated subject.

(e) No individual, group, or organization may use the university name without the express authorization of the university, except to identify the university affiliation. University approval or disapproval of any policy may not be stated or implied by any individual, group, or organization.

(6) Publications.

(a) A student, group, or organization may distribute written material on campus without prior approval ~~((providing))~~ provided such distribution does not disrupt the operations of the university and the material clearly states the publisher.

(b) The student press is to be free of censorship. The editors and manager shall not be arbitrarily suspended because of student, faculty, administration, alumni, or community disapproval of editorial policy or content. Similar freedom is assured oral statements of views on a university-controlled and student-operated radio or television station. This editorial freedom entails a corollary obligation under the canons of responsible journalism and applicable regulations of the Federal Communications Commission.

(c) All student communications shall explicitly state on the editorial page or in broadcast that the opinions expressed are not necessarily those of the university or its student body.

(7) University Government.

(a) All constituents of the university community are free, individually and collectively, to express their views on issues of university policy and on matters of interest to the student body. Clearly defined means shall be provided for student expression((s)) on all university policies affecting academic and student affairs.

(b) The role of student government and its responsibilities shall be made explicit. Student government actions reviewed by the university shall only be reviewed through procedures agreed upon in advance.

(c) On questions of education policy, students are entitled to a participatory function. Faculty-student committees shall be created to consider questions of policy affecting student life. Students shall be designated as members of standing and special committees concerned with university policy affecting academic and student affairs, including those concerned with curriculum~~((f-))~~, discipline, admissions, and allocation of student fees.

(8) Privacy.

(a) The right of students to be secure in their persons, living quarters, papers, and effects against unreasonable

searches and seizures is guaranteed. These rights of privacy extend to university-owned housing. Nothing in the university relationship or housing contract may expressly or by implication give the university or housing officials authority to consent to a search of a student's room by police or other government officials, or anyone else.

(b) When the university seeks access to a university-owned student room to determine compliance with provisions of applicable multiple dwelling unit laws or for improvement or repairs, the occupant shall be notified of such action not less than twenty-four hours in advance. There may be entry without notice in emergencies where imminent danger to life, safety, health, or property is reasonably feared.

(9) Student Records.

(a) The privacy and confidentiality of all student records shall be preserved. Official student academic records, supporting documents, and other student files shall be maintained only by full-time members of the university staff employed for that purpose. Separate files shall be maintained of the following: Academic records, supporting documents, and general educational records; records of discipline proceedings; medical and psychiatric records; and financial aid records.

(b) No entry may be made on a student's academic record and no document may be placed in his file without actual or constructive notice to the student. All matters placed in a student's file in accordance with published customary and ordinary policies, procedures, and regulations(;-) shall constitute constructive notice.

(c) Access to his official, institutional records and files is guaranteed every student subject only to reasonable regulations as to time, place, and supervision. A student may challenge the accuracy of any entry or the presence of any item by bringing the equivalent of an equitable action against the appropriate person.

(d) No information in any student file may be released to anyone except with the prior written consent of the student concerned or as stated below(;-).

(i) Members of the faculty with administrative assignments may have access for internal educational purposes as well as routinely necessary administrative and statistical purposes.

(ii) The following data may be given an inquirer: School or division of the enrollment, periods of enrollment, degrees awarded, honors, and major field.

(iii) If any inquiry is made in person or by mail, the following information may be given in addition to that in subsection (ii) immediately above: Address and telephone number, date of birth, and unless the student has instructed the registrar's office not to release copies of his transcript without his written authorization, academic information from the transcript will be released when it is clear the institution is being cited as an educational reference.

(iv) Properly identified officials from federal, state, and local government agencies may be given the ~~((following))~~ information ~~((upon express request in addition to that in subsections (ii) and (iii) immediately above: Name and address of parent or guardian if student is a minor, and any information))~~ required under legal compulsion.

(v) Unless under legal compulsion, personal access to a student's file shall be denied to any person making an inquiry.

(e) Upon graduation or withdrawal from the university, the records and files of former students shall continue to be subject to the provisions of this section((f)).

(10) Procedural Standards in Disciplinary Proceedings. Disciplinary proceedings must guarantee fundamental concepts of ((fair play (f))) due process((f)). The procedural requirements of due process may vary with the seriousness of the charge. In every proceeding in which a major disciplinary action is contemplated, the student shall have the rights of due process, including at least:

(a) The student shall be informed, in writing, of the reasons for the proposed disciplinary action, including charges, with sufficient time to ensure opportunity to prepare for the hearing.

(b) The burden of proof shall rest upon the official bringing the charge.

(c) Upon request, the right to: Closed proceedings, confrontation and cross-examination of witnesses, be present, challenge any member hearing the case and witnesses, a record of the appeal at least one step beyond the initial determination.

(d) All matters upon which the decision may be based must be introduced into evidence at the proceeding. The decision shall be based solely upon such matter. Illegally acquired evidence may not be admitted.

(e) No person who is otherwise interested in the particular case may sit in judgment during the proceeding.

(f) The decision shall be final subject only to the student's right ((to) (of)) to appeal.

(11) Procedural Standards in Student Complaint Proceedings. If students have complaints of infringement of their rights, they shall, on request, have a hearing. Minimum requirements of procedural due process for all persons ((shall) (should)) shall include those in WAC 172-114-030(10) and:

(a) The University Disciplinary Committee ((should)) shall include both faculty and student members.

(b) The decision of the University Disciplinary Committee should be final, subject only to the right of appeal by parties concerned.

(12) Dual Membership. Activities of students may upon occasion result in violation of law. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority ((should)) shall never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinctly and clearly involved ((should)) shall the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his off-campus activity, such as those relating to class attendance, ((should)) shall be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure.

AMENDATORY SECTION (Amending Resolution 78-03, filed 8/16/78)

WAC 172-114-040 ARTICLE III—(~~LEGISLATION~~) COUNCIL. (1) The legislative powers of the ((A.S.)) ASEWU shall be vested in the ((legislature)) ASEWU Council and may not be transferred.

(2) (~~All legislation shall include: The names of the sponsor(s), date of introduction, committee referred to— if any, disposition, and date of disposition, signatures of A.S. Speaker and A.S. President; take effect immediately upon signature by the A.S. President or override of his veto by the A.S. Legislature, and shall continue in effect until five years from the last date of signature or override or until rescinded.~~)

(3) The voting members of the legislature shall consist of fifteen representatives known as legislators, elected by numbered, at-large positions for one year terms. The legislators shall take office on the last day of the quarter in which they are elected, as follows: Positions 1 through 5, elected Fall Quarter; Positions 6 through 10, elected Winter Quarter; Positions 11 through 15, elected Spring Quarter. Provided, that no person may hold more than one voting seat in the legislature, and the A.S. President and A.S. Vice President may not hold voting seats in the legislature.

(4) Candidates/members for/of the legislature shall be members of the A.S. and have/maintain a two point cumulative grade point average, be enrolled for and complete six credit hours in the previous quarter (excluding summer quarter), and have at least one quarter in residence. A legislator's office shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in A.S. (excluding summer quarter), or declaration of nonperformance of duties stated in this Constitution, or violation of this Constitution, by the A.S. Superior Court. Legislators who miss three full regularly scheduled consecutive meetings or four full regularly scheduled meetings during a quarter shall have their seat declared vacant by the A.S. Speaker. All vacancies shall be filled for the balance of the term at the next regularly scheduled election.

(5) The legislature shall be the judge of all of the A.S. election returns and of the qualifications of its legislators and a majority of its legislators shall constitute a quorum; there shall be no proxy voting, and there shall be no secret balloting.

(6) The legislature shall meet not less than once each month during Fall, Winter, and Spring Quarters, and at special meetings called by the Speaker, one-third of its legislators, or by the presentation to the President of a petition signed by five percent of the A.S. All meetings shall be open to the public, a record shall be kept of the votes taken therein, and copies of the minutes shall be available to any member of the university community upon request.

(7) The legislature shall have the following powers and duties:

(a) Be responsible for its own organization, election of legislative committees, the employment and supervision of those employees whom it deems necessary to assist it or individual legislators in the exercise of their legislative

duties and powers, provided it budgets for same, and said salaries shall not exceed a cabinet member's salary.

(b) Elect an A.S. legislator to the position of Speaker the third meeting of Fall, Winter, and Spring Quarters, who shall serve one quarter not counting Summer Quarter. Vacancies occurring in the Speaker's office shall be filled in the same manner for the balance of the unexpired term.

(c) Elect an A.S. legislator to the position of Speaker Pro-Tem the third meeting of Fall, Winter, and Spring Quarters who shall serve one quarter not counting Summer Quarter. Vacancies occurring in the Speaker Pro-Tem's office shall be filled in the same manner for the balance of the unexpired term.

(d) The legislature shall elect from among its members a Legislative Coordinator to serve during Summer Quarter who may receive a salary not to exceed that of a cabinet member.

(e) Shall enforce this Constitution.

(f) May remove a cabinet officer for nonperformance of duties or violation of this Constitution.

(g) May request the A.S. Superior Court to find the A.S. President guilty of nonperformance of duties stated in this Constitution or violation of this Constitution.

(h) Upon a two-thirds vote of the A.S. Legislature, the A.S. President may be recalled as described in WAC 172-114-080(5).

(i) No legislative committee shall have the authority to delay presentation to the full legislature legislation referred to it for more than two meetings without permission of the sponsor.

(j) Budget and disbursement of all funds on behalf of A.S.

(k) Cause to have published an annual Financial Statement and Audit.

(l) Establish policies for and have supervision of all officials, budgets, committees, and organizations.

(m) Render advice upon and approve or reject all appointments made by officials of the Associated Students of Eastern Washington University.

(n) Publish the A.S. Committee Manual stating the membership, eligibility, purpose, and duties of each committee.

(o) Approve and remove persons to and from committees.

(p) Enact all legislation necessary to ensure that its policies are enforced.

(q) Do anything else necessary or convenient to carry out this Constitution.

(r) By a two-thirds vote of the A.S. Legislature, the A.S. Legislature may override a veto by the A.S. President.

(8) The Speaker shall have the following powers and duties: Prepare the agenda for and chair all meetings of the legislature, call meetings of the legislature, prepare a schedule of regular meetings at the beginning of Fall, Winter, and Spring Quarters for the advice and consent of the A.S. Legislature; appoint a clerk and other assistants which may be beneficial to the performance of his office or the functioning of the legislature, with its advice and consent, and to request salaries for the same, not to exceed a cabinet member's salary; shall be responsible for executing legislative decisions, all administrative

matters of the legislature; make all legislative appointments, except as otherwise provided in this Constitution, subject to the advice and consent of the legislature, assume the duties of the Vice President during the Vice President's absence or disability or vacancy of the office of Vice President until the vice presidential vacancy is filled as provided for in Article IV, section (2) (WAC 172-114-050(2)); and to do all things necessary or convenient to carry out such duties not in conflict with this Constitution.) Membership. The members of the ASEWU Council shall consist of nine at-large Council Members, the ASEWU President, the ASEWU Executive Vice President, and the ASEWU Finance Vice President. The voting membership of the ASEWU Council shall consist of the Executive Vice President and nine Council Members, elected by numbered, at-large positions for one year. The Council Members shall take office on the last day of the quarter in which they are elected, as follows: Positions 1 through 3 elected fall quarter, positions 4 through 6 elected winter quarter, positions 7 through 9 elected spring quarter. No person shall hold more than one elected position on the Council. The ASEWU President and ASEWU Finance Vice President shall have all Council membership rights excluding voting.

(3) Meetings. The ASEWU Council shall meet not less than four times during each quarter (excluding summer quarter), and special meetings may be called by the ASEWU Executive Vice President, by one-third of the Council Members, or by a presentation of a petition to the ASEWU Council signed by five percent of the ASEWU. All meetings shall be open to the public. A record shall be kept of the votes taken therein, and copies of the minutes shall be available to any member of the University community upon request.

(a) Quorum. The ASEWU Council meetings shall have quorum being a majority of the ASEWU Council Members.

(b) Proxy Voting. There shall be no proxy voting.

(4) Legislation. All legislation shall include: The names of the sponsor(s); date of introduction; committee referred to, if any, disposition and date of disposition; signature of the ASEWU Executive Vice President and the ASEWU President, or override of his/her veto by the ASEWU Council; and shall continue in effect until five years from the last date of signature, an override, or until rescinded.

(5) Council Powers and Duties. The ASEWU Council shall have the following policies and duties:

(a) The ASEWU Council shall enforce this Constitution.

(b) The ASEWU Council shall serve as the official representative of ASEWU.

(c) The ASEWU Council shall enact all legislation necessary to ensure that its policies are enforced.

(d) The budgeting authority of the ASEWU shall be vested in the ASEWU Council and may not be transferred.

(i) The budget shall include all funds, revenues, and reserves; shall be divided into programs, subprograms, and objects of expense and shall include supporting data; shall indicate as to each program, subprogram, or object

of expense the actual expenditures of the preceding year; and shall include any proposed capital improvement program for the next six fiscal years.

(ii) Regular budgets shall be those budgets adopted during Spring quarter for the following fiscal year. Supplemental budgets shall be all other budget requests made throughout the year. Copies of the budgets shall be delivered to each member of the ASEWU Council and be available to any member of the University community upon request.

(iii) Unless otherwise provided by the appropriation legislation, all unexpended and unencumbered appropriations in the current expense appropriation legislation shall lapse at the end of the fiscal year. An appropriation in the capital budget appropriation legislation shall lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three years.

(iv) Any expenditure in excess of an appropriation shall be null and void; and any official, agent, or employee knowingly responsible shall be personally liable to anyone damaged by this action; providing the ASEWU Council may permit the ASEWU to enter into contracts requiring the payment of funds from appropriation of subsequent fiscal years.

(v) The ASEWU Council shall publish an annual Financial Statement summarizing the regular ASEWU budget.

(vi) The ASEWU Council may request an annual audit, provided it budgets for the same.

(e) By a two-thirds vote of the ASEWU Council, the ASEWU Council may override a veto by the ASEWU President.

(f) The ASEWU Council shall be responsible for its own organization in the establishment and election of subcommittees and their membership. No ASEWU Council subcommittee, having legislation referred to it, shall have the authority to delay presentation to the full Council for more than two meetings without the permission of the sponsor.

(g) The ASEWU Council shall be responsible for the employment of those employees it deems necessary to assist the Council in the exercise of their Council duties and powers, provided it budgets for the same. The appointment for such employment, presented by the ASEWU Executive Vice President, shall receive the advice and consent of the ASEWU Council.

(h) Committees. The ASEWU Council shall be responsible for student representation on all University Committees, councils of the Academic Senate and their subcommittees, and ASEWU Committees.

(i) Appointment to such committees, presented by the ASEWU President, shall receive the advice and consent of the ASEWU Council.

(ii) Students appointed to these committees shall serve at the discretion of the ASEWU Council.

(iii) All student appointments to these committees shall serve one year terms, beginning on the date of confirmation of the appointment and shall terminate one year after that appointment, unless otherwise specified in the committee structure.

(iv) Committees or committee chairpersons shall submit to the ASEWU a copy of all agendas and minutes.

(v) The ASEWU Council shall publish the ASEWU Committee Manual stating the membership, eligibility, purpose, and duties of all committees with student representation.

(i) Election returns. The ASEWU Council shall be the judge of all the ASEWU election returns and of the qualifications of its membership as prescribed in Article IV of this Constitution.

(j) ASEWU Council positions shall be declared vacant:

(i) When ASEWU Council Members miss three full, regularly scheduled, consecutive meetings, or four regularly scheduled meetings during a quarter.

(ii) When ASEWU Council Members violate academic qualifications as described in Article IV of this Constitution.

(iii) Upon the incumbent's death, resignation, recall, or withdrawal from membership in ASEWU (excluding summer quarter).

(iv) By declaration of nonperformance of duties stated in this Constitution by the ASEWU Superior Court.

(k) Chairperson Pro Tem. The ASEWU Council shall elect an ASEWU at-large Council Member to the position of Chairperson Pro Tem the second meeting of fall, winter, and spring quarters, who shall serve one quarter (excluding summer quarter). Vacancies occurring in the Chairperson Pro Tem's office shall be filled in the same manner for the balance of the unexpired term.

(6) ASEWU President. The ASEWU President, serving as an ASEWU Council Member, shall act as the chief officer and representative spokesperson on behalf of the ASEWU Council.

(a) The ASEWU President shall be responsible for executing Council and Judicial decisions.

(b) The ASEWU President may veto any legislative bill or supplemental budget passed by the ASEWU Council within three working days of passage, shall sign all legislation within three working days of passage, or override of veto by the ASEWU Council.

(c) The ASEWU President may create cabinet positions and appoint cabinet officers with the advice and consent of the ASEWU Council, who shall serve at his/her discretion, provided it budgets for the same.

(d) The ASEWU President shall make appointments in an expeditious manner, with the advice and consent of the ASEWU Council.

(e) The ASEWU President shall hold twice-a-month staff meetings with the ASEWU Executive Vice President, ASEWU Finance Vice President, Provost for Student Service, ASEWU Business Manager, and Coordinator of Student Activities.

(f) The ASEWU President or his/her designee shall supervise all ASEWU elections and shall be responsible for validating all positions.

(7) ASEWU Executive Vice President. The ASEWU Executive Vice President shall chair the ASEWU Council, as a voting member.

(a) The ASEWU Executive Vice President shall assume other duties delegated by the ASEWU President.

(b) The ASEWU Executive Vice President shall prepare the agenda for and chair all meetings of the ASEWU Council; shall call meetings of the ASEWU Council; shall prepare a schedule of all regular meetings for fall, winter, and spring quarters with the advice and consent of the ASEWU Council.

(c) The ASEWU Executive Vice President shall appoint a clerk, with the advice and consent of the ASEWU Council.

(d) The ASEWU Executive Vice President shall be responsible for all administrative matters of the ASEWU Council.

(e) The ASEWU Executive Vice President shall assume the duties of the ASEWU President during the President's absence or disability.

(8) ASEWU Finance Vice President. The ASEWU Finance Vice President shall be member of the ASEWU Council.

(a) ASEWU Finance Vice President shall be responsible for the management of all ASEWU moneys and properties.

(b) ASEWU Finance Vice President shall supervise all expenditures of ASEWU funds.

(c) ASEWU Finance Vice President shall be a voting member and chair the finance subcommittee of the ASEWU Council.

(d) ASEWU Finance Vice President shall present to the Council a published financial statement each month summarizing ASEWU funds for that month.

(e) ASEWU Finance Vice President shall publish an annual budget book summarizing the upcoming year's budget requests and recommendations as well as budget requests and the budgeted amounts for the past five years.

(f) ASEWU Finance Vice President shall assume other duties delegated by the ASEWU President.

(9) Salaries. Elected and appointed members of the ASEWU shall be paid on the following basis.

(a) The ASEWU President shall receive a quarterly (12 month) salary based upon the quarterly cost of in-state tuition, double occupancy room and board, and four hundred dollars.

(b) The ASEWU Executive Vice President and the ASEWU Finance Vice President shall receive a quarterly (9 month) salary based upon the quarterly cost of in-state tuition, double occupancy room and board, and two hundred and fifty dollars.

(c) ASEWU Cabinet members shall receive a quarterly (9 month) salary not to exceed two-thirds of that of the ASEWU Executive Vice President or the ASEWU Finance Vice President.

(d) The ASEWU Council Clerk and other ASEWU Council employees shall receive a quarterly (9 month) salary not to exceed two-thirds of that of the ASEWU Executive Vice President or the ASEWU Finance Vice President.

(e) The ASEWU at-large Council Members may receive a quarterly salary not to exceed the in-state tuition rate, provided it budgets for the same.

(10) Vacancies.

(a) The positions of ASEWU Council Members, ASEWU President, ASEWU Executive Vice President,

ASEWU Finance Vice President shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in ASEWU (excluding summer quarter for the ASEWU Executive Vice President, ASEWU Finance Vice President, and ASEWU Council Members), or declaration of nonperformance of duties stated in this Constitution by the ASEWU Superior Court.

(b) In the case of a vacancy in the office of the ASEWU President, the ASEWU Executive Vice President shall assume the office of the ASEWU President to serve with full authority and power for the remainder of the unexpired term.

(c) In the case of a vacancy in the office of the ASEWU Executive Vice President, the Council Pro Tem shall assume the office of the ASEWU Executive Vice President to serve with full authority and power for the remainder of the unexpired term.

(d) In the case of a vacancy in office of the ASEWU Finance Vice President, the ASEWU President shall appoint, with the advice and consent of the ASEWU Council, an ASEWU member to assume the office of ASEWU Finance Vice President to serve with full authority and power until the next regularly scheduled election, at which time a member of ASEWU shall be elected to serve the balance of the term.

(e) In the case of a vacancy of a Council position, a member of the ASEWU shall be elected at the next regularly scheduled election to serve for the balance of that term.

(11) Terms.

(a) The terms of the ASEWU President and the ASEWU Executive Vice President shall be for one year and shall be elected winter quarter and take office the last day of winter quarter.

(b) The term of the ASEWU Finance Vice President shall be for one academic year and one quarter (excluding summer quarter), taking office the last day of winter quarter to the last day of spring quarter. During the overlapping terms of the outgoing and incoming of the ASEWU Finance Vice President, it shall be the duty of the incumbent ASEWU Finance Vice President to prepare and present a proposed budget for ASEWU to the ASEWU Council. The incoming ASEWU Finance Vice President shall have no authority or power to execute transactions during this overlapping period. It shall be the duty of the incumbent ASEWU Financial Vice President to serve as chair of the Finance Subcommittee of the ASEWU Council. The incoming ASEWU Finance Vice President shall serve as a member of the ASEWU Council and the Finance Subcommittee of the ASEWU Council.

AMENDATORY SECTION (Amending Resolution 78-03, filed 8/16/78)

WAC 172-114-050 ARTICLE IV—((EXECUTIVE)) ELECTIONS. (1) ((The executive power of the A.S. shall be vested in the A.S. President and A.S. Vice President and may not be transferred.

(2) Candidates for the offices of and the A.S. President and A.S. Vice President shall be members of the A.S., shall have/maintain a two point cumulative grade

average, be enrolled for and complete six credit hours in the previous quarter (excluding Summer Quarter for the A.S. Vice President), shall have a minimum of five quarters as a full-time student, at least three of which shall be in residence at the university immediately prior to election for office. The A.S. President's and A.S. Vice President's office shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in A.S. (excluding Summer Quarter for the A.S. Vice President), or declaration of nonperformance of duties [states] [stated] in this Constitution or violation of this Constitution, by the A.S. Superior Court. In case of vacancy in the office of the presidency, the Vice President shall assume the presidency for the balance of the unexpired term.

(3) The President and Vice President shall serve one year terms, or until a successor takes office, taking office on the ninth Thursday of the quarter in which they are elected, which shall be Spring Quarter.

(4) The President shall serve as the chief executive officer and representative of A.S., shall enforce this Constitution; shall be responsible for executing legislative and judicial decisions; shall present to the legislature, at its first meeting of each quarter, his executive request legislation; may veto any legislative bill or supplemental budget passed by the A.S. Legislature within three working days of passage; shall sign all legislation within three working days of passage or override of veto by the A.S. Legislature; may create cabinet positions and appoint cabinet officers with the advice and consent of the legislature, who will serve at his pleasure except as provided for in Article III, section (7)(f) (WAC 172-114-040(7)(f)), and request salaries for such cabinet officers not to exceed the limit in Article VIII, section (7) (WAC 172-114-090(7)); make all appointments in an expeditious manner, except as otherwise provided for in this Constitution, subject to the advice and consent of the legislature; shall hold twice a month executive meetings with the A.S. Vice President, Cabinet, Speaker, and Speaker Pro-Tem while the university is in session; all administrative matters and programs of A.S. except as otherwise provided for in this Constitution; may request the A.S. Superior Court to find an A.S. Legislator guilty of nonperformance of his duties stated in this Constitution or violation of this Constitution; and do all things necessary or convenient to carry out such duties not in conflict with this Constitution.

(5) The Vice President shall assume the office of A.S. President upon that position being vacant as provided for in Article IV, section (2) (WAC 172-114-050(2)); assume any duties delegated by the President; shall supervise all A.S. elections; shall be responsible for validating all petitions; and assume the duties of the President during the President's absence or disability.)) Election Schedule. Filing shall open on the fifth Thursday of fall, winter, and spring quarters. Filing shall close on the sixth Thursday, the ASEWU primary election shall be on the seventh Thursday, and the ASEWU general election on the eighth Thursday.

(2) Qualifications for Office.

(a) All candidates for and members of the ASEWU Council shall have/maintain a two point cumulative

grade point average at the University and be enrolled for, and complete, six credit hours the previous quarter (excluding summer quarter).

(b) Candidates for ASEWU Council at-large positions shall have at least one quarter in residence at the University immediately prior to election of office.

(c) Candidates for ASEWU President, Executive Vice President, and Finance Vice President shall have a minimum of three quarters as a full-time student at a higher education institution, at least one of which shall be in residence at the University immediately prior to election of office.

(3) Filing.

(a) Those candidates filing for office, and are qualified at such time, shall have their names entered on the primary election ballot.

(b) A random selection drawing will determine the order of candidate placement on the ballot.

(4) Polling Places.

(a) The polls shall be located at:

(i) Pence Union Building.

(ii) Tawanka Commons.

(iii) And as otherwise provided by the ASEWU Council.

(b) The polls shall be open from 7:30 a.m. until 7:00 p.m., and members of ASEWU shall be allowed to vote upon presentation of suitable identification.

(c) Two election clerks shall be assigned to each polling place, and they shall be solely responsible for supervising the ballots, ballot boxes, and voting at the polling places. They may not be, or related to, a candidate. They shall be employed through the office of the ASEWU President.

(d) Any member of ASEWU may present an "Application of Absent Voter" form to the office of the ASEWU President.

(5) Votes Cast.

(a) All votes shall be cast by secret ballot.

(b) All ballots shall be kept under lock and key for six months after the election.

(c) All members of ASEWU shall be allowed to vote once in an election.

(6) Interpretation of Results.

(a) A candidate is elected to office when receiving a plurality of votes cast, that being at least forty percent.

(b) The two candidates receiving the highest number of votes for each office in the primary, who are qualified, shall have their names entered on the final election ballot: PROVIDED, HOWEVER, That in case of a tie for the second highest number of votes for that office, who are qualified, shall have their names entered on the final election ballot.

Write-in candidates shall have the option of removing their names from the ballot.

(c) Should no candidate receive a plurality of at least forty percent in the final election, a run-off election shall be held one week after the final election between the two persons receiving the highest number of votes in the final election, who are qualified, and only ballots for those two persons shall be counted: PROVIDED, HOWEVER, That in case of a tie for the second highest number of votes in the final election, the run-off election shall be

between those candidates receiving the highest number of votes for the office, and only ballots for those candidates shall be counted.

(d) Should no candidate receive a plurality of at least forty percent in a run-off election, the ASEWU Council shall select the winner from between those entered on the run-off election ballot, by a two-thirds majority of the Council Members at its next meeting.

AMENDATORY SECTION (Amending Resolution 78-03, filed 8/16/78)

WAC 172-114-060 ARTICLE V—((ELECTIONS)) JUDICIAL. (1) ((There shall be a regular A.S. election on the eighth Thursday of Fall, Winter, and Spring quarters; it shall be preceded by a primary election one week prior; filing shall close one week prior to the primary election and shall open one week prior to closing.

(2) The positions of legislators, President, Vice President, and vacancies therein shall be filled through regular elections with a majority of ballots cast being required for election.

(3) All those candidates who filed in the A.S. office by 5:00 o'clock P.M. on the last day of filing and are qualified shall have their names entered on the primary election ballot. The two candidates receiving the most votes for each office in the primary, who are qualified, shall have their names entered on the final election ballot. PROVIDED, HOWEVER, That in case of a tie for the second most votes in the primary, the three candidates receiving the most votes for that office who are qualified shall have their names entered on the final election ballot.

(4) Should no candidate receive a majority in the final election, a run-off election shall be held one week after the final election between the two persons receiving the most votes in the final election, who are qualified, and only ballots for those two persons shall be counted. PROVIDED, HOWEVER, That in case of a tie for the second most votes in the final election, the run-off election shall be between the three candidates receiving the most votes for the office, and only ballots for those three persons shall be counted.

(5) Should no candidate receive a majority in a run-off election, the legislature shall select the winner from between those entered on the run-off election ballot, by a majority of the legislators at its next meeting.

(6) All votes shall be cast by secret ballot. The names of the candidates shall appear on the ballot in the order in which filed. All ballots shall be kept under lock and key for six months after each election.

(7) The polls shall be located at:

- (a) Pence Union Building;
- (b) Tawanka Commons; and

(c) As otherwise provided for by the legislature.

The polls shall be open from 8:00 o'clock a.m. until 7:00 o'clock p.m., and members of A.S. shall be allowed to vote upon presentation of suitable identification, providing that they shall be allowed to vote but once in each election.

(8) Any member of A.S. may present an "Application of Absent Voter" form to the Office of A.S. Vice President or his/her designee for an absentee voter ballot.

(9) Two election clerks shall be assigned to each polling place and they shall be solely responsible for supervising the ballots, ballot boxes, and voting at the polling place. They may not be, nor related to, any current student. They shall be employed through the office of the A.S. Vice President.) The judicial authority of the ASEWU shall be vested in an ASEWU Superior Court and such lesser courts as the ASEWU Council may establish.

(2) Requirements. The judges, both of the ASEWU Superior and lesser courts, shall be members of the ASEWU, have/maintain a two point cumulative grade point average, and be enrolled for and complete six credit hours in the previous quarter (excluding summer quarter).

(3) Term of Office. Members of the ASEWU Superior and lesser courts shall serve until they resign, cease to be a member of ASEWU (excluding summer quarter), or shall be impeached and convicted for cause brought by a petition signed by at least three-fourths of the ASEWU Council Members and tried by the University Disciplinary Committee.

(4) Powers. The ASEWU Superior Court shall serve as a court of equity, the highest appellate court in the student judicial system, and shall have full powers of judicial review.

(5) Meeting Quorum. No court may render an opinion, hear evidence, nor pass judgment in the absence of a quorum, which shall be a majority of the court.

(6) Membership. The ASEWU Superior Court shall consist of seven justices who shall select from its members one who shall serve as ASEWU Chief Justice, the others serving as Associate Justices.

(7) Chief Justice. It shall be the duty of the ASEWU Chief Justice to preside as chairman and chief officer at all meetings of the ASEWU Superior Court. The ASEWU Chief Justice may appoint a court clerk and other assistants who may be beneficial to the functioning of the ASEWU Superior Court, with the advice and consent of the ASEWU Council, and to request salaries for the same.

(8) Appointment. The members of the ASEWU Superior Court shall be appointed by the ASEWU President with the advice and consent of the ASEWU Council. Vacancies shall be filled in the same manner.

(9) Judicial Procedure. The procedure of the judicial shall follow those principles of the United States law insofar as deemed practical and advisable by the bodies, and all proceedings of the judicial shall be recorded. All decisions shall be accompanied by a written opinion expressing the majority opinion and may be accompanied by dissenting or concurring written opinions. A copy of all ASEWU Superior Court case records and court decisions and opinions shall be maintained in the University Library.

(10) The ASEWU Superior Court and lesser courts shall hear all cases and render opinions in as expeditious a manner as possible.

AMENDATORY SECTION (Amending Resolution 78-03, filed 8/16/78)

WAC 172-114-070 ARTICLE VI—((JUDICIAL)) RESCIND, RECALL, INITIATIVE, REFERENDUM, AND INSPECTION OF RECORDS. (1) ((The judicial authority of the A.S. shall be vested in a Superior Court and such lesser courts as the A.S. Legislature may from time to time establish. The judges, both of the Superior and lesser courts, shall be members of the A.S., have/maintain a two point cumulative grade average[,] and be enrolled for and complete six credit hours in the previous quarter (excluding Summer Quarter). Members of the Superior Court and lesser courts shall serve until they resign, cease to be a member of A.S. (excluding Summer Quarter), or shall be impeached and convicted for cause brought by a petition signed by at least three-fourths of the legislators and tried by the University Disciplinary Committee.

(2) The Superior Court shall serve as a court of equity, the highest appellate court in the student judicial system, and shall have full powers of judicial review.

(3) No court may render an opinion, hear evidence, nor pass judgment in the absence of a quorum, which shall be a majority of the court.

(4) The Superior Court shall consist of seven Justices who shall select from their members one who shall serve as Chief Justice, the others serving as Associate Justices. It shall be the duty of the Chief Justice to preside as chairman and chief officer at all meetings of the Superior Court and may appoint a court clerk and other assistants which may be beneficial to the functioning of the Superior Court, with the advice and consent of the legislature, and to request salaries for the same, not to exceed a cabinet member's salary.

(5) The Justices of the Superior Court shall be appointed by the President with the advice and consent of the legislature. Vacancies shall be filled in the same manner.

(6) The procedure of the judicial shall follow those principles of United States law insofar as deemed practical and advisable by the bodies, and all proceedings of the judicial shall be recorded. All decisions shall be accompanied by a written opinion expressing the majority opinion and may be accompanied by dissenting or concurring written opinions. A copy of all Superior Court case records and court decisions and opinions shall be maintained in the University Library.

(7) The Superior Court and lesser courts shall hear all cases and render opinions in as expeditious manner as is possible:)) Upon receiving a petition signed by at least ten percent of the members of the ASEWU, any act of any official, committee, or organization existing under the ASEWU may be rescinded or amended as described in subsection (5) of this section.

(2) Upon receiving a petition signed by at least ten percent of the members of ASEWU, any elected official of the ASEWU may be recalled as described in subsection (5) of this section.

(3) Upon receiving a petition signed by at least ten percent of the members of ASEWU, the ASEWU

Council shall provide for an initiative as described in subsections (5) and (6) of this section.

(4) The ASEWU Council shall provide for a referendum vote whenever a majority of the legislators approve the presentation of such as described in subsection (5) and (6) of this section.

(5) Such rescind, recall, initiative, or referendum shall be submitted to the members of the ASEWU at the next regular election or at a special election called earlier by the ASEWU Council for that purpose: PROVIDED, HOWEVER, That if the proposed initiative is enacted by the ASEWU Council prior to the election, it shall not be placed on the ballot nor voted upon. The rescind, recall, initiative, or referendum measure shall be adopted if a majority of those voting on the measure vote in favor of it; whereupon the measure shall become effective immediately.

(6) Any initiative or referendum shall be binding upon the ASEWU, its officials, committees, and organizations until five years from the last date of passage or until rescinded. Such legislation may only be rescinded by a subsequent initiative or referendum election.

(7) All official documents shall be open for public inspection.

AMENDATORY SECTION (Amending Order 74-8, filed 11/1/74)

WAC 172-114-080 ARTICLE VII—((RESCIND, RECALL, INITIATIVE, REFERENDUM, AND INSPECTION OF RECORDS)) PARLIAMENTARY AUTHORITY. ((1) Upon receiving a petition signed by at least ten per cent (10%) of the members of A.S., any act of any official, committee, or organization existing under the A.S. may be rescinded or amended as described in WAC 172-114-080(5).

(2) Upon receiving a petition signed by at least ten per cent (10%) of the members of A.S., any elected official of the A.S. may be recalled as described in WAC 172-114-080(5).

(3) Upon receiving a petition signed by at least ten per cent (10%) of the members of A.S., the Legislature shall provide for an initiative as described in WAC 172-114-080(5) and (6).

(4) The Legislature shall provide for a referendum vote whenever a majority of the legislators approve the presentation of such as described in sections WAC 172-114-080 (5) and (6).

(5) Such rescind, recall, initiative, or referendum shall be submitted to the members of the A.S. at the next regular election, or at a special election called earlier by the Legislature for that purpose; provided, however, that if the proposed initiative is enacted by the Legislature prior to the election, it shall not be placed on the ballot nor voted upon. The rescind, recall, initiative, or referendum measure shall be adopted if a majority of those voting on the measure vote in favor of it; whereupon the measure shall become effective immediately.

(6) Any initiative or referendum shall be binding upon the A.S., its officials, committees, and organizations until five (5) years from the last date of passage or until rescinded. Such legislation may only be rescinded by a subsequent initiative or referendum election.

~~(7) All official documents shall be open for public inspection.)) For procedures not covered by the ASEWU Constitution, By-Laws, and special rules, the latest edition of Robert's Rules of Order, Newly Revised, shall govern.~~

AMENDATORY SECTION (Amending Resolution 78-03, filed 8/16/78)

~~WAC 172-114-090 ARTICLE VIII—((BUDGETING)) AMENDMENTS. (1) ((The budgeting authority of the A.S. shall be vested in the legislature and may not be transferred.~~

~~(2) The budget shall include all funds, revenues, and reserves, shall be divided into programs, subprograms, and objects of expense and shall include supporting data, shall indicate as to each program, subprogram, or object of expense the actual expenditures of the preceding two fiscal years and requested appropriations for the next fiscal year, and shall include any proposed capital improvement program for the next six fiscal years.~~

~~(3) Copies of the budget shall be delivered to each member of the legislature and be available to any member of the university community upon request.~~

~~(4) Unless otherwise provided by the appropriation legislation, all unexpended and unencumbered appropriations in the current expense appropriation legislation shall lapse at the end of the fiscal year. An appropriation in the capital budget appropriation legislation shall lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three years.~~

~~(5) Any expenditure in excess of an appropriation shall be null and void, and any official, agent, or employee knowingly responsible shall be personally liable to anyone damaged by his action, providing the legislature may permit the A.S. to enter into contracts requiring the payment of funds from appropriations of subsequent fiscal years.~~

~~(6) Regular budgets shall be those budgets adopted during Spring Quarter for the following fiscal year. Supplemental budgets shall be all other budget requests made throughout the year.~~

~~(7) The A.S. President and A.S. Speaker shall receive quarterly salaries based upon the following formula: Quarterly cost of in-state tuition, double occupancy room and board, and \$100 for expenses. The A.S. Vice President shall receive a quarterly salary, except for Summer Quarter, based upon the following formula: Quarterly cost of in-state tuition and double occupancy room and board. Cabinet officers may be paid no more than one-half of the A.S. President's salary.)) This Constitution may be amended by a two-thirds vote of those voting on the proposed modification at any regular election, provided that ten percent of the members of ASEWU vote in that election. If adopted, it shall become effective upon approval, as prescribed under Administrative Procedure Act hearing rules, by the Board of Trustees.~~

(2) Proposed constitutional amendments shall be presented to the members of the ASEWU for approval upon the request of at least two-thirds of the voting

members of the ASEWU Council or upon petition of at least ten percent of the ASEWU.

(3) The By-Laws, may be amended by a two-thirds vote of the voting members of the ASEWU Council provided that written notice of such amendment has been given at the previous meeting, or by a majority of ASEWU voting on the proposed modification at any regular election and if so adopted shall become effective immediately.

(4) Proposed By-Law amendments shall be presented to the members of the ASEWU for approval upon the request of at least one-half of the voting members of the ASEWU Council or at least ten percent of the members of the ASEWU.

(5) Approved constitutional and By-Law amendments shall be incorporated into the article, section, and clause of the Constitution or By-Laws to which they refer.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 172-114-100 PARLIAMENTARY AUTHORITY.
(2) WAC 172-114-110 AMENDMENTS.

WSR 81-03-013

ATTORNEY GENERAL OPINION

Cite as: **AGLO 1981 No. 1**

[January 2, 1981]

PENSIONS—RETIREMENT—LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS—CONSTITUTIONALITY OF PROPOSED DISABILITY RETIREMENT AMENDMENTS

Analysis and determination, under the Bakehus rule, of the constitutionality of three proposed bills relating to disability retirement for certain municipal law enforcement officers and fire fighters, distinguishing between substantive and procedural changes in the law.

Requested by:

Honorable Joe Taller
State Rep., 36th District
2852 - 42nd Avenue West
Seattle, Washington 98199

WSR 81-03-014

**ADOPTED RULES
STATE EMPLOYEES
INSURANCE BOARD**

[Order 1-81—Filed January 9, 1981]

Be it resolved by the State Employees Insurance Board, acting at the Department of Personnel, Board Room, 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to

medical plan options between open enrollments, amending WAC 182-08-111 and criteria for selection of insurance company for automobile and homeowners insurance, adopting WAC 182-08-300.

This action is taken pursuant to Notice No. WSR 80-18-044 filed with the code reviser on December 3, 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 State Employees Insurance Board as authorized in chapter 41.05 RCW.

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

APPROVED AND ADOPTED January 9, 1981.

By C.H. Shay
Group Insurance Analyst

AMENDATORY SECTION (Amending Order 2-79, filed 10/18/79)

WAC 182-08-111 MEDICAL PLAN OPTIONS BETWEEN OPEN ENROLLMENTS. The following medical plan options are available between open enrollments:

(1) Enrolled employees or retirees who move to a new home residence area may; (a) continue their present plan with a clear understanding of the out of service area restrictions of such plan, (b) change to a health maintenance organization or panel plan which was not available in their former home residence area, or (c) change from a health maintenance organization or panel plan to the insured plan if their new home residence is outside the service area of their former plan.

(2) Employees or retirees who are terminated from a health maintenance organization or panel plan because of failure to comply with the provisions of such plan may change to another SEIB medical plan which is available in their home residence area.

(3) In the case of a court order requiring an employee or retiree to provide medical coverage for an eligible spouse or child, the employee/retiree may change medical plans and add such dependent without proof of insurability.

Such enrollment changes must be made within 31 days of the date the above reason for change occurs. For subsections (1) and (2) of this section, the change in coverage becomes effective on the first of the month following the date of application. For subsection (3) of this section, the change is retroactive to the effective date of the court order.

NEW SECTION

WAC 182-08-300 CRITERIA FOR SELECTION OF INSURANCE COMPANY FOR AUTOMOBILE AND HOMEOWNERS INSURANCE. Insurance companies to be considered must meet the following criteria:

(1) Eligibility to include all employees and retirees, and their dependents, except those failing to meet eligibility requirements specified by the board.

(2) Premium cost to be paid entirely by the insured through payroll deduction for active employees and by provisions established by the board for all other eligible persons.

(3) The company must be a financially sound insurance carrier licensed to do business in the state of Washington having at least a B + BEST rating.

(4) The board may establish additional criteria as necessary to make an adequate evaluation of the proposals.

(5) The board may approve one or more carriers which meet the above criteria.

WSR 81-03-015

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order PL 365—Filed January 9, 1981]

I, R. Y. Woodhouse, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the practice of barbering including examination applications, deadline and examination scoring.

This action is taken pursuant to Notice No. WSR 80-15-111 filed with the code reviser on October 22, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.15.056 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 8, 1981.

By R. Y. Woodhouse
Director

NEW SECTION

WAC 308-16-218 APPLICATIONS FOR EXAMINATION. Applications for examination or reexamination and licensing must be received, complete in all respects including required fees, no later than 15 days prior to the beginning date of the next scheduled examination.

AMENDATORY SECTION (Amending Order PL 193, filed 6/12/75)

WAC 308-16-211 SCORING FOR PRACTICAL EXAMINATION—PERMIT. All applicants at a permit barber examination must obtain a grade average of 65% in each category of the practical examination, to wit: haircutting, shaving, massaging, shampooing and conditioning of barber tools. The final score for each

category will be based upon the scores given to the applicant by the majority of the examiners (~~((grading of the applicant in each category))~~) or be based upon the average of the scores of all examiners, whichever score is greater. A failure to obtain a final score of at least 65% in any one category will result in a failure of the entire practical examination. In the case of a failure of the examination and upon a proper retest, the applicant will be required to perform all categories of the practical examination.

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

AMENDATORY SECTION (Amending Order PL 193, filed 6/12/75)

WAC 308-16-212 SCORING FOR PRACTICAL EXAMINATION—JOURNEYMAN. All applicants for a journeyman practical examination must obtain a grade average of 75% in each category of the practical examination, to wit: haircutting, shaving, massaging, shampooing and conditioning of barber tools. The final score for each category shall be based upon the scores given to the applicant by the majority of the examiners (~~((grading the applicant in each category))~~) or be based upon the average of the scores of all the examiners, whichever is greater. A failure to obtain a final score of 75% in any one category will result in failure of the examination and upon a proper retest, the applicant will be required to perform (~~((at))~~) those categories of the practical examination in which the applicant previously failed.

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 PL 12, filed 9/12/68)

WAC 308-16-215 REEXAMINATIONS. Applicants for barber examination shall be permitted to take (~~((the entire))~~) that category of the examination, both written and practical, ((and they shall only be reexamined in either the written or practical)) which they have failed to pass: PROVIDED, HOWEVER, ((That the applicants shall not be eligible for such limited reexamination if more than one barber examination has been conducted since their taking the first portions of the examination)) That all examinations shall be completed within one year of the date of original application. If more than one year has elapsed, a new application shall be submitted and all portions of the written and practical examinations successfully completed.

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

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

AMENDATORY SECTION (Amending Order PL 14, filed 3/14/69)

WAC 308-16-216 PARTIAL WRITTEN REEXAMINATIONS. An applicant (~~((taking))~~) retaking the written barber examination, consisting of five branches, shall be reexamined only in those branches in which (~~((he))~~) s/he has failed to receive a passing grade of 75%~~((:))~~. (~~((PROVIDED, That the applicant has passed at least three branches of the examination, PROVIDED, FURTHER, the applicant shall not be eligible for such limited reexamination if more than one barber examination has been conducted since he passed the three or more portions of the written examination. An extension of time may be granted by the board upon a showing of good cause that the applicant was unable to attend an examination due to injury or illness:))~~)

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

AMENDATORY SECTION (Amending Order PL 14, filed 3/14/69)

WAC 308-16-217 PERMITTEES—PARTIAL EXAMINATION. A permit barber, upon (~~((his first))~~) examination for a journeyman barber license, shall only be required to take and successfully pass the (~~((barber services))~~) practical portion of the examination. (~~((However, if he fails to pass that examination, then it will be necessary to successfully pass both the barber services portion and the written branches of the barber examination before being granted a barber license:))~~)

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

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 81-03-016
ADOPTED RULES
DEPARTMENT OF LICENSING
[Order PL 366—Filed January 9, 1981]

I, R. Y. Woodhouse, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the practice of cosmetology, including the demonstration of cosmetics without a license; recording student hours; out of state applicant proceedings and water supply in licensed shops and schools.

This action is taken pursuant to Notice No. WSR 80-15-118 filed with the code reviser on October 22, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.18.020 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 January 8, 1981.

By R. Y. Woodhouse
Director

AMENDATORY SECTION (Amending Order PL 279, filed 12/19/77)

WAC 308-24-305 DEMONSTRATIONS AND CONTESTS. (1) Any person who represents a manufacturer, wholesaler, retailer or distributor and who for the purpose of advertising, promoting or selling any cosmetology lotion, compound, preparation, substances, equipment or supplies, may perform demonstrations of the use of application of the item, incident to the original, retail sale of the item, provided that if a person is to be used as a model, then such person must:

- (a) Voluntarily agree to serve as a demonstration model; and
- (b) Not be subject to any charge or fee for such demonstration.

However, if the demonstrator does not hold a Washington state cosmetology instructor operator license, then any such demonstration in a cosmetology school must be performed in the presence of and under the direct supervision of a duly licensed Washington state cosmetology instructor operator.

(2) A licensee, or person who does not hold a Washington state cosmetology license, may demonstrate equipment, materials, products, hairstyling, hairwaving, or haircutting in conjunction with any state-wide or regional cosmetology or hairdressing trade show provided:

(a) The demonstration is confined to the explanation or application of cosmetics, hair products, hairstyling, haircutting or other aspects of the cosmetology industry, and,

(b) The cosmetology or hairdressing trade show is conducted or designed primarily for the benefit of licensed cosmetologists or others qualified in the profession, and

(c) If the demonstration requires the use of a person as a model, then the person servicing as a model must:

- (i) Voluntarily agree to serve as a demonstration model, and
- (ii) Not be subject to any charge or fee for such demonstration.

(3) State-wide or regional contests or competition, involving a branch of cosmetology, may be conducted in places other than licensed cosmetology schools or shops, provided:

(a) The contest or competition is held for the primary purpose of generating interest in and enhancing the cosmetology profession; and,

(b) All contestants are currently licensed as cosmetologists or registered as cosmetology students; and,

(c) The general safety and sanitation regulations governing schools and shops are met; and,

(d) If the contestants are required to use a person to serve as a model, then such person must:

(i) Voluntarily agree to serve as the contestant's model; and,

(ii) Not be subject to any charge or fee for the services received from the contestant.

(4) Persons or firms desiring to conduct demonstrations other than those authorized by WAC 308-24-305(1) and (2) may request the director's approval of such demonstrations. Request must be made in writing to the director at least thirty days prior to the planned demonstration date, indicating the time, place, purpose and conduct of such demonstration.

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 PL 279, filed 12/19/77)

WAC 308-24-320 RECORDING STUDENT HOURS. (1) Each licensed school shall ~~((report))~~ record registered students' instructional hours and requirements monthly on forms provided by the director. ~~((Such reports shall normally be submitted to the director no later than the 10th of the month following the month during which earned.))~~ All original copies of the monthly reports of students' hours and requirements shall be retained in the school files so long as the student is registered and undergoing instruction in that school, with the exception of the original final report which is taken to examination. The original shall be submitted to the examining committee and a copy retained by the school. All retained reports will be made available by the school at the request of students, cosmetology executive secretary or authorized representatives. In case of separation or transfer of students, schools shall report the instructional hours and requirements earned not later than 10 days following the date of student's separation or transfer from the school.

(2) Only instructor operators or managers and the individual students will attest to the correctness of the monthly reports ~~((submitted to the director))~~.

(3) Fractional hours, if recorded on the monthly reports shall be in increments of no less than 15 minutes, i.e., 1/4, 1/2, 3/4 hours or 15, 30 or 45 minutes.

(4) ~~((Duplicate copies of the monthly reports of students' hours shall be retained in the school files so long as the student is registered and undergoing instruction in that school. These retained copies will be made available for inspection, by the school and upon request of students or state inspector representatives.))~~ No student will be given credit for more than eight hours of instruction in any one day.

(5) A duplicate copy of the student's monthly instruction ~~((hour))~~ report will be furnished to the student at the ~~((time it is submitted to the department))~~ completion of each month.

(6) ~~((No student may be given credit for more than eight hours of instruction in any one day.))~~ At the time of application for examination, the school shall submit a report of hours and requirements to date of application for each candidate. Such report to be submitted with list of all candidates, completed application and proper fee.

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 PL 319, filed 11/8/79)

WAC 308-24-403 LICENSING ((THROUGH RECIPROCFITY)) OUT OF STATE APPLICANTS WITHOUT EXAMINATION. (1) Applicants may be issued a license as a cosmetology operator, manager operator, instructor operator, manicurist manager operator, or manicurist without examination provided their qualifications, training and experience obtained in any state, territory, possession or foreign country are substantially equal to the prerequisites for such licensing in the state of Washington. Applicants seeking license ((through reciprocity)) must submit the following for review and determination as to whether they meet the licensing requirements of this state:

(a) Completed application form and fee.

(b) Certification by the state or country as to: The professional training or schooling obtained; results of any examination for licensing; and, the record of any cosmetologist, hairdressing or manicurist license issued to applicant and the period such license was active or valid.

(c) Evidence of graduation from an accredited high school or, in the case of foreign schooling, evidence of completion of a course of instruction equivalent to a high school education in the United States. Applicants who have not graduated from high school, or an equivalent foreign school, may submit evidence of GED test scores as substitute support for the high school graduation requirement.

(d) Summary of all cosmetology work experience acquired by applicant since first obtaining a cosmetology license.

(2) When determining whether ((reciprocity)) applicants meet the training requirements (2000 hours for cosmetology operator or 500 hours for manicurist) the committee will generally recognize hour-for-hour training and will give credit for 100 training hours for each three months of full time employment as a licensee outside the state of Washington, provided such experience was obtained within two years prior to the date of application.

(3) Each applicant for licensing ((through reciprocity)) without examination may be required to appear before a member of the examining committee for the purpose of confirming or ascertaining that all requirements for licensing have been met and that the individual is sufficiently knowledgeable of Washington state's cosmetology licensing act and the rules and regulations adopted thereunder.

(4) Individuals that claim training and experience was acquired in a foreign country and who support their application with evidence or certifications as set forth above will be required to furnish an official English language transcript of such documents, at their own expense. Additionally, such individuals may be tested by the committee member to determine if the applicant has

the ability to read, write and understand basic English language.

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 PL 279, filed 12/19/77)

WAC 308-24-404 LICENSING ((THROUGH RECIPROCFITY)) OUT OF STATE APPLICANTS WITH EXAMINATION. (1) ~~((Reciprocity for these applicants will be limited to t))~~ Those individuals seeking licensing who have only partially met the required professional training or experience requirements of this state may be required to take the practical and/or written examination normally required for the type of licensing applied for.

(2) These applicants will normally be given the same credit for training and experience as set forth in WAC 308-24-403 ((above)). However, because of failure to fully meet state standards the examining committee will then determine if additional training ~~((is required or if applicant may take the examination for licensing))~~ and/or examination is required.

AMENDATORY SECTION (Amending Order PL 319, filed 11/8/79)

WAC 308-24-430 STANDARD REQUIREMENTS FOR MAINTENANCE AND OPERATION OF LICENSED SHOPS OR SCHOOLS. (1) Water supply. An adequate supply of hot and cold running water of safe, sanitary quality must be provided in shampoo area, dispensary and in toilet facilities in licensed premises.

(2) Waste disposal. Waste water from fixtures must be discharged into sewers where available, or suitable facilities must be installed in accordance with ordinances or rules and regulations as prescribed by the local health offices.

(3) Plumbing. Plumbing fixtures shall be of impervious material and of a type which is readily accessible for cleaning. They shall be installed in accordance with the plumbing ordinances of the area and installed so as not to constitute a cross connection.

(4) Floors. They shall consist of hardwood, tile or composition, or be suitably covered and be maintained in good repair, provided that such covering or surface shall be free from cracks, holes, and crevices which may collect dirt and hair. There shall be no accumulation of dust or dirt on floors. Hair droppings shall be removed immediately after completion of each haircut.

(5) Walls, ceilings, and fixtures. Ceilings and walls shall be kept in good repair and clean at all times. Shelves, furniture and fixtures shall be kept clean and free of dust, dirt and hair droppings.

(6) Lighting. Lighting fixtures shall be in sufficient number and properly placed so as to provide adequate lighting on all working surfaces. This lighting may be obtained by either natural or artificial light or a combination of both. Light fixtures shall be washed at sufficient intervals to be kept clean.

(7) Cabinets. Cabinets shall be provided for storage of clean linen and towels. These shall have tight fitting doors and shall be kept closed to protect the linen and towels from dust and dirt.

(8) Receptacle for used towels. A covered receptacle (need not be air tight) which can be readily emptied and cleansed shall be provided exclusively for soiled towels and linen.

(9) Refuse. Each work station shall have a waste basket or similar container that must be emptied and cleansed daily.

(10) Garbage disposal. All garbage shall be kept in a covered container and disposed of at frequent intervals so as not to create an unsanitary condition.

(11) Brushes, combs, and implements. Brushes, combs, shears, clippers and other implements shall be thoroughly cleansed and sanitized after each patron. Hair must be removed before sanitizing.

(12) Protective papers and linens. A clean towel, not previously used for any purpose since laundering shall be placed on the head rest of facial chairs before any patron reclines in that chair. A clean towel will be placed between the head and shampoo bowl when a patron is reclined in the chair for shampooing. A paper strip or clean towel shall be placed completely around the neck of each customer before any apron or hair cloth or any other protective device is fastened around the neck.

(13) Towels. Towels and other linens used in any licensed shop or school shall be washed after every use. A clean towel shall be used for each patron. Towels shall not be washed and dried on the premises except in suitable automatic washers and dryers. Drying towels on lines in shops or schools is prohibited. If towels are self-laundered in suitable automatic washers and dryers, sufficient hot water, detergent, and bleaching agents are to be used for each washing.

(14) Creams, lotions, and fluids. Individual amounts of lotion must be poured into a clean container and applied with individual pieces of clean gauze or cotton. Creams and other semi-solid substances must be removed from the container with a spatula. Powder must be applied to patrons from bottles or dispenser. Use of brush for dusting powder is prohibited. Waving fluids shall be dispensed from suitable containers in a manner which prevents contamination of unused fluid. All containers must be covered when not in use and maintained in a clean dust-free manner.

(15) Hair nets, clippies, etc. Hair nets, clippies, pins, rollers, etc., must be washed in a warm detergent solution and kept in a clean, dust-proof storage cabinet when not in use.

(16) Permanent waving. Permanent wave end papers and neck strips must not be reused. All permanent wave rods and supplies shall be thoroughly cleaned and stored in a covered container when not in use.

(17) Toilet facilities. Every licensed shop and school shall provide adequate toilet facilities for the use of its customers, employees and/or students. Separate toilet facilities for men and women will be maintained within each licensed school. Toilet facilities will be maintained

within each licensed shop or adjacent thereto ("Adjacent thereto" is defined to mean: In a commercial building — on the same floor and within a reasonable distance; or in a residence — in close proximity to the shop and within the residential structure). The toilet rooms shall have a commode, lavatory (~~with hot and cold running water~~), soap dispenser, single service sanitary towels and waste basket. The rooms shall be lighted and ventilated. Toilet rooms and fixtures shall be kept clean and in good repair.

(18) Ventilation. All rooms in licensed shops or schools must have good ventilation. Where no windows are available for ventilation, there must be mechanical means for proper ventilation.

(19) Fixtures. Equipment in licensed shops or schools shall be of professional quality and kept immaculately clean.

(20) Dispensary. In each licensed shop or school there shall be a designated, separate and appropriate area for purposes of storing and dispensing cosmetic, manicuring or hairdressing supplies. This area will also contain the necessary facilities, ~~(or)~~ equipment and sink required for the cleansing and sanitizing of brushes, combs, rollers, pins, clippies and such other type equipment or implements.

(21) Work stands. Work stands shall be maintained in a neat, orderly manner. Equipment which has been used shall not be left lying on the work stand, but shall be placed in a container for items to be washed and sanitized. Storage drawers in work stations shall be lined with a washable or disposable material and kept free of hair and in a clean, sanitary condition.

(22) Wet sterilizer. The container must be filled with sufficient sterilizer fluid to completely cover all articles placed therein for sanitizing. Fresh solution to be made daily.

(23) Shampoo bowls. Shall be cleansed immediately after use, including removal of loose hair from trap, and tints and dyes when spilled.

(24) Pets. Except for "seeing-eye" animals accompanying in patrons, dogs, cats or pets of any kind shall not be allowed in a licensed shop or school.

(25) Booths. Licensees electing to rent or lease booths or other defined areas within their licensed shop, have the primary and direct responsibility of ensuring that all such individuals (to whom they rent or lease space) while performing services within the licensee's shop:

(a) Hold the appropriate and current license issued by the state of Washington that authorized the person to perform the services being offered to the public; and

(b) Complying with all other provisions of the law regulating the practice of cosmetology, hairdressing or manicuring (chapter 18.18 RCW) and the rules adopted thereunder (chapter 308-24 WAC).

(26) If a licensed cosmetology school is operated in connection with another business, it must be separated by solid floor-to-ceiling partition.

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 81-03-017
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 151—Filed January 12, 1981]

Be it resolved by the State Personnel Board, acting at Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to:

- Amd WAC 356-18-050 Sick leave credit—Purpose—Accrual—Conversion.
 Amd WAC 356-26-060 Certification—General methods.

This action is taken pursuant to Notice No. WSR 81-01-055 filed with the code reviser on 12/12/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 8, 1981.

By Leonard Nord
 Secretary

AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

WAC 356-18-050 SICK LEAVE CREDIT—PURPOSE—ACCRUAL—CONVERSION. (1) Sick leave credits are granted as a form of insurance to minimize loss of compensation to employees due solely to reasons specified in WAC 356-18-060.

(2) Eight hours of sick leave credit shall be granted for each month in which a full time employee is in pay status for 15 or more calendar days. Sick leave credit for part time, intermittent, hourly, or seasonal employees shall be computed and accrued at the ratio of payroll hours to payroll hours required for full time employment.

(3) Employees shall be eligible to receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose sick leave balance at the end of the previous year exceeds 480 hours may elect to convert the sick leave hours earned in the previous calendar year, minus those hours used during the year, to monetary compensation.

(i) No sick leave hours may be converted which would reduce the calendar year-end balance below 480 hours.

(ii) Monetary compensation for converted hours shall be paid at the rate of 25% and shall be based upon the employee's current salary.

(iii) All converted hours will be deducted from the employee's sick leave balance.

(b) Employees who separate from state service on or after September 1, 1979 due to retirement or death shall

be compensated for their total unused sick leave accumulation at the rate of 25%. Compensation shall be based upon the employee's salary at the time of separation. For the purpose of this subsection, retirement shall not include "vested out-of-service" employees who leave funds on deposit with the Department of Retirement Systems (DRS).

(c) No contributions are to be made to the Department of Retirement Systems (DRS) for such payments in (a) or (b) above, nor shall such payments be reported to DRS as compensation.

(4) An employee who separates for any reason other than retirement or death shall not be paid for his/her accrued sick leave.

(5) Former employees who are again employed within two years of their separation from service shall be granted all unused sick leave credits, if any, to which they were entitled at time of separation for the purpose of using sick leave for the reasons prescribed in WAC 356-18-060. Upon any subsequent retirement or death of a reemployed retiree, only that unused sick leave accrued since the original retirement minus that taken within the same period may be compensated per the conversion provisions of WAC 356-18-050(3)(b).

(6) Employees coming under the jurisdiction of the State Personnel Board from the jurisdiction of the Higher Education Personnel Board by the provisions of WAC 356-06-055(4) shall be credited with their sick leave accumulated with the Higher Education system.

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 142, filed 3/14/80)

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 MSR 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-Steno 1 Visually Handicapped
 Clerk-Steno 2 Visually Handicapped
 Clerk-Typist 1
 Clerk-Typist 2
 Dictating Machine Transcriber
 ((~~Power Keyboard Operator 1~~))
 Word Processing Operator 1
 ((~~Power Keyboard Operator 2~~))
 Word Processing Operator 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.

(8) Permanent employees certified from a ranked register for consideration of appointment, shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified, but not appointed of the action taken.

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 81-03-018
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed January 12, 1981]

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 the amending of chapter 356-34 WAC;

that such agency will at 10:00 a.m., Thursday, March 12, 1981, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, March 12, 1981, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1981, and/or orally at 10:00 a.m., Thursday, March 12, 1981, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-01-056 filed with the code reviser's office on December 12, 1980.

Dated: January 8, 1981

By: Leonard Nord
 Secretary

WSR 81-03-019
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed January 12, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 41.06.040, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd WAC 356-18-110 Vacation leave—Allowance.
 Amd WAC 356-18-150 Leave—Newborn or adoptive child care—Provision.
 Amd WAC 356-34-180 Subpoenas—Issuance—Content—Service.
 Amd WAC 356-34-220 ((~~Orders for~~)) Discovery;

that such agency will at 10:00 a.m., Thursday, March 10, 1981, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, March 10, 1981, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 41.06.040 and 41.06.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1981, and/or orally at 10:00 a.m., Thursday, March 12, 1981, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-01-055 filed with the code reviser's office on December 12, 1980.

Dated: January 8, 1981

By: Leonard Nord
Secretary

WSR 81-03-020

**NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT**

[Memorandum—January 9, 1981]

The Board of Trustees of the Seattle Community College District will have the following schedule of meetings for the 1981 year:

Month/Date	Time	Location
February 2	6:30 p.m.	SCCC
March 2	6:30 p.m.	SCDD
April 6	6:30 p.m.	SSCC
May 4	6:30 p.m.	NSCC
June 1	6:30 p.m.	SCCC
July-August	6:30 p.m.	SCDD
*September	6:30 p.m.	SSCC
October 5	6:30 p.m.	NSCC
November 2	6:30 p.m.	SCCC
December 7	6:30 p.m.	SCDD

*The Board members select a date as the first Monday in September is Labor Day.

WSR 81-03-021

**NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE**

[Memorandum—January 8, 1981]

We are providing you with the following information to comply with section 12, State Register Act, chapter 240, Laws of 1977 1st ex. sess:

The Board of Trustees of Community College District No. 20 (Walla Walla Community College) hold their regular monthly meetings in the board room on the third Thursday of each month at 3:00 p.m. This date and time is subject to change upon mutual agreement of the Board of Trustees. The practice is to meet when we can

have all five board members present rather than having it when only three can be present.

Each of our board members is either employed or conducts his/her own business, and there are times when they cannot be present on the third Thursday of the month. If there is a change from the third Thursday, all media are notified, as well as all those organizations or individuals who have requested they be notified of the board of trustees meetings.

We are again appointing as our contact person with your office Mrs. Carolyn Mundy, Administrative Assistant to the President, the rules coordinator for Walla Walla Community College, and information relative to rule-making procedures should be sent to her at Walla Walla Community College, 500 Tausick Way, Walla Walla, Washington 99362. Her SCAN telephone number is 736-4244.

WSR 81-03-022

**PROPOSED RULES
FORT STEILACOOM
COMMUNITY COLLEGE**

[Filed January 12, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Community College District No. 11 (Fort Steilacoom Community College), intends to adopt, amend, or repeal rules concerning reduction in force, repealing WAC 132K-112-200;

that such institution will at 2:00 p.m., Tuesday, March 3, 1981, in the Fort Steilacoom Community College, P 12 Board Room, 9401 Farwest Drive S.W., Tacoma, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, March 3, 1981, in the Fort Steilacoom Community College, P 12 Board Room, 9401 Farwest Drive S.W., Tacoma, WA.

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

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to February 27, 1981, and/or orally at 2:00 p.m., Tuesday, March 3, 1981, Fort Steilacoom Community College, P 12 Board Room, 9401 Farwest Drive S.W., Tacoma, WA 98498.

Dated: December 30, 1980

By: Dr. Robert H. Stauffer
President

STATEMENT OF PURPOSE

Title: Reduction in force policy. Community College District No. 11, Fort Steilacoom Community College.

Description of Purpose: To repeal the reduction in force policy in order to adopt a revised policy.

Statutory Authority: RCW 28B.50.140.

Summary of Rule: To meet the requirement of Notice of Intention to adopt, amend, or

repeal rules by institutions of higher education, for the procedure of filing rules of Fort Steilacoom Community College.

Reasons supporting proposed action: To eliminate the conflict in the reduction in force policy and dismissal of faculty procedures.

Agency personnel responsible for drafting:

Dr. Robert H. Stauffer, President
Fort Steilacoom Community College
9401 Farwest Drive S.W.
Tacoma, WA 98498
Tel. (206) 964-6591
SCAN 346-1591

Person or organization proposing rule, and whether public, private, or governmental: Board of Trustees, 2 year public institution.

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: None.

Whether rule is necessary as result of federal law or federal or state court action: (if so, attach copy of law or court decision): Not applicable.

REPEALER

The following section of the Washington Code is hereby repealed:
WAC 132K-112-200 REDUCTION IN FORCE.

WSR 81-03-023
PROPOSED RULES
FORT STEILACOOM
COMMUNITY COLLEGE
[Filed January 12, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Community College District No. 11 (Fort Steilacoom Community College), intends to adopt, amend, or repeal rules concerning procedure relating to the dismissal of a tenured or probationary faculty member on lay-off due to reduction in force, amending WAC 132K-20-070;

that such institution will at 2:00 p.m., Tuesday, March 3, 1981, in the Fort Steilacoom Community College, P 12 Board Room, 9401 Farwest Drive S.W., Tacoma, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, March 3, 1981, in the Fort Steilacoom Community College, P 12 Board Room, 9401 Farwest Drive S.W., Tacoma, WA.

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

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to February 27, 1981, and/or orally at 2:00 p.m., Tuesday, March 3, 1981, Fort Steilacoom Community College, P 12 Board Room, 9401 Farwest Drive S.W., Tacoma, WA.

Dated: December 30, 1980
By: Dr. Robert H. Stauffer
President

STATEMENT OF PURPOSE

Title: Procedure relating to the dismissal of a tenured or probationary faculty member on lay-off due to reduction in force. Community College District No. 11, Fort Steilacoom Community College.

Description of Purpose: To amend the tenure policy relating to the procedure for the dismissal of a tenured or probationary faculty member on lay-off due to reduction in force.

Statutory Authority: RCW 28B.50.140.

Summary of Rule: To meet the requirement of Notice of Intention to Adopt, Amend, or Repeal Rules by institutions of higher education, for the procedure of filing rules of Fort Steilacoom Community College.

Reasons supporting proposed action: To clarify reduction in force policy from tenured or probationary faculty member dismissal procedures.

Agency personnel responsible for drafting:

Dr. Robert H. Stauffer, President
Fort Steilacoom Community College
9401 Farwest Drive S.W.
Tacoma, Washington 98498
Tel. (206) 964-6591
SCAN 346-1591

Person or organization proposing rule, and whether public, private, or governmental: Board of Trustees, 2 year public institution.

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: None.

Whether rule is necessary as result of federal law or federal or state court action: (If so, attach copy of law or court decision): Not applicable.

COMMUNITY COLLEGE DISTRICT NO. 11
FORT STEILACOOM COMMUNITY COLLEGE
CHAPTER 132K-20 - TENURE POLICY

AMENDATORY SECTION (Amending Order 20, filed 12/14/73)

WAC 132K-20-070 PROCEDURE RELATING TO THE DISMISSAL OF A TENURED OR PROBATIONARY FACULTY MEMBER ((OR LAY-OFF DUE TO REDUCTION IN FORCE)) FOR CAUSE. (1) A Dismissal Review Committee created for the express purpose of hearing dismissal cases ((and Reduction in Force recommendations)) shall be established no later than October 15 of each academic year (except if this provision is passed after October 15 of any academic year, the Dismissal Review Committee will be chosen within thirty days after passage of this provision), and shall be comprised of the following members:

(a) One member chosen by the College President
(b) Two faculty members and two alternates shall be chosen by the faculty acting in a body. (The review committees required by RCW 28B.50.850 through 28B.50.869 shall be composed of members of the administrative staff and the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each review committee shall be selected by a majority of the teaching faculty and faculty department heads acting as a body.)

(c) The College President shall choose one alternate member to serve on the Dismissal Review Committee should the regularly appointed member be unable to serve on the committee.

(d) The alternate shall be called upon if the first appointee is the subject of review.

(e) The Dismissal Review Committee will select one of its members to serve as chairman.

(2) When the President receives or initiates a formal written recommendation about a faculty member which may warrant dismissal (~~or when it is determined that an individual is to be placed on a lay-off register due to a requirement for Reduction in Force~~), he shall inform that faculty member. Within ten (10) days after having been so informed, the faculty member will be afforded an opportunity to meet with the President or his designee and the chairman of the division. At this preliminary meeting, which in dismissal cases shall be an information-gathering session, an adjustment may be mutually agreed upon. If the matter is not settled or adjusted to the satisfaction of the College President, he shall recommend that the faculty member be dismissed.

(3) If the President recommends that the faculty member be dismissed, (~~or in cases arising from Reduction in Force~~) he shall:

(a) Deliver a short and plain statement to the faculty member which shall contain

(i) The grounds for dismissal (~~or lay-off~~) in reasonable particularity;

(ii) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(iii) Reference to any particular statutes or rules involved.

(b) Call into action the Dismissal Review Committee, and deliver the above statement to the members of the Dismissal Review Committee, if the academic employee requests a hearing.

(4) After receiving the President's recommendation for Dismissal, (~~or lay-off~~) the affected academic employee may request a hearing within the following five (5) days. If the President does not receive this request within five (5) days, the academic employee's right to a hearing will be deemed waived.

(5) If the President receives a request for a hearing, the Dismissal Review Committee shall, after receiving the written recommendation from the College President, establish a date for a committee hearing giving the faculty member so charged twenty (20) days notice of such hearing, and inform in writing the faculty member so charged of the time, date and place of such hearing.

(6) The Dismissal Review Committee shall:

(a) Hear testimony from all interested parties, including but not limited to other faculty members and students and receive any evidence offered by same;

(b) Afford the faculty member whose case is being heard the right of cross-examination and the opportunity to defend himself and be accompanied by legal counsel;

(c) Allow the college administration to be represented by an assistant attorney general.

(7) The Dismissal Review Committee shall (~~include~~) appoint a (~~neutral~~) presiding or hearing officer (~~(appointed by the State Director of Community College Education)~~). Such presiding or hearing officer shall not be a voting member of the committee; it shall be his responsibility to:

(a) Make all rulings regarding the evidentiary and procedural issues presented during the course of the Dismissal Review Committee hearings;

(b) Meet and confer with the members of the Dismissal Review Committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(c) Appoint a court reporter, who shall operate at the direction of the presiding officer and shall record all testimony, receive all documents and other evidence introduced during the course of hearing, and record any other matters related to the hearing as directed by the presiding officer;

(d) The hearing officer shall prepare proposed findings of fact and a record for review by the appointing authority which shall include:

(i) All pleadings, motions and rulings;

(ii) All evidence received or considered;

(iii) A statement of any matters officially noticed;

(iv) All questions and offers of proof, objections and rulings thereon;

(v) Proposed findings and exceptions;

(vi) A copy of the recommendations of the Dismissal Review Committee.

(8) A copy of the above shall be transcribed and furnished to the faculty member whose case is being heard.

(9) The hearing shall be closed. However, interested parties, including but not limited to faculty members and students, will be given an opportunity to present evidence.

(10) Within ten (10) business days of the conclusion of the hearing, the Dismissal Review Committee will arrive at its recommendations in conference on the basis of the hearing. Before doing so, it should give the faculty member or his counsel(s) and the representative designated by the President of the college the opportunity to argue orally before it. If written briefs would be helpful, the Dismissal Review Committee may request them. The Dismissal Review Committee may proceed to a recommendation promptly or await the availability of a transcript if making a fair recommendation would be aided thereby. Within ten (10) business days of the conclusion of the hearing the President of the college, the faculty member and the Board of Trustees will be presented with recommendations in writing and given a copy of the record of the hearing.

(11) The Board of Trustees shall meet within thirty (30) days subsequent to its receipt of the Dismissal Review Committee recommendations to consider those recommendations. The Board of Trustees shall afford the parties the right to oral and written argument with respect to whether they will dismiss the faculty member involved. The Board of Trustees may hold such other proceedings as they deem advisable before reaching their decision. A record of the proceedings at the Board level shall be made and the final decision shall be based only upon the record made before the Board and the Dismissal Review Committee, including the briefs and oral arguments. The decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the Board of Trustees after giving reasonable consideration to the recommendation of the Dismissal Review Committee. The Dismissal Review Committee's recommendations shall be advisory only and in no respect binding in fact or law upon the decision maker, the Board of Trustees. The Board of Trustees shall within ten (10) days following the conclusion of their review, notify the charged faculty member in writing of its final decision.

(12) Suspension of the faculty member by the President during the administrative proceedings involving him (prior to the final decision of the Board of Trustees) is justified if immediate harm to himself or others is threatened by his continuance. Any such suspension shall be with pay.

(13) Except for such simple announcements as may be required covering the time of the hearing and similar matters, no public statements about the case shall be made by the faculty member, the Dismissal Review Committee or administrative officers of the Board of Trustees until all administrative proceedings and appeals have been completed.

(14) Any dismissed faculty member shall have the right to appeal the final decision of the Board of Trustees within ten (10) days of the receipt of the notice of dismissal (~~or lay-off~~). The filing of an appeal shall not stay enforcement of the decision of the Board of Trustees.

(15) If the President of the Community College District No. 11 initiates a formal written recommendation that a faculty member be dismissed and the Board of Trustees decides to retain the faculty member, or if the trustees' decision to dismiss a faculty member is reversed by a court, all evidence concerning the dismissal will be removed from the faculty member's permanent personnel file if the reason for the denial of the recommendation was the President's failure to establish the facts which were the basis for the dismissal recommendation.

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 81-03-024
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1587—Filed January 12, 1981]

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 stamps—Issuance—Monthly allotments, amending WAC 388-54-785.

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 regulations.

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

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

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

APPROVED AND ADOPTED January 9, 1981.

By N. S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 1543, filed 9/17/80)

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	\$ 316
2	418
3	520
4	621
5	723
6	825
7	926
8	1,028
9	1,130
10	1,232
Each additional member	+102

(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	\$ ((63))70
2	((+5))128
3	((+65))183
4	((209))233
5	((248))277
6	((298))332
7	((329))367
8	((376))419
9	472
10	525
Each additional member	((+47))53

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

WSR 81-03-025
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed January 12, 1981]

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 Food stamps—Issuance—Monthly allotments, amending WAC 388-54-785.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammond
Executive Assistant
Department of Social and Health Services
Mailstop OB-44 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by February 11, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, February 25, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 4, 1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia.

The authority under which these rules are proposed is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 25, 1981, and/or orally at 10:00 a.m., Wednesday, February 25, 1981.

Dated: January 9, 1981

By: N. S. Hammond
Executive Assistant

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend: WAC 388-54-785.

Purpose of the rule or rule change is to increase the thrifty food plan standard in accordance with P.L. 96-249, The Food Stamp Act Amendments of 1980.

Statutory authority for this action is found in RCW 74.04.510.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Mick Determan

Title: Program Manager

Office: Bureau of Income Maintenance
 Phone: 3-4381
 Mailstop: OB-31 C
 The person or organization (if other than DSHS) who proposed these rules is: None.
 These rules are necessary as a result of Federal law, P.L. 96-249.

AMENDATORY SECTION (Amending Order 1543, filed 9/17/80)

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	\$ 316
2	418
3	520
4	621
5	723
6	825
7	926
8	1,028
9	1,130
10	1,232
Each additional member	+102

(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	\$ ((63))70
2	((115))128
3	((165))183
4	((209))233
5	((248))277
6	((298))332
7	((329))367
8	((376))419
9	472
10	525
Each additional member	((+47))53

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

WSR 81-03-026
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 12, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

- Amd ch. 388-320 WAC Public records—Disclosure.
- Rep ch. 388-48 WAC Safeguarding information.
- Rep ch. 388-08-007 Fair hearing—Access to records.

A public hearing concerning these proposed rules was held on December 24. The purpose of this notice is to postpone adoption from January 9 to January 23 to give the secretary additional time to consider public testimony;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Friday, January 23, 1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia.

The authority under which these rules are proposed is RCW 42.17.250 through 42.17.340.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-17-050 and 81-02-022 filed with the code reviser's office on 11/19/80 and 1/2/81.

Dated: January 9, 1981
 By: N. S. Hammond
 Executive Assistant

WSR 81-03-027
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed January 12, 1981]

On December 3, 1980, the Department of Licensing filed a notice of intention to amend rules concerning the Master License System, Administrative Order No. 609-DOL. The notice was published in Issue 80-18 of the Washington State Register as WSR 80-18-048.

The Department of Licensing wishes to withdraw the proposed rule and cancel the scheduled hearing.

Jeff Lane
 Assistant Attorney General

WSR 81-03-028
EMERGENCY RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Order 81-1—Filed January 12, 1981]

I, Robert L. Hollister, Jr., director of the Department of Retirement Systems, do promulgate and adopt at Olympia, Washington, the annexed rules relating to continued membership in the Law Enforcement Officers' and Fire Fighters' (LEOFF) Retirement System by members serving in state elective positions.

I, Robert L. Hollister, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is RCW 41.40.010(9)(b) allows LEOFF members serving in state elective positions to continue their LEOFF membership. A LEOFF member has been elected to the legislature for the 1981 session, and has now elected to remain in LEOFF. This member could become entitled to medical, disability, or death benefits as early as the first day of the 1981 session. Neither RCW 41.40.010(9)(b) nor any other statute covers crediting of service, contributions, or the proper basis for determining medical, disability, or

death benefits, for such an elected official who elects to remain in LEOFF.

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

This rule is promulgated pursuant to RCW 41.50.050(6) which directs that the Director of the Department of Retirement Systems has authority to implement the provisions of chapters 41.26, 41.40 and 41.50 RCW.

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

APPROVED AND ADOPTED January 12, 1981.

By Robert L. Hollister, Jr.
Director

SERVICE IN STATE ELECTIVE POSITIONS

NEW SECTION

WAC 415-104-800 CONTINUED LEOFF MEMBERSHIP FOR MEMBERS IN STATE ELECTIVE POSITIONS. RCW 41.40.010(9)(b) provides in part as follows: "Service in any state elective position shall be deemed to be full time service, except that persons serving in state elective positions who are members of the teachers' retirement system or law enforcement officers' and fire fighters' retirement system at the time of election or appointment to such position may elect to continue membership in the teachers' retirement system or law enforcement officers' and fire fighters' retirement system."

An individual covered by RCW 41.40.010(9)(b) in order to remain an active member of the retirement system provided by chapter 41.26 RCW and receive service credit therein for elective service must execute a written election to do so in a format provided by the Department.

NEW SECTION

WAC 415-104-810 CONTRIBUTIONS AND SERVICE CREDIT FOR MEMBERS IN STATE ELECTIVE POSITIONS. When an individual makes the election provided in WAC 415-104-800 the following shall apply:

(1) Service credit earned by virtue of elective service shall be credited in LEOFF together with service earned in LEOFF capacity except that no more than one month's service credit shall be allowed during any one calendar month.

(2) Contributions shall be paid on all basic salary earned either as a law enforcement officer or firefighter, or as an elected official, by the employee at the rate prescribed for employees in the LEOFF retirement system.

(3) Contributions shall be paid on basic salary paid by the LEOFF employer or elected official employer at the rate prescribed for employers in the LEOFF retirement system.

NEW SECTION

WAC 415-104-820 MEMBERS IN STATE ELECTIVE POSITIONS - ENTITLEMENT TO BENEFITS. (1) In the event an individual who has made the election provided by WAC 415-104-800 qualifies and applies for a service or disability retirement or dies while serving in elective office, the basis for establishing the benefit amount shall be an imputed salary equal to the full salary the member would have been receiving according to the member's rank or position if the member had been in full-time service with the member's last LEOFF employer. Regular increases in basic salary will be included but increases based on promotions which might have occurred but which, in fact, did not occur shall not be considered.

(2) An individual who has made the election provided by WAC 415-104-800 shall not be eligible for a service retirement until such member has terminated both service as a law enforcement officer or fire fighter, and service as a state elective official.

(3) An individual who has made the election provided by WAC 415-104-800 shall not be eligible for a disability retirement allowance until such member has terminated both service as a law enforcement officer or fire fighter, and service as a state elective official.

(4) All payments for disability leave or for medical benefits for an individual who has made the election provided by WAC 415-104-800 shall be made by the individual's last LEOFF employer rather than his or her elective service employer.

WSR 81-03-029

ADOPTED RULES

JAIL COMMISSION

[Order 9—Filed January 12, 1981]

Be it resolved by the Washington State Jail Commission, acting at Yakima, Washington, that it does promulgate and adopt the annexed rules relating to additional procedures applicable to commission oversight of jail construction and/or remodeling for which funds have been allocated and approval to proceed given, under chapter 70.48 RCW, including affirmative action requirements.

This action is taken pursuant to Notice No. WSR 80-16-066 filed with the code reviser on November 5, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.48.060 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 11, 1980.

By George Edensword-Breck
Director

AMENDATORY SECTION (Amending Order 4, filed 10/4/79)

WAC 289-13-070 FINAL REVIEW OF FUNDING APPLICATIONS—LEVEL OF FUNDING. (1) A governing unit will be awarded only the minimum amount necessary to fully implement the physical plant standards in the particular detention or correctional facility which is being considered based upon the approved capacity set by the commission under WAC 289-13-060.

(2) The following elements will be considered in determining the necessary minimum cost of construction or substantial remodeling projects:

(a) Prime architect and engineer fees, including the total cost of services performed by the architect and engineer who are responsible for the facility design, and any subcontracts for design specialists necessary for the development of the project: PROVIDED, That the applying governing unit must submit a description of its consultant selection process which must, except where a contract for such services was executed prior to June 1, 1979, substantially comply with the consultant selection process adopted by the Department of General Administration, Division of Engineering and Architecture as adapted to the particular governing unit's organization and structure: PROVIDED FURTHER, That the commission will provide to each governing unit a list of known minority and female architect and engineer firms to which an announcement of each governing unit's selection process shall be sent, and all such firms shall be given a full and equal opportunity to participate in any such process commenced following receipt of such list: PROVIDED FURTHER, That no reimbursement shall be made for fees of any prime architect selected following the effective date of this rule who does not have in effect an affirmative action plan which includes, at a minimum, the same goals as the governing unit's plan with regard to its own employment practices or, if no such governing unit plan exists, which meets or exceeds the participation standard set within WAC 289-13-170(1)(b): PROVIDED FURTHER, That all prime architects whose fees are submitted for reimbursement hereunder shall submit a copy of the firm's affirmative action plan, or a statement with regard to its affirmative action practices regardless of the time it was selected. All such fees shall generally be evaluated in accordance with the Prime Architect and Engineer Fee Schedule set forth in the State of Washington Capital Budget Instructions for the 1979-81 biennium.

(b) Initial architectural consultant fees required to prepare preliminary jail facility plans for presentation to the commission, upon demonstration of the necessity for such services apart from the work normally associated with the prime architect and engineer: PROVIDED, That the applying governing unit provides adequate indication of a consultant selection process free of conflict of interest and which insures the selection of a qualified person or firm. All such fees shall be evaluated on the

basis of a fee schedule to be developed by the commission. Service by a person or firm as an initial architectural consultant does not preclude such person or firm's selection as the prime architect for a particular jail facility.

(c) Site survey and soil testing as necessary prior to construction.

(d) Construction costs, including, but not specifically limited to:

(i) Clearing of site and disposal of debris;

(ii) Demolition of existing structure where there is an adequate showing of justification for construction on an occupied rather than vacant site;

(iii) Necessary earthwork;

(iv) Drainage, water and sewer work;

(v) Necessary fire protection design features, including fire extinguishing and alarm systems;

(vi) Walkways and driveways;

(vii) Service vehicle and visitor parking;

(viii) Power, lighting, and telephone connections to jail building and related equipment, as well as all interior wiring and permanent power, lighting, and telephone equipment;

(ix) Necessary security features which constitute permanent fixtures of the structure, including:

(A) Standard security hardware;

(B) Electronically controlled gates and doors as conditions require (with mechanical override);

(C) Electronically controlled door locking devices for prisoner rooms operated from centralized consoles;

(D) Closed circuit television (C.C.T.V.), surveillance systems where required, EXCEPT THAT C.C.T.V. will not be funded for general prisoner population cells or dormitories;

(E) Intercom and telephone systems connecting all major control points and monitored through central control telephone system for secure noncontact visitation; and

(F) Equipment and systems to control vandalism in such areas as water supply, mechanical and electrical fixtures.

(x) Standard permanent jail fixtures, including but not limited to bunks, tables, toilets, showers, sinks, and other such necessary furnishings for cells, dormitories, dayrooms, and dining and visitor areas;

(xi) Minimum laundry and kitchen appliances and equipment where adequate justification for such appliances and equipment is demonstrated;

(xii) Minimum furnishings and equipment for medical examining area and, where justified, for infirmary, as required under WAC 289-12-030(2)(a)(iv)(A) and (B);

(xiii) Separate staff facilities within the architectural guidelines to be adopted by the commission.

(3) Energy conservation design features which may increase initial construction or remodeling costs shall not be precluded from consideration for state funding when properly supported by a life cycle cost analysis as required by chapter 39.35 RCW.

(4) Costs which will not be considered for state funding purposes include:

(a) Any architect and engineering fees or other costs that are not directly related to and specifically required

for jail construction and/or remodeling to comply with the physical plant standards and the rules adopted herein;

(b) Site acquisition;

(c) Landscaping, art works, or any decorative features of design or construction which are not necessary costs of jail construction or substantial remodeling to meet the physical plant standards;

(d) Movable equipment and furnishings, e.g., shelves, desks, conference tables, and file cabinets;

(e) Court room or facilities solely related to court activities;

(f) Any portion of elevator construction cost not related to jail operation: PROVIDED, That where an elevator serves a jail facility as well as other portions of a courthouse, criminal justice facility or other multi-storied structure in which the jail is located, such cost shall be prorated;

(g) The cost for construction of skybridges or tunnels that connect the jail with any structure other than another portion of the jail;

(h) Any other design features, equipment, or furnishings not specifically required to implement the mandatory physical plant standards at minimum cost in a specific facility.

(5) The commission will adopt and distribute to each governing unit, not later than October 15, 1979, specific architectural guidelines which shall govern its review of all projects accepted for final consideration. Such guidelines will specify the total square footage of ancillary areas which will generally be funded within jails in addition to the necessary cells, dormitories, and day room areas required under the physical plant standards for the specific capacity set by the commission, expressed in ranges and subject to appropriate adjustment by the commission in each specific case.

(6) Detention and correctional facilities shall be funded on the basis of a ratio of sixty percent single cells to forty percent dormitory cells under the specific capacity set by the commission, EXCEPT THAT the commission may grant exceptions to such requirement when a request for such exception is contained in the final application and is adequately supported by the specific circumstances set forth therein.

(7) In allocating funds for jail construction and/or substantial remodeling the commission shall review all projects submitted to ensure that the number of square feet allowed per bed is generally consistent for facilities of similar size and classification within either major urban, medium urban, or rural counties.

(8) The level of funding for the construction and/or substantial remodeling of detention and correctional facilities for which their governing units appropriated and spent or encumbered funds after February 16, 1974, and before June 23, 1977 and for which a funding application has been filed in accordance with WAC 289-13-020(3) shall be determined in accordance with the above provisions and in the same manner as all other jail funding applications.

(9) Upon completion of its review of each detention and correctional facility funding application accepted for consideration, the commission shall authorize a specific

funding level for each facility based upon current costs and give written notice to each applying governing unit of that determination. Actual allocation and disbursement of proceeds from the sale of bonds deposited in the local jail improvement and construction account to any governing unit or units shall be governed by the provisions of WAC 289-13-080 relating to funding priorities and rules to be adopted relating to funding level adjustments.

NEW SECTION

WAC 289-13-075 ADDITIONAL FUNDING.

(1) The director shall have authority to and will reimburse all reasonable expenditures which are necessary to design and build a functional jail facility meeting minimum state physical plant standards where such item does not increase the project budget or require adjustment through use of the contingency allowance.

(2) It is recognized that specific costs which may be subject to reimbursement under the policy stated above may include the following:

(a) Design

— Reimbursable architect costs charged in addition to the basic fee.

— Special design studies not normally included in the standard AIA contract but reasonably necessary to complete jail design.

— Design costs related to additional work ordered as a result of change orders.

— Prime A/E fees previously incurred which were for design work directly applicable to the project and do not increase total fees to be paid beyond maximum set.

— Increased design fees for development of drawings for phased construction when not included within basic design contract.

(b) Project management services

— The purchase of project management services which saves rather than increases the cost of the project should be subject to reimbursement upon proper documentation. Project management refers to concentrated and intensive coordination and oversight of the project such as is frequently employed to effect phased construction techniques which may not normally be undertaken by the governing unit's own supervising officials.

(c) Specific consultant costs necessary to prepare

— Environmental impact statement

— Life cycle cost analysis

— And similar studies necessary

(d) None of the above enumerated expenses legitimately connected to proper design and construction of a jail facility meeting minimum state standards shall categorically be excluded from consideration for adjustment of project budgets from available contingency allowance except that such adjustment shall not be considered prior to submission of the complete schematic design package and will be granted only upon adequate documentation.

(3) Use of contingency. Unused contingency allowance will not be relinquished without specific action by the commission. This question will be reviewed prior to the end of the current biennium based upon experience with projects now authorized to proceed at which time

governing units will be given notice and an opportunity to comment on any proposed policy. In no case, however, shall such contingency become part of the authorized project budget without specific request and review and approval by the director and/or the commission.

(4) Transfer of moneys between budget items. At the time each project is authorized to proceed to schematic design, simple budget corresponding to the elements considered in the maximum level of funding analysis will be established and each jurisdiction will have an opportunity to review those budget items and to request adjustments in them.

(5) That those budget categories which were based directly upon the estimates given in the application, and which were not challenged in the maximum level of funding analysis already made, shall be available for transfer to another budget category up to an amount not to exceed five percent of the funds assigned to such category. Included in this category are: Initial A/E fees, equipment, site preparation, and site costs. The same judgment would appear with regard to adjustments to construction costs made specifically upon detailed information provided by the applicant because of flood plane or other unique circumstances. However, other budget categories reflect the general maximum level of funding analysis and should be subject to adjustment upon reasonable documentation as the project proceeds in accordance with commission rules. Review of this policy will be conducted before the end of the current biennium to determine whether any adjustments should be made.

AMENDATORY SECTION (Amending Order 6, filed 4/2/80)

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 or such longer period as may be set at the time the project budget was established and authorization to proceed given by the director. 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: PROVIDED FURTHER, That the director may authorize a project to proceed to bid notwithstanding submission of a dispute with regard to contingency adjustment to the commission for determination.

(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).

(4) Further adjustments to budget or timetable. Following receipt, review, and acceptance of a bid for jail construction work in accordance with state law and local ordinances, the governing unit shall submit such bid to the director for authorization to proceed to construction should such bid require any adjustment of the project timetable or budget. At this time the director is authorized to grant extensions or modifications of the project timetable and to adjust the project budget up to three percent from the project contingency allowance established at the time of the original funding notice. Any dispute with regard to the director's determination of allowable contingency adjustment or any request for more than a three percent adjustment in the project budget shall be submitted to the commission for determination. When the bid does require any such adjustment, the governing unit shall provide a copy of the accepted bid and proceed to construction of the project without further review by the director. Any request for timetable adjustment which would extend commencement of construction of a project beyond eighteen months will be referred to the commission for approval.

(5) Construction review. During the course of construction, any substantial change from the construction

drawings shall be submitted to the director for review and approval whenever compliance with state physical plant standards is affected or any further adjustment in the previously approved budget may be sought as a result of such change. The director is authorized to approve adjustments in the project budget during the course of construction based upon appropriate documentation of the necessity therefor not to exceed the remaining balance within the twelve percent contingency allowance established at the time of the notice of funding: PROVIDED, That submission of change orders which do not substantially alter the project as approved and which do not require adjustment of the approved project budget will be submitted to the director but will not require specific approval: PROVIDED FURTHER, That the failure to submit a change order for approval prior to completion of the work in question shall not preclude later approval and, when appropriate, adjustment of the project budget.

AMENDATORY SECTION (Amending Order 6, filed 4/2/80)

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))~~:

(i) in the case of all construction subcontracts, a total dollar amount awarded to minority-owned firms which represents the same proportion of the total construction budget as minority group members represent in the governing unit's population as determined from the 1980 census, and/or the most accurate available information, and, in the case of female-owned firms, no less than fifteen percent of the total subcontracts expressed in dollars; and

(ii) in the case of prime contractor employees, no less minority group employees as a proportion of total employees than minority group members represent in the governing unit's population as determined from the 1980 census and/or the most accurate available information, and, in the case of women, no less than fifteen percent of the total workforce.

(c) A detailed plan for meeting these goals within the construction ~~((time-table))~~ timetable 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.

WSR 81-03-030

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 81-4—Filed January 13, 1981]

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

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 prevent harvest of large numbers of small size herring in the area as well as over harvest of mature herring.

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

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

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

APPROVED AND ADOPTED January 13, 1981.

By Gordon Sandison
Director

NEW SECTION

WAC 220-49-02000C CLOSED AREA—HERRING. Notwithstanding the provisions of WAC 220-49-020, effective 12:00 noon January 15, 1981 until further notice, it is unlawful to take, fish for or possess herring for commercial purposes with any type of gear in Marine Fish-Shellfish Catch Reporting Areas 21A and 21B.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-49-02000B CLOSED AREA—
HERRING (80-200).

WSR 81-03-031
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 81-5—Filed January 13, 1981]

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

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 rule was discussed at a public hearing December 15, 1980, and adopted December 30, 1980. This order is necessary for immediate implementation.

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

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

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

APPROVED AND ADOPTED January 13, 1981.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-48-09100C SET NET—PACIFIC COD—SEASONS. *Notwithstanding the provisions of WAC 220-48-091 and WAC 220-48-096 effective January 15 through 12:00 midnight January 31, 1981, it is unlawful to take, fish for or possess bottomfish with set net gear as described in WAC 220-48-092 and WAC 220-48-095, in that portion of Marine Fish-Shellfish Catch Reporting Area 25B west of a line projected from Point Hudson to Marrowstone Point and north of the Indian Island Bridge.*

WSR 81-03-032
ADOPTED RULES
DEPARTMENT OF FISHERIES
 [Order 81-6—Filed January 13, 1981]

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

This action is taken pursuant to Notice No. WSR 80-17-032 filed with the code reviser on November 17, 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 December 23, 1980.

By Gordon Sandison
 Director

NEW SECTION

WAC 220-69-23402 DESCRIPTION OF AQUACULTURE PRODUCTION REPORT. (1) There is hereby created an aquaculture production report form to be prepared, printed and distributed on request by the Department of Fisheries which shall contain space for the following information:

- (a) Firm name: Name of aquaculture firm
- (b) Firm address: Address of aquaculture firm
- (c) Site address: Address of aquaculture site
- (d) Aquaculture dealer number: Department of Fisheries assigned dealer number
- (e) Report for month of: Month and year covered by the report
- (f) Number of employees: Number of employees employed by the firm during reporting month
- (g) Species: Species grown at aquaculture site
- (h) Species code: Department of Fisheries assigned species code
- (i) Number produced: Number of each species produced monthly
- (j) Pounds produced: Pounds of each species produced monthly
- (k) Price: Price per pound received
- (l) Value: Value of monthly production
- (m) Signature: Signature of firm executive or authorized representative

(2) The aquaculture production report shall be used for monthly reporting of aquaculture production as specified in WAC 220-69-241(3).

NEW SECTION

WAC 220-69-23501 DESCRIPTION OF HARDSHELL CLAM PRODUCTION REPORT. (1) There is hereby created a hardshell clam production report form to be prepared, printed and distributed on request by the Department of Fisheries which shall contain space for the following information:

- (a) Firm name: Name of licensee or firm
- (b) Firm address: Address of licensee or firm
- (c) Clam farm registration number: Department of Fisheries assigned registration number
- (d) Report for month of: Month and year covered by the report
- (e) Number of employees: Number of employees employed by the firm during reporting month
- (f) Tract location: Geographical location of clam farm

- (g) Area code: Department of Fisheries assigned geographical area code
 (h) Species: Species of clam
 (i) Species code: Department of Fisheries assigned species code
 (j) Pounds: Pounds of clams harvested
 (k) Price: Price per pound received
 (l) Value: Value of monthly harvest
 (m) Signature: Signature of licensee or authorized representative

(2) The hardshell clam production report shall be used for monthly reporting of hardshell clam production as specified in WAC 220-69-241(4).

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-241 DUTIES OF COMMERCIAL FISHERMAN AND GROWERS. Every fisherman, or food fish or shellfish grower, selling his food fish or shellfish to the consumer, restaurant, boathouse, or other retail outlet, and every fisherman, or food fish or shellfish grower, who places, or attempts to place, into interstate commerce any food fish or shellfish previously landed in this state, or caught, or harvested from the territorial waters of this state, shall be required to ((either)):

(1) Immediately, completely, accurately, and legibly prepare the appropriate State of Washington fish receiving ticket in his own name for each retail sale or out-of-state shipment so made, or

(2) At the close of each day's business, completely, accurately, and legibly prepare the appropriate State of Washington fish receiving ticket in his own name for the total day's activities, or

(3) Food fish growers who sell their product as a wholesale dealer or make a direct sale out of state may, upon written approval from the Department of Fisheries, completely, accurately and legibly prepare a monthly State of Washington Aquaculture Production Report for each and every month irrespective of whether aquaculture harvest was done during that month, or

(4) Clam farm licensees harvesting hardshell clams may, upon written approval from the Department of Fisheries, completely, accurately and legibly prepare a monthly State of Washington Hardshell Clam Production Report for each and every month irrespective of whether hardshell clams were harvested that month.

NEW SECTION

WAC 220-69-25402 REQUIRED INFORMATION ON AQUACULTURE PRODUCTION REPORT. Entries (a) through (g), (i) through (k) and entry (m) of subsection (1) of WAC 220-69-23402 shall be required on each completed aquaculture production report.

NEW SECTION

WAC 220-69-25501 REQUIRED INFORMATION ON HARDSHELL CLAM PRODUCTION REPORT. Entries (a) through (h) and entries (j), (k) and (m) of subsection (1) of WAC 220-69-23501 shall

be required on each completed hardshell clam production report.

NEW SECTION

WAC 220-69-26402 DISTRIBUTION OF COPIES OF AQUACULTURE PRODUCTION REPORT. State of Washington Aquaculture Production Reports must be made out in duplicate (two copies). The dealer's copy must be retained by the aquaculture firm for their use and the state copy must be mailed to the Department of Fisheries within fifteen days after the end of the month for which the aquaculture production report is prepared.

AMENDATORY SECTION (Amending Order 76-153, filed 12/17/76)

WAC 220-69-265 DISTRIBUTION OF COPIES OF OYSTER PRODUCTION REPORT. State of Washington Oyster Production Reports ((shall)) must be made out in duplicate (two copies). The dealer's copy (white) ((shall)) must be retained by the purchaser or receiver for their use, and the state copy (green) ((shall)) must be mailed to the Department of Fisheries within fifteen days after the end of the month for which the oyster production report is prepared.

NEW SECTION

WAC 220-69-26501 DISTRIBUTION OF COPIES OF HARDSHELL CLAM PRODUCTION REPORT. State of Washington Hardshell Clam Production Reports must be made out in duplicate (two copies). The dealer's copy must be retained by the licensee for his use and the state copy must be mailed to the Department of Fisheries within fifteen days after the end of the month for which the hardshell clam production report is prepared.

WSR 81-03-033

EMERGENCY RULES

DEPARTMENT OF GAME

[Order 121—Filed January 13, 1981]

Be it resolved by the undersigned, Jack S. Wayland, Acting Director, Washington State Department of Game, that I promulgate and adopt at Olympia, Washington, as emergency rule of this governing body, the annexed rule relating to the closure of Nisqually and Chehalis River systems and areas 2A and 2D to the taking of steelhead trout with gill nets and seines by treaty Indians, adopting WAC 232-32-130.

I, Jack S. Wayland, Acting Director, find an emergency exists and that the foregoing order adopting emergency rule WAC 232-32-130 is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action and that observance of the requirements for adoption of permanent rules which are effective only upon expiration of 30 days after the date of filing is contrary to public

interest as the statement of facts constituting such emergency reveals. A statement of the facts constituting such emergency is data gathered by the Department of Game from information provided by fish buyers reporting sales of steelhead harvested by Treaty Indian fishermen from Nisqually and Chehalis river systems and areas 2A and 2D pursuant to the reporting system approved by the United States District Court in United States v. Washington indicates that the treaty share of harvestable steelhead has been reached or will have been reached on the effective date of this order. Therefore, a closure of Nisqually and Chehalis river systems and areas 2A and 2D is necessary to assure non-treaty sports fishermen their right to take their share of those remaining 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 Meeting Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW, and chapter 1-12 WAC.

APPROVED AND ADOPTED January 13, 1981.

Jack S. Wayland

NEW SECTION

WAC 232-32-130 CLOSURE OF NISQUALLY AND CHEHALIS RIVER SYSTEMS AND AREAS 2A AND 2D TO THE TAKING OF STEELHEAD TROUT WITH GILL NETS AND SEINES BY TREATY INDIANS. *It shall be unlawful for all persons to take, fish for, or possess steelhead trout with gill nets and seine gear in the Nisqually River system effective 12:00 noon, January 14, 1981 and the Chehalis River system and Areas 2A and 2D effective 6:00 p.m., January 14, 1981.*

WSR 81-03-034

PROPOSED RULES

DATA PROCESSING AUTHORITY

[Filed January 14, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Data Processing Authority, intends to adopt, amend, or repeal rules concerning rules descriptive of the Washington State Data Processing Authority's operations and methods and to ensure compliance with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with sections 25-32 of that act, dealing with public records;

that such agency will at 1:30 p.m., Wednesday, March 4, 1981, in the ESD 113 Building, McPhee

Road, Olympia (Educational Service District), conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Wednesday, March 4, 1981, in the Educational Service District (ESD) 113 Building, McPhee Road, Olympia.

The authority under which these rules are proposed is chapter 43.105 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 20, 1981.

Dated: January 7, 1981

By: Terrence E. Wold
Executive Director

STATEMENT OF PURPOSE

Title: Washington State Data Processing Authority Operational Procedures and Methods.

Description of Purpose: These rules are descriptive of the Washington State Data Processing Authority's (DPA's) operations and methods and are to ensure compliance with the provisions of chapter 42.17 RCW (Initiative 276) and in particular with sections 25-32 of that act, dealing with public records.

Statutory Authority: chapter 43.105 RCW.

Summary of Rule: The principle changes to the DPA's operational procedures will result in the Executive Director establishing the meeting agendas and approving out-of-state travel; elimination of the requirement to annually elect DPA officers; enabling three Authority members to call a special meeting; eliminating an unwieldy procedure for handling resolutions and proposals; and making some editorial changes (e.g., updating the office address).

Reasons Supporting Proposed Action: One of the tasks of the November 1979 DPA Planning Conference was for the DPA staff to review the current rules of procedure and administrative practices, and to recommend any improvements in the DPA's portion of the existing Washington Administrative Code (chapter 143-06 WAC).

Agency Personnel Responsible For:

Drafting: Roberta Giovannini, Data Processing Authority, 9th and Columbia Building, Olympia, Washington 98504, 753-5465. Implementation: Terrence E. Wold, Data Processing Authority, 9th and Columbia Building, Olympia, Washington 98504, 753-5445.

Enforcement: Terrence E. Wold, Data Processing Authority, 9th and Columbia Building, Olympia, Washington 98504, 753-5445. The DPA, a state agency, is proposing the rule changes.

The proposed changes represent an update to the existing DPA operational procedures.

This rule did not result from a federal law or any court action.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-010 PURPOSE. The purpose of this chapter shall be ~~((by the Washington State Data Processing Authority))~~ to adopt rules descriptive of the Washington State Data Processing Authority's operations and methods and to ensure compliance with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with sections 25-32 of that act, dealing with public records.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-020 DEFINITIONS. (1) Public record includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, 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) The Washington State Data Processing Authority is the agency appointed by the governor pursuant to chapter 219, Laws of 1973((-)) 1st ex. sess. The Washington State Data Processing Authority shall hereinafter be referred to as the authority. Where appropriate, the term authority also refers to the staff and employees of the Washington State Data Processing Authority.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION. (1) The Administrative Office of the authority and its staff is located ~~((at 2604 - 12th Court S.W.))~~ in the 9th and Columbia Building, Olympia, Wash., 98504.

(2) The authority is composed of eleven ~~((11))~~ persons appointed by the governor to carry out the duties and tasks contained in chapter 43.105 RCW as amended. The administrative head of the authority is its executive director. All communications, requests and business shall be forwarded to the executive director at the aforespecified Administrative Office of the authority.

(3) The authority is chartered by the legislature to provide for the efficient and coordinated utilization of data processing equipment, techniques and personnel to achieve optimum effectiveness and economy in collection, storage, interchange, retrieval, processing and transmission of information; to authorize development, implementation and maintenance of a coordinated state-wide plan for data processing and data communications systems; to achieve consolidation of automated data processing resources and centralization of control over automated data processing and to ensure that automated data processing systems shall serve the management and other needs of the legislative, executive and judicial branches of state and local government.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-040 OPERATIONS AND PROCEDURES. (1) The Washington State Data Processing Authority, hereinafter referred to as the authority, shall hold regular meetings the first Wednesday of each month at a time and place designated by the authority in a previous regular or special meeting, and special meetings at times and places designated by the ~~((Chairman))~~ chair or ~~((a majority))~~ three of the members. Members will receive written notification of a special meeting at least 24 hours in advance. All meetings of the authority shall be open to the public; except that the authority may meet in executive session when considering matters as defined in RCW 42.30.110 (Open Public Meetings Act).

Public notice shall be given of all authority meetings as provided in chapter 42.30 RCW (Open Public Meetings Act).

(2) All meetings of the authority, its executive committee, or any subcommittee, ad-hoc committee or task force created by the authority, shall be governed by Reed's Parliamentary Rules, except as specified by applicable law or these rules of procedure.

(3) ~~((A majority of the))~~ A quorum must be present to conduct business. Six members shall constitute a quorum and a majority

~~((thereof))~~ (at least four) of those present shall have the authority to transact all business.

~~((4))~~ The regular order of business of the Authority shall be:

- ~~(a) Call to order~~
- ~~(b) Roll call and determination of quorum.~~
- ~~(c) Reading, correction, and approval of minutes~~
- ~~(d) Reading and disposition of communications~~
- ~~(e) Introduction and disposition of resolutions and proposals~~
- ~~(f) Consideration of reports~~
- ~~(g) Authority staff business~~
- ~~(h) Other business~~
- ~~(i) Announcements~~
- ~~(j) Adjournment))~~

The agenda for all regular meetings of the authority will be ~~((approved))~~ set by the ~~((Chairman or, in his absence, the Vice-Chairman))~~ executive director. Any member of the authority, an agency, a vendor or the public may request, in writing to the ~~((Chairman))~~ executive director, an item to be placed on the agenda. The agenda for special meetings will be set by the ~~((Chairman))~~ executive director or the members calling the special meeting. The agenda of meetings of ad-hoc committees, or task forces of the authority will be set by their respective ~~((chairmen))~~ chairs.

~~((5))~~ (4) Minutes, which shall be a summary of the proceedings, shall be kept at each regular or special meeting of the authority and, upon correction and approval, transmitted to each member of the authority and to such other persons as may be required by law.

~~((6))~~ (5) The officers of the authority shall be a ~~((Chairman))~~ chair and vice-~~((Chairman))~~ chair ~~((The Chairman and Vice-Chairman shall be))~~ elected by the authority ~~((not less than annually))~~. The ~~((Chairman))~~ chair shall preside at all meetings of the authority except that the vice-~~((Chairman))~~ chair shall preside when the ~~((Chairman))~~ chair is not present.

In the event of any vacancy of the chair or vice-chair, the authority shall fill the vacancy by elections at its next regularly scheduled meeting. In such cases, members will be advised that an election will be held in accordance with normal meeting notice procedures.

~~((7))~~ Resolutions and Proposals for Authority consideration of action may be presented orally or in writing by any member of the Authority. Resolutions and proposals for consideration by the Authority, except those relating to the business of the day or for adjournment, may be submitted in writing to the Authority by any state agency or member of the legislature, on his own behalf or on behalf of another. Resolutions and proposals shall be presented to the Authority in regular order of business [Rule 4 (c)], and shall be numbered in the order of presentation. A resolution or proposal may be submitted to the Authority when it is not in session by filing it with the Executive Director by mail or otherwise, at the Authority's Administrative Office, who shall present it at the next regular meeting of the Authority.

~~((8))~~ (6) All news releases identified as coming from the authority as a whole will be promulgated from the authority's office and approved either by the ~~((Chairman))~~ chair or, ~~((in his absence))~~ if absent, the vice-~~((Chairman))~~ chair.

~~((9))~~ (7) An annual budget will be prepared by the executive director and approved by the authority. All expenditures consistent with the approved budget ~~((except out-of-state travel))~~ may be approved by the executive director or ~~((his))~~ designee. ~~((Out-of-state travel on behalf of the Authority by members or staff will be subject to prior approval of the Authority. Such approval may be obtained by a telephone poll of the membership.))~~ Emergency expenditures not to exceed \$~~((250.00))~~ 500.00 for items not included in the approved budget may be authorized by the executive director.

~~((10))~~ (8) The authority shall appoint by an absolute majority vote ~~((six))~~ an executive director who shall be chief executive officer for the authority, and shall perform such duties as the authority may require, such appointment to be confirmed by a majority vote of the Senate.

~~((11))~~ (9) Staff members may be employed by the executive director when consistent with an approved budget. Staff members shall report to and shall be subject to the direction of the executive director.

~~((12))~~ (10) The executive director shall present to the authority work plans for accomplishing the tasks delegated ~~((to him))~~ by the authority. Such plans shall be subject to review and approval by the authority. Progress reports and proposed revisions to plans or priorities shall be submitted to the authority for review and approval.

~~((13))~~ (11) These rules of procedure may, by a vote of an absolute majority of the members of the authority, be amended or suspended in

any manner not inconsistent with the laws of the state((:)); PROVIDED, HOWEVER, That such amendment or suspension shall not be operative during the same meeting in which proposed, except by vote of two-thirds of those present or an absolute majority (six) of the members, whichever is greater.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-050 PUBLIC RECORDS AVAILABLE. All public records of the authority, as defined in WAC 143-06-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 42.17 RCW and WAC 143-06-100.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-060 PUBLIC RECORDS OFFICER. The authority's public records shall be in charge of the Public Records Officer designated by the executive director of the authority. The person so designated shall be located in the Administrative Office of the authority. The Public Records Officer shall be responsible for the following: The implementation of the authority's rules and regulations regarding release of public records, coordinating the staff of the authority in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the authority. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-080 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the authority (~~Appendix A: WAC 143-06-990~~) which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the authority's staff, if the public records officer is not available, at the administrative office of the authority during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record
- (b) The time of day and calendar date on which the request was made
- (c) The nature of the request
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index

(e) ~~((If the requested matter is not identifiable by reference to the Authority's current index;))~~ An appropriate description of the record is requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-090 COPYING. No fee shall be charged for the inspection of public records. The authority shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the authority's copy equipment. This charge is the amount necessary to reimburse the authority for its actual costs incident to such copying.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-100 EXEMPTIONS. (1) The authority reserves the right to determine that a public record requested in accordance

with the procedures outlined in WAC 143-06-080 is exempt under the provisions of section 31, chapter 42.17 RCW.

(2) In addition, pursuant to ~~((section 26, chapter 42.16 RCW))~~ **RCW 42.17.260**, the authority reserves the right to delete identifying details when it makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-110 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of a request for a public record may petition for ~~((prompt))~~ review of such decision by tendering a written request to the executive director for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) ~~((Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the Executive Director of the Authority;))~~ The executive director shall ~~((immediately))~~ consider the matter and either affirm or reverse such denial or call a special meeting of the authority as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the authority has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-120 PROTECTION OF PUBLIC RECORDS. (1) No person shall knowingly alter, deface or destroy public records of the authority.

(2) Original copies of public records of the authority shall not be removed from the Administrative Offices of the authority.

(3) Care and safekeeping of public records of the authority, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the authority shall not be permitted.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-130 RECORDS INDEX. (1) The authority has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

(c) administrative staff manuals and instructions to staff that affect a member of the public;

(d) planning policies and goals, and interim and final planning decisions;

(e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the authority shall be available to all persons under the same rules ~~((and on the same rules))~~ and

on the same conditions as are applied to public records available for inspection.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-140 COMMUNICATIONS WITH THE AUTHORITY. All communications with the authority including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter ((42.16)) 42.17 RCW and these rules; requests for copies of the authority's decisions and other matters, shall be addressed as follows: Washington State Data Processing Authority, c/o Public Records Officer, ((2604-12th Court S.W.)) 9th and Columbia Building, Olympia, Wash. 98504.

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-150 ADOPTION OF FORM. The authority hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for Public Records".

AMENDATORY SECTION (Amending Order 0002, filed 9/12/73)

WAC 143-06-990 APPENDIX A—FORM—REQUEST FOR PUBLIC RECORDS.

REQUEST FOR PUBLIC RECORDS

TO: WASHINGTON STATE DATA PROCESSING AUTHORITY

1. Requestor's Name - Print) Requestor's Signature)

2. (Requestor's Organization - if applicable)

3. (Requestor's Mailing Address)

4. (Date of Request) (Phone No.) (Time of Day)

5. NATURE OF REQUEST

6. Document(s) Reference Identification from Public Records Index

7. Description of Document(s) Requested ((if Not Identifiable by Reference to Washington State Data Processing Authority Public Records Index))

8. If the Requested documents are or include a list of individuals or companies state the purpose for which list is intended and sign the following acknowledgement: I promise that the list of individuals or firms furnished hereunder will not be used for commercial purposes.

Purpose:

(Signature)

(Signature required on reverse side prior to release of requested information.)

Public records of the authority are provided for inspection and copying subject to the following regulations:

- (1) No person shall knowingly alter, deface or destroy public records of the authority.
(2) Original copies of public records of the authority shall not be removed from the Administrative Offices of the authority.
(3) Care and safekeeping of public records of the authority, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.
(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.
(5) Boisterous or otherwise disruptive conduct by those requesting public records of the authority shall not be permitted.
(6) The charge for providing electrostatic copies of public records is ten cents (10¢) per 8 1/2 x 11 inch page.

I have read, understand and will comply with the above-stated regulations.

(Signature and date)

WSR 81-03-035

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 81-7—Filed January 14, 1981]

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

I, Gordon Sandison, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is this order is necessary to protect Nisqually River chum salmon.

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

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

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

APPROVED AND ADOPTED January 14, 1981.

By Frank Haw Deputy Director

NEW SECTION

WAC 220-28-01300U CLOSED AREA Effective 2:00 p.m. January 16 through January 31, 1981, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear in Puget Sound Salmon Management and Catch Reporting Area 13.

NEW SECTION

WAC 220-28-013G0H CLOSED AREA Effective 2:00 p.m. January 16 through February 28, 1981, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes with any type of gear from the waters of the Nisqually River.

WSR 81-03-036
ADOPTED RULES
COMMUNITY COLLEGE
DISTRICT 12

[Resolution 81-2—Filed January 14, 1981]

Be it resolved by the board of trustees, of the Community College District 12, acting at Olympia Technical Community College, Olympia, Washington, that it does promulgate and adopt the annexed rules relating to emergency procedures, amending chapter 132L-26 WAC.

This action is taken pursuant to Notice No. WSR 80-18-002 filed with the code reviser on November 21, 1980. 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.10 and 28B.50 RCW.

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

APPROVED AND ADOPTED January 8, 1981.

By Nels W. Hanson
District President

AMENDATORY SECTION (Amending Order 77-30, filed 9/1/77)

WAC 132L-26-030 EMPLOYEE NOTIFICATION—TIME. If the president declares a condition of suspended operations (~~((in accordance with WAC 132L-26-010))~~) and provides notification of this closure to employees (~~((by))~~) via local radio station transmission (~~((through the local stations))~~) at least one hour prior to the ~~((reporting time of an employee,))~~ employees' reporting time, ~~((and))~~ or by telephone or ~~((by))~~ personal contact prior to the time the individual employee would depart home for work, the provisions of WAC 251-22-240 would not apply. Employees not notified prior to their usual departure time from home would be covered by the provision of WAC 251-22-240.

AMENDATORY SECTION (Amending Order 77-30, filed 9/1/77)

WAC 132L-26-035 RETURN TO WORK. If operations are suspended, employees are directed to contact the ~~((district dean of administration's))~~

administrator in charge of their office or other designated office prior to returning to work on the following day to determine whether the institution will be reopened or if partial staffing is required. Teaching personnel will contact the dean ~~((/director))~~ of the appropriate division for this purpose.

AMENDATORY SECTION (Amending Order 77-30, filed 9/1/77)

WAC 132L-26-050 MANDATORY STAFFING. If sufficient volunteers cannot be found, the president shall have the authority to require employees to work. If the employees who are requested to work withhold their services ~~((except for ((fitness or prearranged leave not related to or precipitated by the suspended operation)))~~) extenuating circumstances as determined by the president they shall not be allowed to use compensatory time or annual leave ~~((:))~~, but will not be subject to any further disciplinary action. Employees will be called in reverse seniority.

WSR 81-03-037
ADOPTED RULES
COMMUNITY COLLEGE
DISTRICT 12

[Resolution 81-1—Filed January 14, 1981]

Be it resolved by the board of trustees, of the 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, amending chapter 132L-112 WAC.

This action is taken pursuant to Notice No. WSR 80-18-003 filed with the code reviser on November 21, 1980. 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.10, 28B.50 and RCW 41.48.140.

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

APPROVED AND ADOPTED January 8, 1981.

By Nels W. Hanson
District President

AMENDATORY SECTION (Amending Order 80-21, filed 3/24/80)

WAC 132L-112-200 LEAVE WITH PAY. Full-time faculty and administrative employees shall be granted fifteen days upon the first day on which their initial assignment begins. After three quarters of employment, full-time employees shall accumulate such leave at a rate of five days per quarter for each quarter

of full-time employment up to a maximum of one hundred eighty days. Such leave may be taken at any time subject to the following conditions and in compliance with the approval procedures set forth.

Effective July 1, 1981, full-time faculty and administrative employees shall be granted ten (10) days upon the first day on which their initial assignment begins. After three (3) quarters of employment, full-time faculty and administrative employees shall accumulate such leave at the rate of one (1) day for each calendar month during which a contractual day is worked.

AMENDATORY SECTION (Amending Order 76-66, filed 3/22/77)

WAC 132L-112-210 ILLNESS, INJURY, BEREAVEMENT AND EMERGENCY. (1) The Employer reserves the right to request reasonable proof in the event of leaves for illness or injury.

(2) Bereavement leave, up to a maximum of five (5) days per bereavement, shall be granted in the event of a death in the faculty member's immediate family. Leave time to pay last respects to very close deceased friends may be granted for a partial day without loss of pay.

(3) Emergency leave, not to exceed two days per year, shall be granted in the event a faculty member must meet legal, personal or business obligations which unexpectedly arise and cannot be fulfilled outside of the normally posted schedule. Such leave shall exclude attendance at state legislative meetings; lobbying, Association or Union activities or business, fund raising, or other activities of a political nature; leaves for the purpose of seeking prospective employment with another employer; and leaves for recreational purposes.

(4) In the event the spouse, child or immediate family of a full-time faculty member is seriously ill or injured and the presence of the employee is required at the place of emergency as a direct result, the faculty member may be granted leave with full pay for not more than three (3) days per contract year.

(5) Leaves for emergencies not covered by (3) and (4) above or exceeding the limits established in (2), (3), and (4) above may be granted upon recommendation by the appropriate dean (~~director~~) and approval by the District President.

(6) The employee will be required to provide a medical certificate verifying illness or injury when personal sick leave exceeds ten (10) continuous working days. The medical certificate shall be forwarded to the Personnel Director within two (2) working days upon returning to work.

Reviser's Note: RCW 28B.19.077 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 80-21, filed 3/24/80)

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:))~~

Pursuant to applicable statute, each full-time faculty or administrative employee's portion of sick leave allowance shall accumulate from year to year without limit.

(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 ~~((auxiliary))~~ compensation 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))~~ Days of 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))~~ the annual accumulation 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.

(g) Days cashed in during January of each year shall be limited to any compensable days earned the previous calendar year less sick leave days actually utilized during such period.

(h) No combination of circumstances shall result in more than one (1) compensable day being earned per month, or the 180 maximum in effect through spring quarter, 1980, being invalidated.

(6) Compensation for unused sick leave at retirement or death - Employees who separate from the district on or after September 1, 1979 (for faculty on or after June 12, 1980), 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.))~~

Days cashed in upon death or retirement shall include all compensable days as herein defined which have not previously been cashed in. Retirement shall mean eligibility to participate in the applicable retirement program upon termination of employment.

(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.

Reviser's Note: RCW 28B.19.077 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 81-03-038
PROPOSED RULES
BOARD OF HEALTH
 [Filed January 15, 1981]

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 WAC 248-18-001 Definitions.
 Amd WAC 248-18-010 Exemptions and interpretations.
 Amd WAC 248-18-500 through 248-18-999 New Construction regulations;

that such agency will at 9:00 a.m., Wednesday, February 11, 1981, in the Auditorium, Room 140, Spokane County Health District, West 1101 College, Spokane, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, February 11, 1981, in the Auditorium, Room 140, Spokane County Health District, West 1101 College, Spokane.

The authority under which these rules are proposed is RCW 43.20.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 11, 1981, and/or orally at 9:00 a.m., Wednesday, February 11, 1981, Auditorium,

Room 140, Spokane County Health District, West 1101 College, Spokane.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-18-047 filed with the code reviser's office on December 3, 1980.

Dated: January 14, 1981

By: John A. Beare MD
 Secretary

WSR 81-03-039
PROPOSED RULES
BOARD OF HEALTH
 [Filed January 15, 1981]

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 certificate of need, amending chapter 248-19 WAC;

that such agency will at 9:00 a.m., Wednesday, January 26, 1981, in the Conference Room, Airdustrial Park, Building 12, 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, January 26, 1981, in the Conference Room, Airdustrial Park, Building 12, Olympia, Washington.

The authority under which these rules are proposed is RCW 70.38.135.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to January 26, 1981, and/or orally at 9:00 a.m., Wednesday, January 26, 1981, Conference Room, Airdustrial Park, Building 12, Olympia, Washington.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-15-094, 80-18-041 and 81-01-075, filed with the code reviser's office on October 22, 1980, December 3, 1980 and December 17, 1980.

Dated: January 14, 1981

By: John A. Beare MD
 Secretary

WSR 81-03-040
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO-81-03]

MOUNT ST. HELENS DISASTER

WHEREAS, the people of the state of Washington have suffered disproportionately from the impact of the Mount St. Helens disaster; and

WHEREAS, local governments are plagued with burdensome federal forms and compliance requirements to obtain assistance authorized by Congress; and

WHEREAS, the State is responsible to assist local governments and citizens in times of dire need; and

WHEREAS, state agencies exist which have statutory responsibility to aid local governments and citizens affected by disaster situations.

NOW, THEREFORE, I, John D. Spellman, Governor of the state of Washington order:

1. That the office of Emergency Services and the Planning and Community Affairs Agency cooperatively plan to assist citizens and local governments to avail themselves of available federal assistance.
2. That the Planning and Community Affairs Agency assign a qualified professional to assist local governments in the preparation of federal applications for federal assistance.
3. That the Office of Emergency Services cooperate with federal and local officials in their efforts to obtain disaster relief funds.
4. That both agencies assign staff to the affected local areas to facilitate needed technical assistance.
5. That both agencies prepare a report to me by January 30, 1981, outlining their planned actions. That each agency report to my Executive Assistant on a monthly basis following January, 1981 their efforts, successes and problems.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 14th day of January, A.D., nineteen hundred and eighty-one.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 81-03-041
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO-81-04]

Adult Corrections

WHEREAS, The State is responsible to its citizens for constructing and managing secure and humane prisons; and

WHEREAS, State correctional institutions are under federal court order; and

WHEREAS, State correctional efforts must be coordinated with the Parole Board, the Jail Commission, judges, prosecutors and law enforcement officials; and

WHEREAS, The Governor will request the Legislature to reorganize the Division of Adult Corrections, Department of Social and Health Services, into a separate Department of Adult Corrections.

NOW, THEREFORE, I, John Spellman, Governor of the State of Washington order:

1. That the Director of the Division of Adult Corrections, Department of Social and Health Services shall report directly to the Governor.
2. That the Secretary of the Department of Social and Health Services coordinate with the Director the planning of program and administrative functions necessary for the implementation of a new Department of Adult Corrections.
3. That the Director and Secretary prepare a report to me by February 28, 1981, outlining their interim plan for the creation of the new Department of Adult Corrections.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this 15th day of January, A.D., nineteen hundred and eighty-one.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 81-03-042
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO-81-02]

AFFIRMATIVE ACTION IN STATE GOVERNMENT

WHEREAS, the integrity and well-being of the state is based upon the participation and productivity of all its citizens in the economic mainstream; and the state of Washington as a major employer should offer leadership in the area of equal opportunity and affirmative action in order to effect both the impact and visability of affirmative action programs across the state; and

WHEREAS, the state's leadership in affirmative action programs can provide a model to private business

and local government employers to improve employment practices and eradicate artificial barriers to employment; and

WHEREAS, after many years of effort in addressing these problems we have not yet achieved the goals of affirmative action, and have not yet eliminated the inequities in state government; and

WHEREAS, analysis of current state government employment shows under-representation of women, ethnic minorities, handicapped persons and Vietnam-era veterans in certain geographical areas and/or agencies and within various job classifications, particularly those at higher levels of responsibility; and

WHEREAS, corrective action is necessary as a method of achieving an employment profile in state government which is representative of our diverse society, and

WHEREAS, the effort of all of our citizens and employers will be needed to achieve the goals we have set out for ourselves in public policy, laws and regulations, for affirmative action.

NOW, THEREFORE, I, John D. Spellman, Governor of the state of Washington by virtue of the power vested in me,

Affirm my commitment to vigorously support equal employment opportunity in all areas of state government, and to ensure freedom from discrimination based on race, creed, color, national origin, sex, marital status, or the presence of a physical, sensory, or mental handicap, in accordance with state and federal laws; and

Direct that barriers to employment of the handicapped be eliminated and reasonable accommodations be made to ensure the inclusion of handicapped individuals in the workforce; and

Direct that 11 state departments and agencies continue to improve the employment opportunities for Vietnam-era veterans; and

In an effort to employ designated underrepresented groups in all job categories according to goals established by the Governor's Office, direct that all state departments and agencies and higher education institutions use corrective employment measures outlined under Washington Administrative Codes covering employment based on RCW 49.60, and comply with Federal Executive Order 11246 as amended by 11375, Vietnam Era Readjustment Action of 1974, Section 503 Vocational Rehabilitation Act of 1974, Age Discrimination Action of 1967 as amended, and such regulations and implement them; and

I encourage private industry and business to join with state government in our continuing efforts to eradicate all forms of employment discrimination and to institute result-oriented Affirmative Action Procedures and Plans.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused the seal of

the state of Washington to be affixed at Olympia this 14th day of January, A.D., nineteen hundred and eighty-one.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

Reviser's Note: The typographical error in the above material appeared in the original copy of the executive order and appears herein pursuant to the requirements of RCW 34.08.040.

WSR 81-03-043
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 81-8—Filed January 16, 1981]

I, Rolland A. Schmitt, director of the Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is a large run of smelt is anticipated and a weekly closed period is not necessary.

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

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

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

APPROVED AND ADOPTED January 16, 1981.

By Rolland A. Schmitt
 Director

NEW SECTION

WAC 220-32-04200D *SMELT—WEEKLY PERIOD* Notwithstanding the provisions of WAC 220-32-042, effective immediately until further notice, there is no weekly closed period for the taking of smelt for commercial purposes in the Columbia River and its tributaries.

WSR 81-03-044
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 81-9—Filed January 16, 1981]

I, Rolland A. Schmitt, director of the Washington Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Rolland A. Schmitt, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is these rules are adopted pursuant to the Columbia River Compact meeting of January 15, 1981.

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 75.40.010 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 16, 1981.

By Rolland A. Schmitt
 Director

NEW SECTION

WAC 220-32-02200E **LAWFUL GEAR—STURGEON** (1) *Notwithstanding the provisions of WAC 220-32-022 and WAC 220-32-040, it is unlawful to take, fish for or possess sturgeon taken with gillnet gear for commercial purposes except that it is lawful to retain sturgeon for commercial purposes taken incidental to any lawful commercial salmon fishery in Columbia River Management and Catch Reporting Area 1A, 1B, 1C, 1D and 1E.*

(2) *It is unlawful to retain any sturgeon not of lawful size, as provided in WAC 220-20-020(1).*

NEW SECTION

WAC 220-32-04000K **STURGEON—SETLINE** *Notwithstanding the provisions of WAC 220-32-040, it is unlawful to take, fish for or possess sturgeon for commercial purposes with setline gear in Columbia River Management and Catch Reporting Areas 1A, 1C, 1D, that portion of 1B south of a line projected from Grays Point light to Harrington Point, and that portion of Area 1E downstream of a line projected due north from the mouth of Oneonta Creek on the Oregon side to a dead-line marker on the Washington shore except at those times, with the gear and provisions designated below:*

12:01 a.m. January 19 until 12 noon April 30, 1981

Setline gear is limited to 3 lines with not more than 500 hooks per line.

Buoys must be marked on each end with the fishing license number.

It is unlawful to retain any sturgeon not of lawful size, as provided in WAC 220-20-020(1).

NEW SECTION

WAC 220-32-05700I **SEASON—STURGEON** *Notwithstanding the provisions of WAC 220-32-057, it is unlawful to take, fish for, or possess sturgeon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish with setline gear from 12:01 a.m. January 19 to 12 noon May 31, 1981. Setline gear is limited to not more than 100 hooks per setline.*

WSR 81-03-045

ADOPTED RULES
GAMBLING COMMISSION
 [Order 105—Filed January 16, 1981]

I, Harold Walsh, director of the Washington State Gambling Commission, do promulgate and adopt at Everett, Washington, the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-04-190 and 230-04-200.

This action is taken pursuant to Notice No. WSR 80-18-052 filed with the code reviser on December 3, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule, WAC 230-04-190, is promulgated pursuant to RCW 9.46.020(23) and WAC 230-04-200 is promulgated pursuant to RCW 9.46.070(5) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 15, 1981.

By Harold Walsh
 Chairman

AMENDATORY SECTION (Amending Order No. 85, filed 5/25/78)

WAC 230-04-190 **ISSUANCE OF LICENSE.** (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or to qualified bona fide nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo
- (b) Raffles
- (c) Amusement games
- (d) Punchboards and pull tabs

(e) To allow its premises to be used only by bona fide members and guests to play authorized card games. The operation of each of these activities shall require a separate license from the commission.

(2) Fund raising event as defined in RCW 9.46.020. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.020, other than any agricultural fair defined therein, to conduct fund raising events.

(3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to operate punchboards and pull tabs upon specified premises.

(7) Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:

(a) Punchboard and pull tab manufacturers,

(b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington(-);

(c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and

(d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.

(8) License expiration. Each such license shall be valid for one year from the date that it is issued: **PROVIDED, That**

(a) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(b) Notwithstanding the provisions of subsection (a), a license issued for the conduct of a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall authorize the licensee to sell tickets for said raffle at any time during the period from the issuance of the license through the conclusion of the fair or festival.

(c) Licenses issued for card tournaments shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(d) Licenses issued for fund raising events shall be valid ~~((only for the duration of the fund raising event as))~~ for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application(-) or otherwise approved by the commission. ((but in no event shall exceed three consecutive days, once each calendar year, or in the alternative, shall not exceed one calendar day no more than twice each calendar year.)) The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.020(23) defining fund raising events.

(e) If the licensee fails to renew the license prior to the expiration date, the license shall expire. The licensee must reapply for licensure according to the statutory and regulatory conditions then in force as would any other person.

(9) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington.

AMENDATORY SECTION (Amending Order No. 98, filed 2/25/80)

WAC 230-04-200 LICENSE FEES. The following fees shall be paid to the commission for licenses, and permits, issued by the commission. For the operation of:

(1) BINGO

(a) Class A - five hundred dollars or less annual net receipts - ~~((20))~~ \$25.

(b) Class B - over five hundred dollars through five thousand dollars annual net receipts - ~~((50))~~ \$75.

(c) Class C - over five thousand dollars through fifteen thousand dollars annual net receipts - ~~((250))~~ \$300.

(d) Class D - over fifteen thousand dollars through twenty-five thousand dollars annual net receipts - ~~((350))~~ \$500.

(e) Class E - over twenty-five thousand dollars through fifty thousand dollars annual net receipts - ~~((750))~~ \$1000.

(f) Class F - over fifty thousand dollars through one hundred thousand dollars annual net receipts - ~~((1500))~~ \$2000.

(g) Class G - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - ~~((3000))~~ \$4000.

(h) Class H - over five hundred thousand dollars through seven hundred fifty thousand dollars annual net receipts - ~~(((\$5,000))~~ \$5500.

(i) Class I - over seven hundred fifty thousand dollars through one million dollars annual net receipts - ~~(((\$7,500))~~ \$8000.

(j) Class J - over one million dollars annual net receipts - ~~(((\$10,000))~~ \$11,000.

(2) RAFFLES

(a) Class C - five hundred dollars or less annual net receipts - ~~(((\$20))~~ \$25.

(b) Class D - over five hundred dollars but not over five thousand dollars, annual net receipts - ~~(((\$50))~~ \$75.

(c) Class E - over five thousand dollars through fifteen thousand dollars annual net receipts - ~~(((\$250))~~ \$300.

(d) Class F - over fifteen thousand dollars annual net receipts - ~~(((\$350))~~ \$500.

(3) AMUSEMENT GAMES - by bona fide charitable or bona fide nonprofit organizations.

(a) Class A - five hundred dollars or less annual net receipts - ~~(((\$20))~~ \$25.

(b) Class B - over five hundred dollars through one thousand dollars annual net receipts - ~~(((\$25))~~ \$30.

(c) Class C - over one thousand dollars through five thousand dollars annual net receipts - \$50.

(d) Class D - over five thousand dollars through fifteen thousand dollars annual net receipts - ~~(((\$150))~~ \$200.

(e) Class E - over fifteen thousand dollars annual net receipts - \$350.

(4) FUND RAISING EVENT (~~(AS DEFINED IN RCW 9.46.020)~~ (license year) - by bona fide charitable or bona fide nonprofit organizations.

(a) Class ~~A-1~~ A-1 - one event, one calendar day (~~((=not to exceed five thousand dollars annual net receipts))~~ - ~~(((\$125))~~ \$200).

(b) Class ~~((B))A-1R~~ - (~~((more than one calendar day not to exceed three consecutive days, once each calendar year - not to exceed five thousand dollars annual net receipts - \$250))~~ one event, one calendar day - recreational - \$5).

(c) Class ~~((C))A-2~~ - (~~((recreational - one calendar day - not to exceed five thousand dollars annual net receipts - \$5))~~ not more than two events, one calendar day each - \$400).

(d) Class ~~((D))B-1~~ - (~~((recreational - more than one calendar day not to exceed three consecutive days, once each calendar year - not to exceed five thousand dollars annual net receipts - \$10))~~ one event, not more than three calendar days - \$300).

(e) Class ~~B-1R~~ - one event, not more than three calendar days - recreational - \$10.

(5) SPECIAL LOCATION AMUSEMENT GAMES - other than bona fide charitable or bona fide nonprofit organizations.

(a) Class A - one event per year lasting no more than 12 consecutive days - ~~(((\$100))~~ \$500.

(b) Class B - twenty-five thousand dollars or less annual net receipts - ~~(((\$250))~~ \$500.

(c) Class C - over twenty-five thousand dollars through one hundred thousand dollars annual net receipts - ~~(((\$750))~~ \$1500.

(d) Class D - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - ~~(((\$1500))~~ \$3000.

(e) Class E - over five hundred thousand dollars annual net receipts - ~~(((\$3000))~~ \$5000.

(6) CARD GAMES - bona fide charitable and nonprofit organizations.

(a) Class A - general (fee to play charged) - ~~(((\$250))~~ \$500.

(b) Class B - limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) - \$100.

(c) Class C - tournament only (no more than ten consecutive days) per tournament - \$35.

(d) Class D - general (no fee is charged a player to play cards) - \$35.

(e) Class R - primarily for recreational purposes and meets the standards of WAC 230-04-199 - \$10.

(7) CARD GAMES - commercial stimulant - each licensee per premises.

~~((a) Class A - general - up to three tables - \$250.)~~

(b) Class B - limited card games to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) - \$100.

(c) Class C - tournament only (no more than ten consecutive days) - per tournament - ~~(((\$35))~~ \$100.

(d) Class D - general (no fee is charged a player to play cards) - \$35.

(e) Class E - general ((=)).

(i) up to five tables - ~~(((\$500))~~ \$2000

(ii) up to four tables - \$1500

(iii) up to three tables - \$750

(iv) up to two tables - \$500

(v) one table only - \$250.

(8) PUBLIC CARD ROOM EMPLOYEE - each licensee - \$100, each renewal - \$50.

(9) PERMITS - for operation by persons of authorized activity at agricultural fair or special property.

(a) Class A - one location and event only - \$10.

(b) Class B - annual permit for specified different events and locations - \$100.

(10) PUNCHBOARDS AND PULL TABS - each licensee, per premises - \$300.

(11) Manufacturer license - \$1250.

(12) Distributor license - \$1000.

(13) Distributor's representative license - ~~(((\$100))~~ \$150, renewal - \$75.

(14) Manufacturer's representative license - ~~(((\$100))~~ \$150, renewal - \$75.

The term annual net receipts as used above means net receipts from the activity licensed only, during the license year.

WSR 81-03-046
EMERGENCY RULES
DEPARTMENT OF LICENSING
 [Order DOL 614—Filed January 16, 1981]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to notice of appointment of director.

I, John Gonzalez, 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 rule will constitute public notice that all documents issued subsequent to January 14, 1981 have been issued pursuant to my authority where required by law and will avoid the unnecessary public expense in replacing forms preprinted with the former director's name.

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

This rule is promulgated pursuant to RCW 43.17.060 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Director of the Department of Licensing, as authorized in RCW 43.17.060 (See also, RCW 43.24.040 and 46.01.160).

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

APPROVED AND ADOPTED January 16, 1981.

By John Gonzalez
 Director

NEW SECTION

WAC 308-04-001 APPOINTMENT OF DIRECTOR. John Gonzalez was appointed Director of the Department of Licensing on January 14, 1981. All documents issued after that date in the name of the director in the disposition and performance of the official business of the Department of Licensing shall be considered to have been issued by him or at his direction whether his name, or the name of the former director, appears on the document.

This rule is adopted to ratify the use of thousands of forms now in the department's inventory which have been preprinted with the name of the former director's name, the replacement of which would result in the unnecessary expenditure of state funds.

WSR 81-03-047
EMERGENCY RULES
TACOMA COMMUNITY COLLEGE
 [Order 1-81, Resolution 81-2—Filed January 19, 1981]

Be it resolved by the board of trustees, of Tacoma Community College, Community College District 22, acting at John Binns Room, Building #7, Tacoma Community College, that it does promulgate and adopt the annexed rules relating to faculty tenure rights and procedures, amending chapter 132V-22 WAC.

We, the Board of Trustees of Tacoma Community College, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is that there presently exists non-conformance between the Negotiated Agreement of the Tacoma Community College Federation of Teachers and Tacoma Community College District 22 as recently consummated between the parties and codified regulations concerning tenure rights and procedures presently in existence. In order to effect an immediate conformity for purposes of exercising and implementing said rights and procedures, emergency rules must be immediately adopted.

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

This rule is promulgated pursuant to RCW 28B.50-.140 sub 13.

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

APPROVED AND ADOPTED January 15, 1981.

By Larry P. Stevens
 Secretary, Board of Trustees

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-010 PURPOSE—TENURE. The Board of Trustees of Community College District ((No.)) 22 hereby establishes the following rules on ((faculty)) academic employee tenure((:)). The purpose of ((which)) tenure is twofold((:)):

(1) To protect faculty appointment rights and faculty involvement in the establishment and protection of those rights at Tacoma Community College and all subsequent community colleges hereafter established within Community College District ((No.)) 22, and

(2) To assure that tenure is granted to ((faculty members)) academic employees of such character and scholarly ability that the district, so far as its resources permit, can justifiably undertake to employ them for the rest of their academic careers.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-020 DEFINITIONS. As used in this chapter (~~((WAC 132V-22))~~), the following terms and definitions shall mean:

(1) "Appointing authority" shall mean the Board of Trustees of Community College District (~~(No.)~~) 22.

(2) The definitions of "tenure", "faculty appointment", "probationary faculty appointment", "probationer", and "administrative appointment", shall be the same as are contained within (~~(section 33, chapter 283, Laws of 1969 ex. sess., as amended by sections 1 and 3 of chapter 5, Laws of 1970, and)~~) RCW 28B.50.851 as now or hereafter amended.

(3) "Regular college year" shall mean a faculty appointment normally inclusive of consecutive fall, winter, and spring quarters.

(4) "President" shall mean the president of Tacoma Community College and of any other college hereafter established within Community College District (~~(No.)~~) 22, or in such president's absence, the acting president.

(5) "College" shall mean Tacoma Community College and any subsequent community college hereafter established within Community College District (~~(No.)~~) 22.

(6) "Tenure Review Committee" shall mean a committee composed of (~~(two faculty members)~~) three academic employees who hold tenured faculty appointments (~~(and)~~) a division chairman (~~(appointed pursuant to WAC 132V-22-030)~~), or management supervisor and a student appointed pursuant to WAC 132V-22-030.

(7) "Full-time" shall mean an appointment (~~(for at least two-thirds of a standard full-time workload as)~~) which is consistent with the full-time contractual assignment specified (~~(in this)~~) within Article 6.00 of the negotiated agreement.

(8) "Dismissal" shall mean the termination of a tenured faculty appointment or a probationary faculty appointment by the appointing authority.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-030 COMPOSITION OF REVIEW COMMITTEES. (1) A separate tenure review committee (~~((shall be established for each full-time probationer))~~), which shall serve as a standing committee until such time as the appointment is terminated, shall be established for each full-time probationer.

(2) Each tenure review committee shall be composed of (~~(three)~~) five persons(~~(-two of whom))~~): Three shall be tenured faculty appointees selected by a majority of the tenured faculty members and faculty department heads acting in a body prior to October 15 of the probationer's first full regular college year of employment (~~(and additionally, each review committee shall consist of the probationer's division chairman. The division chairman shall act as chairman of the committee and)~~); one shall be the probationer's division chairman (or his/her management supervisor if he/she is not supervised by a division chairman); one shall be a student representative who shall be a full-time student and who shall be chosen by the student association of the college

in such a manner thereof shall determine. Each tenure review committee shall select its own chairman. If the elected chairman fails to perform his/her required duties in the time period specified, management shall appoint a chairman from among the other committee members to fulfill the responsibilities. Each (~~(such))~~ review committee shall meet at the call of the chairman when, in his/her discretion, the need for such meeting arises, provided, that the committee shall meet with the probationer at least twice during each winter quarter(~~(-and)~~). Additionally, the committee shall meet within ten days (~~(of the receipt of a written request setting forth good cause to meet directed to the chairman by the probationer))~~ after the chairman receives the probationer's written request which states the purpose of the meeting.

(3) If a vacancy occurs upon any tenure review committee prior to the expiration of the probationer's appointment as such, an administrative (~~(or)~~), faculty or student member, as appropriate, shall be appointed to fill the vacancy pursuant to subsection (2) of this rule to serve for the duration of the committee's obligation.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-040 DUTIES AND RESPONSIBILITIES OF REVIEW COMMITTEE. (1) The general duty and responsibility of the tenure review committee shall be to assess and advise the probationer of his/her professional strengths and weaknesses and to make reasonable efforts to encourage and aid him/her to overcome his/her deficiencies.

(2) The first order of business for each tenure review committee shall be to establish the procedure it will follow in evaluating the performance and professional competence of the full-time probationer assigned thereto. The committee's evaluation of the probationer shall be directed toward and result in the determination of whether or not the probationer possesses the necessary personal characteristics and professional competence to perform effectively in his/her appointment. In determining professional competence, the committee shall give due consideration to the criteria under which the employee was hired, as established by the probationer's department, program, or advisory group. A review committee's evaluation procedures should include, as it deems necessary, the following:

(a) Classroom observations by members of the tenure review committee;

(b) Student evaluation administered by (~~(someone other than the probationer))~~) a member of the review committee;

(c) Assessment of the probationer's contributions to the department, program, division, and institution by the department or program, and division heads(~~(-by))~~ and other faculty(~~(-by the representative faculty organization))~~); and

(d) Self-evaluation.

(3) Each tenure review committee shall be required to conduct an on-going evaluation of the full-time probationer assigned thereto and render the following written reports to the president, probationer, and the appointing authority on or before the designated times during each

regular college year that such appointee is on a probationary status, or, as is also required, within fifteen days of the president's written request therefor:

(a) A written evaluation of each full-time probationary faculty appointee's performance, including the degree to which the probationer has overcome stated deficiencies, on or before February 15. The review committee shall obtain the appointee's written acknowledgment of receipt of the written evaluation.

(b) A written recommendation regarding the employment or nonemployment of the probationer for the ensuing regular college year on or before February 15.

(c) A written recommendation that the appointing authority award or not award tenure, such written recommendations to be submitted (~~(at times)~~) during the regular college year deemed appropriate by each review committee, provided(~~(:)~~) that during such probationer's third regular college year of appointment(~~(:)~~) the review committee shall, prior to February 15 of such regular college year, make a written recommendation as to the award or nonaward of tenure. The failure of any review committee to make such written recommendation by February 15 of a probationer's third consecutive regular college year shall require that the probationer's supervising dean make a written recommendation as to the award or nonaward of tenure(~~(:)~~) by the following February 25.

(4) The appointing authority shall (~~(only)~~) be required to give reasonable consideration to any recommendation of a review committee and is not bound thereby.

(5) All written evaluations and recommendations prepared and submitted by a review committee pursuant to these rules shall include the committee's findings and supportive data and analysis.

(6) If the probationer disagrees with the review committee's recommendation as to the award or nonaward of tenure, the probationer shall be provided an opportunity to challenge the review committee's recommendations before a committee of the appointing authority.

(7) On or before the last day of the winter quarter of (~~(a probationer's third consecutive)~~) each regular college year of a probationary appointment, the appointing authority shall notify (~~(him)~~) the probationer of their decision to either grant him/her tenure or not renew his/her appointment for the ensuing year.

(8) The decision of the appointing authority to not rehire a probationary academic employee for a second or third year of the probationary period or to not grant tenure is final, and the academic employee affected by this decision shall not have access to the Hearing Procedure Relating to Dismissal for Cause and Reduction-in-Force as provided by Section 12.32 of the Negotiated Agreement, but the academic employee may submit written appeal and appear, in person, at the next board meeting following such nonrenewal.

(9) As per Chapter 112, Laws of 1975, 1st Extraordinary Session, those academic employees funded more than fifty-one of their annual salaries by other than state funds are nontenurable, per WAC 131-16-400. Inclusion of this paragraph shall not limit the union in its court appeal of this law, rulings pursuant thereto and

its effect on present employees in this category. Management will make every effort to shift presently affected employees to tenurable jobs as they become available. Management and the union agree to make necessary modifications in this section in order to bring it into compliance with subsequent court decisions, if any.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-050 PROCEDURE RELATING TO THE DISMISSAL FOR CAUSE OF TENURED AND PROBATIONARY FACULTY MEMBERS. A tenured faculty member shall not be dismissed by the college except for sufficient cause, nor shall a faculty member who holds a probationary faculty appointment be dismissed prior to the written terms of the appointment except for sufficient cause. Sufficient cause may include, but is not limited to:

(1) Demonstrated incompetency in his professional assignment;

(2) Proven neglect of (~~(duty)~~) recognized duties;

(3) Proven insubordination;

(4) Diagnosed physical or mental inability to perform assigned duties (~~(as a professional employee)~~);

(5) Convicted of any unlawful act of violence during the period of employment;

(6) Convicted of any unlawful act resulting in destruction of college property;

(7) Convicted of any unlawful interference with the orderly conduct of the educational process.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-060 PRELIMINARY PROCEDURE RELATING TO THE DISMISSAL FOR CAUSE OF A TENURED OR PROBATIONARY FACULTY MEMBER. When reason arises to question the fitness of (~~(a faculty member)~~) an academic employee, the initial step shall be for the appropriate administrative officer to discuss the matter with him/her in personal conference. At this conference, the academic employee may request the presence of a union representative. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, the case shall be referred to the president of the college. If the president of the college deems that the case warrants dismissal, (~~(and if the reasons for the dismissal are other than those specified in WAC 132V-22-100 Reduction in Force)~~) the dismissal process shall (~~(proceed as follows)~~) be governed by the following procedure:

(1) At least fifteen calendar days prior to the effective date of the dismissal action and at least thirty days prior to the convening of the dismissal for cause committee, the academic employee, who is to be dismissed by the appointing authority, and the union shall be furnished with written notice which shall include grounds for dismissal, a statement of the legal authority and jurisdiction of the president's notice, and information of the employee's right of appeal. The notification shall be furnished directly to the employee during working hours, or

if this is not possible because of the absence of the employee, it shall be mailed by certified return receipt mail to the academic employee's last known address.

(2) A dismissal review committee will be established. The dismissal review committee shall be the same as the tenure review committee. If the tenure review committee is no longer available the dismissal review committee shall ((be made up of two teaching faculty and a member of the administrative staff appointed by the president)) have the same membership as required for a tenure review committee for a probationary academic employee. The members representing the ((teaching faculty)) academic employees shall be selected by a majority of the ((teaching faculty)) academic employees and ((faculty department heads)) department chairmen acting as a body. The president shall deliver to the review committee the statement of charges provided to the employee.

(3) Remaining steps in the procedure for dismissal for cause of tenured or probationary faculty members are as specified in ((WAC 132V-22-200 Academic Employee Hearing Procedure)) WAC 132V-22-200 of these rules.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-100 PROCEDURE RELATING TO REDUCTION IN FORCE. (1) Definition: A reduction-in-force is a dismissal of faculty members ((because of budget reasons, lack of funds, change in instructional or service programs, or lack of students participating in particular programs or services.)) without prejudice and for adequate cause which shall include lack of funds and necessary curtailment of work.

(2) ((Layoff Unit: The union-management committee will define the layoff units, compile lists of employees within each unit, and recommend same to the president.)) Lay-off units and procedure for assignment:

(a) A full-time academic employee's assignment to a lay-off unit will be that within which his/her job responsibility is classified.

(b) For the duration of this agreement, the lay-off units and assignments thereto, as agreed to in the union-management meeting of February 3, 1974, or the most recent updating of those lay-off units and assignments thereto, shall be used as the basis of reduction-in-force. A person may be assigned to only one lay-off unit even though he/she is teaching in more than one unit.

(c) The institutional seniority list, which is to be published annually by November 1st of each year, under Article 9 of the Negotiated Agreement, will also include the lay-off unit to which an academic employee is currently assigned.

(3) ((Basis for Reduction: If the number of full-time contracted professional employees is to be reduced, the college president, with advice from the appropriate supervising administrators, including department chairmen, shall determine in the case of each affected department or program what courses and services are most necessary to maintain quality education and services at Tacoma Community College. In making his determinations on reductions, the college president shall

consider the following factors in addition to those reasons as defined in part (1) definition, above.

(a) The enrollment, the trends in enrollment, and their effect upon the department or program.

(b) The present and anticipated service needs of the college and its students and prospective students.

(c) Information concerning faculty and administrative vacancies occurring through retirement, resignation, and professional and other leave.

(d) Before arriving at proposed reduction in force decisions, the president will confer with representatives of the designated faculty organization and the student government regarding proposed reduction plans and will consider their opinions in the matter.)) Alternatives to reduction-in-force: Alternatives to reduction-in-force shall be implemented by management prior to the initiation of reduction-in-force procedures. The application of these alternatives will be handled through the appropriate division and department. A full-time employee will be given sections normally staffed by part-time employees before being offered other alternatives to reduction-in-force. Such alternatives may include, but not be limited to, those in Article 6.00 of the Negotiated Agreement.

An academic employee's agreement to one or any combination of the above-referenced alternatives, or any other alternative agreed to, will be submitted in writing to the college president.

(4) ((Order of Reduction: If a reduction is determined to be necessary within a layoff unit, the employment needs of the department or program shall be the primary basis for identifying the order of reduction in force. Strong consideration will also be given to seniority as defined in Art. IX of the Negotiated Agreement. PROVIDED, That consideration results in the retention of qualified professionals to replace and perform the necessary duties of the personnel to be reduce. In determining what duties a professional is qualified to perform the president will consider but not be limited to:

(a) general professional experience;

(b) actual work experience in the area under consideration, and

(c) educational background.)) Basis for reduction: If the number of full-time contracted academic employees is to be reduced, the college president, with advice from the appropriate supervising administrators and department chairmen shall determine in the case of each affected department or program what courses and services are most necessary to maintain quality education and services at Tacoma Community College. In making his determination on reductions, the college president shall consider the following factors:

(a) Budget limitations, lack of funds, change in instructional or service programs, or lack of students participating in particular programs or services.

(b) The enrollment, the trends in enrollment, and their effect upon the department or program.

(c) The present and anticipated service needs of the college and its students and prospective students.

(d) Information concerning faculty and administrative vacancies occurring through retirement, resignation, and professional and other leave.

Before arriving at proposed reduction-in-force decision, the president will confer with representatives of the designated faculty organization and the student government regarding proposed reduction plans and will consider their opinions in the matter.

(5) ((Right to Recall: A full-time faculty member whose contract is not renewed as a result of this reduction in force procedure shall have the right to recall to any faculty position, either a newly created position or a vacancy: PROVIDED, That the individual is determined to be qualified for such position by the college president following recommendation by the supervising dean, department chairman and/or program director. The right of recall shall extend one year from the date of layoff.)) Order of reduction: If a reduction is determined to be necessary within a lay-off unit, the employment needs of the department or program shall be the primary basis for identifying the order of reduction-in-force. First consideration will also be given to seniority as defined in Article 9.00 of the Negotiated Agreement, provided that such consideration results in the retention of qualified academic employees to replace and perform the necessary duties of the personnel reduced. In determining what duties an academic employee is qualified to perform, the president will consider, but not be limited to:

(a) General professional experience,

(b) Actual work experience in the area under consideration; and

(c) Educational background.

(6) ((Dismissal Review Committee: (1) A dismissal review committee shall be composed of three members of the faculty who shall be selected by a majority of the faculty and faculty department heads acting in a body and two administrators who shall be appointed by the college president.)) Right to recall: A full-time faculty member whose contract is not renewed as a result of this reduction-in-force procedure shall have the right to recall to any faculty position, either a newly created position or a vacancy: PROVIDED, That the individual is determined to be qualified for such position by the president of the college following recommendations by the supervising dean, department chairman and/or program director. The right of recall shall extend two years from day of lay-off.

(7) ((Procedure for Reduction in Force: In the event of a reduction in force the review committee shall consolidate all matters into a single hearing. At the hearing each individual professional staff member affected shall have the opportunity to be represented by counsel, respond to and present evidence and arguments on all issues involved, and to examine and cross-examine witnesses. At the hearing, each individual professional staff member affected shall have opportunity provided in the hearing for his counsel to protect his individual due process rights to respond to and present evidence and argument on all issues involved and to examine and cross-examine witnesses.

Remaining steps in the procedure for reduction in force are as specified in WAC 132V-22-200 academic employee hearing procedure.)) Reduction-in-force review committee: A reduction-in-force review committee shall be composed of three members of the faculty who

shall be selected by a majority of the faculty and faculty department heads acting in a body, one administrator who shall be appointed by the college president, and one student representative who shall be chosen by the student association of the college in such a manner as the members thereof shall determine.

(8) Preliminary procedure for reduction-in-force: When reason arises to dismiss an academic employee as a result of reduction-in-force, the initial step shall be for the appropriate administrative officer to discuss the matter with him in personal conference. At this conference, the academic employee may request the presence of a union representative. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, the case shall be referred to the president of the college. If the president of the college still deems dismissal to be necessary, the dismissal process shall be governed by the following procedure:

(a) At least thirty calendar days prior to the convening of the dismissal review committee, the union and the academic employee who is threatened with dismissal by the appointing authority shall be furnished with written notice which shall include grounds for dismissal, a statement of the legal authority and jurisdiction of the president's notice, and information of the employee's right of appeal. The notification shall be furnished directly to the employee during working hours, or if this is not possible because of the absence of the employee, it shall be mailed by certified return receipt mail to the academic employee's last known address.

(b) A reduction-in-force review committee will be established. The reduction-in-force review committee shall be the same as the tenure review committee. If the tenure review committee is no longer available, the reduction-in-force review committee shall have the same membership as required for a tenure review committee for a probationary academic employee. The members representing academic employees shall be selected by a majority of the academic employees and department chairmen acting as a body. The president shall deliver to the reduction-in-force review committee the statement of charges provided to the employee.

(c) In the event of a reduction-in-force, the reduction-in-force review committee shall conduct a hearing. At the hearing, the academic employee affected shall have the opportunity to be represented by counsel, to respond to and present evidence and arguments on all issues involved, and to examine and cross-examine witnesses. At the hearing, the academic employee shall have opportunity for his counsel to protect his due process rights to respond to and present evidence and arguments on all issues involved and to examine and cross-examine witnesses.

(d) Subsequent steps in the procedure for reduction-in-force are specified in WAC 132V-22-200 of these rules.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-200 ((ACADEMIC EMPLOYEE)) HEARING PROCEDURE RELATING TO DISMISSAL FOR CAUSE AND REDUCTION-IN-

~~FORCE. ((The following procedure shall apply to tenure dismissals and to reduction in force dismissals of academic employee(s). (1) The president shall deliver to the review committee and to the faculty member a short and plain statement which contains:~~

~~(a) The grounds for dismissal in reasonable particularity;~~

~~(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;~~

~~(c) Reference to any particular statutes or rules involved.~~

~~(2) After receiving the president's recommendation for dismissal, the affected professional may request a hearing within the following ten days. If the president does not receive this request within ten days, it will be assumed the professional has chosen to withdraw from his employment and his right to a hearing will be deemed waived.~~

~~(3)) (1) The required notice of Dismissal for Cause or Reduction-in-Force to the affected academic employee(s) shall include notice of the right of a hearing before the review committee and that if the affected employee does not request such a hearing, from the president of the college within ten days after the effective date of separation from the payroll. Management will request a written determination from the employee as to whether he/she wishes to avail themselves of the right to a hearing. If after five additional days the academic employee fails to respond, this failure to request a hearing shall constitute acceptance of dismissal and waiver of any right to a hearing under the provisions of this negotiated agreement.~~

~~(2) In the event the president receives a request for a hearing, all parties shall be afforded an opportunity for a hearing after not less than twenty days' notice. The notice shall include:~~

~~(a) A statement of the time, place, and nature of the proceeding;~~

~~(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;~~

~~(c) A reference to the particular rules of the ((institution)) colleges that are involved;~~

~~(d) A short and plain statement of the matters asserted.~~

~~((4) At) (3) Prior to the time of the hearing, the board and the union shall request an impartial hearing officer ((appointed by the board shall)) from the Public Employment Relations Commission to sit as a nonvoting member of the committee. It shall be his/her responsibility to:~~

~~(a) Make all rulings regarding the evidentiary and procedural issues presented during the course of the dismissal review committee hearings;~~

~~(b) Meet and confer with the members of the dismissal review committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;~~

~~(c) Appoint a court reporter, who shall operate at the direction of the presiding officer and shall record all testimony, receive all documents and other evidence introduced during the course of hearings, and record any~~

~~other matters related to the hearing as directed by the presiding officer;~~

~~(d) Prepare the record if requested under subsection (6) herein.~~

~~((5)) (4) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved, and to examine and cross-examine witnesses.~~

~~((6)) (5) Oral proceedings shall be transcribed, if necessary, for the purposes of rehearing(;) or court reviews. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the costs thereof.~~

~~((7)) (6) The record in a contested case shall include:~~

~~(a) All documents, motions, and intermediate rulings;~~

~~(b) Evidence received or considered;~~

~~(c) A statement of matters officially noticed;~~

~~(d) Questions and offers of proof, objections, and rulings thereon;~~

~~(e) Proposed findings and exceptions; and~~

~~(f) Any decision, opinion, or report by the officer or committee chairman presiding at the hearing.~~

~~((8)) (7) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.~~

~~((9)) (8) The ((institution,)) college or its authorized hearing officer or committee(;) may:~~

~~(a) Administer oaths and affirmations, examine witnesses, and receive evidence(, and). No person shall be compelled to divulge information which he/she could not be compelled to divulge in a court of common law;~~

~~(b) Issue subpoenas;~~

~~(c) Take or cause depositions to be taken pursuant to rules promulgated by the ((institution, and)) college. No person shall be compelled to divulge information which he/she could not be compelled to divulge by deposition in connection with a court proceeding;~~

~~(d) Regulate the course of the hearing;~~

~~(e) Hold conferences for the settlement or simplification of the issues by consent of the parties.~~

~~((10)) (9) Within twenty days following the review hearing, the review committee shall prepare recommendations on the action they propose be taken and submit such recommendations to the appointing authority. A copy of the recommendations shall be given the ((faculty member)) academic employee involved and the president.~~

~~((11)) (10) The board ((of trustees)) shall meet within thirty days ((subsequent to its)) after receipt of the dismissal review committee recommendations to consider those recommendations. ((The dismissal review committee's recommendations shall be advisory only and in no respect binding in fact or law upon the decision maker, the board of trustees. In addition to the recommendations of the review committee, the board of trustees shall give consideration to other evidence or recommendations they deem necessary.)) The academic employee affected by the review committee recommendations may request a hearing before the board within ten days after receipt of the said recommendations. If board action affects academic employees other than the academic employee against whom dismissal action was originally taken, those academic employees shall be~~

guaranteed protection of the entire dismissal for cause hearing procedure provided for herein. Within thirty days after the hearing before the board, the appointing authority shall inform the affected academic employee of their decision by letter.

~~((12) Within fifteen days thereafter, the appointing authority shall inform the faculty member by letter of their decision regarding the case.~~

~~(13) Any faculty member dismissed shall have a right to appeal the final decision of the appointing authority within thirty days after receipt of the notice of dismissal.~~

~~The appeal to the board shall be based on the record. The filing of an appeal shall not stay enforcement of the decision of the board of trustees.))~~

WSR 81-03-048
ADOPTED RULES
COMMISSION FOR THE BLIND
[Order 81-05—Filed January 19, 1981]

Be it resolved by the Washington State Commission for the Blind, acting at 3411 South Alaska Street, Seattle, WA 98118, that it does promulgate and adopt the annexed rules relating to WAC 67-32-180, concerning the Vending Facility Program for the Blind in the state of Washington; amendatory language which provides for easier access to the program's financial information and for interpretation thereof; amendatory language citing a specific federal regulation, a state statute and a commission policy regarding confidential information about applicants, trainees, licensees and vendors in the programs affected by this section.

This action is taken pursuant to Notice No. WSR 80-18-042 filed with the code reviser on December 3, 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 Washington State Commission for the Blind as authorized in RCW 74.17.040, 74.16.430(1) and 74.16.450.

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

APPROVED AND ADOPTED January 10, 1981.
By William K. James
Director

AMENDATORY SECTION (Amending Order 79-01, filed 7/10/79)

WAC 67-32-180 ACCESS TO PROGRAM AND FINANCIAL INFORMATION. The commission shall provide to any interested person (~~upon written request~~) program and financial information and interpretation concerning the operation of the program, except that confidential information concerning any applicant, trainee, licensee or vendor shall not be released directly

or indirectly without written permission of such applicant, trainee, licensee, or vendor(;) as specified in Title 45 CFR, Chapter 8, Part 1361.47; 42.17 RCW and attendant regulations; and commission policy B-21.

WSR 81-03-049
PROPOSED RULES
COMMISSION FOR THE BLIND
[Filed January 19, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 74.16.040, that the Washington State Commission for the Blind, intends to adopt, amend, or repeal rules concerning Title 67 WAC Washington State Commission for the Blind, chapter 32 Vending Facility Program for the Blind; section 150 Set aside fund—Use as determined, section 310 Commission responsibility—Liability insurance, and section 910 Sample agreement;

that such agency will at 9:00 a.m., Saturday, February 7, 1981, in the Commission for the Blind, 3411 South Alaska Street, Seattle, WA 98118, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Saturday, February 7, 1981, in the Commission for the Blind, 3411 South Alaska Street, Seattle, WA 98118.

The authority under which these rules are proposed is chapters 74.16 and 74.17 RCW, Rehab. Act of 1973, P.L. 93-112 as amended, 29 U.S. Code chapter 16, Randolph Sheppard Act, P.L. 74-732, as amended by P.L. 83-565 and P.L. 93-516, 20 U.S. Code, chapter 6A Sec. 107, Title 45 CFR, Part 1361 Vocational Rehab., Title 45 CFR, Part 1369 Vending Facility Program for the Blind.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 6, 1981, and/or orally at 9:00 a.m., Saturday, February 7, 1981, Commission for the Blind, 3411 South Alaska Street, Seattle, WA 98118.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-18-042 filed with the code reviser's office on December 3, 1980.

Dated: January 14, 1981
By: William K. James
Director

WSR 81-03-050
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
[Filed January 19, 1981]

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 conversion of planning and community affairs, chapter 365-42 WAC to the Washington State Department of Transportation, chapter 468-87 WAC and amendments to WAC 468-87-100, 468-87-200,

468-87-230, 468-87-350 and 468-87-710, administrative rules and regulations for UMTA section 16(b)(2) Capital Assistance for Private Non-Profit Organizations to Assist in Elderly or Handicapped Transportation;

that such agency will at 10:00 a.m., Monday, March 16, 1981, in Board Room, 1D 2, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, March 16, 1981, in Board Room, 1D 2, Highway Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 47.01.101(5).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 16, 1981, and/or orally at 10:00 a.m., Monday, March 16, 1981, Board Room, 1D 2, Highway Administration Building, Olympia, Washington.

Dated: January 19, 1981
By: W.A. Bulley
Secretary

STATEMENT OF PURPOSE

Title: Conversion of chapter 365-42 WAC to chapter 468-87 WAC and amendments to administrative rules and regulations for UMTA section 16(b)(2) Grant Program.

Result Of Federal Law Or Federal Or State Court Action: (1) chapter 47.01 RCW, Department of Transportation, reflects transfer of functions to DOT; (2) Federal Register Vol. 42, No. 176, OMB Circular A-102, Attachment N, Property Management Standards, reflects changes in federal regulations.

Statutory Authority: RCW 47.01.101(5).

Summary Of Rule: Moves administrative rules and regulations for UMTA section 16(b)(2) Grant Program-Capital Assistance Program for private non-profit organizations providing transportation to elderly and handicapped to new chapter and updates. Repeals chapter 365-42 WAC.

Reason For Rule: To bring rules on administering UMTA section 16(b)(2) Grant Program into DOT chapter and update where necessary.

For Further Information: Dr. Robert S. Nielsen, Assistant Secretary, Public Transportation and Planning for the Department of Transportation, Room 1A23, Highway Administration Building, Phone 753-6101, is responsible for the drafting and implementation of this rule.

Proponents Of Rule: The Washington State Department of Transportation is the proponent of the rule.

Agency Comments Or Recommendations: The Washington State Department of

Transportation, Public Transportation and Planning Division, is responsible for implementation of this rule.

Chapter 468-87 WAC

REGULATIONS REGARDING FINANCIAL SUPPORT TO PRIVATE, NONPROFIT CORPORATIONS FOR CAPITAL ASSISTANCE IN PROVIDING TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

WAC

468-87-010	Definitions.
468-87-020	Program description.
468-87-030	Purpose.
468-87-100	Program period.
468-87-110	Qualification criteria.
468-87-200	Application procedures.
468-87-210	Evaluation of applications.
468-87-220	Coordination.
468-87-230	Selection.
468-87-240	State application.
468-87-300	Contract.
468-87-310	Surplus funds.
468-87-320	Equipment purchasing.
468-87-330	UMTA interest.
468-87-340	Equipment acceptance.
468-87-350	Vehicle registration and licensing.
468-87-360	Equipment use.
468-87-370	Maintenance.
468-87-380	Inspections.
468-87-390	Reports.
468-87-410	Insurance.
468-87-420	Indemnity.
468-87-430	Risk of loss or damage.
468-87-440	Disposal of equipment.
468-87-510	Accounting records.
468-87-610	Safety.
468-87-710	Termination.

NEW SECTION

WAC 468-87-010 DEFINITIONS. (1) Unless the language or context indicates that a different meaning is intended, the following terms, and phrases shall, for the purpose of this order, be given the meaning hereafter subjoined to them:

(2) "Agency" shall mean the Washington state department of transportation;

(3) "Applicant" shall mean any private, nonprofit corporation making application to the agency for funding under the program;

(4) "Contract" shall mean the written agreement entered into by the applicant and the agency for purposes of securing equipment under the rules and regulations of the program;

(5) "Contractor" shall mean any applicant accepted into the program under the terms of the program, that signs a contract of agreement to that effect with the agency;

(6) "Elderly" shall mean all individuals aged sixty years or older.

(7) "Equipment" shall mean vehicles, and other equipment such as hydraulic lifts (to be mounted upon appropriately modified vehicles), FM communication radios and modifications to vehicles to be used for the provision of direct transportation service to the elderly and handicapped.

(8) "Handicapped" shall mean all individuals who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected. Handicapped people include:

(a) Ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness; mental disabilities such as mental retardation or emotional illness; physical disabilities which still permit the person to walk comfortably; or a combination of these disabilities;

(b) Semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and

(c) Nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.

(9) "Private, nonprofit corporation" shall mean corporations, and any community chest, fund, foundation, civic league, or other organizations not organized for profit but operated exclusively for the promotion of social welfare, and no part of the net earnings of which benefits any private shareholder or individual. No substantial part of the activities of the corporation may be carrying on propaganda, or attempting to influence legislation, and does not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office. Such organizations shall include as members of their clientele, handicapped and elderly individuals as defined in WAC 468-87-010.

(10) "Program" shall mean the federal capital subsidy grant program authorized under section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended.

(11) "UMTA" shall mean the urban mass transportation administration of the United States department of transportation.

NEW SECTION

WAC 468-87-020 PROGRAM DESCRIPTION. (1) The program is an UMTA funded grant program that offers capital assistance to states in the form of purchase funds only, to provide equipment for use by private, nonprofit corporations who provide service to elderly and handicapped persons when existing mass transportation services are unavailable, insufficient, or inappropriate. The cost of the program is shared, with:

(a) The federal share being eighty percent of the total cost, and

(b) The participant share being twenty percent of the total cost. The twenty percent share must be met with cash, the source of which can not be federal, state, or municipal funds.

(2) The program will be administered in the state by the agency, as designated by the governor.

(3) The agency will be responsible for coordinating, administering, monitoring, and publicizing the program and for performing other functions deemed necessary and appropriate.

(4) All questions regarding administration and operation of the program will be referred to the agency for resolution. The agency will decide upon such issues within the guidelines provided by UMTA.

NEW SECTION

WAC 468-87-030 PURPOSE. (1) The purpose of the program is to supplement existing public transportation services for the elderly and handicapped by supporting private, nonprofit corporations by making available direct federal subsidies for the purchase of capital equipment such as vehicles, hydraulic lifts (mounted upon modified vehicles), and for communication equipment to be used by private, nonprofit corporations to improve transportation opportunities for the elderly and the handicapped.

(2) The purpose of these rules is to provide the program description and criteria necessary for the agency to administer and monitor the program and its impact upon elderly and handicapped transportation needs.

NEW SECTION

WAC 468-87-100 PROGRAM PERIOD. The beginning date of each individual applicant's participation in the program shall be the effective date of the signed contract between the applicant and the agency. The termination of the applicant's participation shall be as set forth below:

(1) According to federal OMB Circular A-102, Attachment N, or OMB Circular A-110, Attachment N, as may be appropriate, now or hereafter amended, or

(2) Upon receipt of written notification by the agency resulting from changes in program regulations, or

(3) When the program contract is terminated by the agency.

NEW SECTION

WAC 468-87-110 QUALIFICATION CRITERIA. To qualify for the program, the applicant organizations shall meet the following criteria:

(1) The applicant shall be a private, nonprofit organization meeting the requirements defined by sections 501(c)(3) and (4) of the United States Internal Revenue Service Code. Certification of nonprofit classification shall be provided by means of:

(a) A copy of the determination letter from the internal revenue service; or

(b) A copy of the application for determination to the internal revenue service; and

(c) A copy of the most recent corporate annual report, as legally required to be filed with the secretary of state of Washington.

(2) The applicant organization shall be serving the needs of the elderly and/or handicapped. Applicants shall provide certification supporting their proposed service from local social service planning agencies that indicates that such proposed service is in concert with relevant existing county plans.

(3) Where public transportation is available, the applicant shall provide certification that the existing public transportation system can not provide the necessary service within a period of two years.

(4) The applicant shall provide proof of eligibility to insure drivers and equipment.

(5) The applicant shall provide certification that it has available the necessary resources to produce the twenty percent hard matching funds, and to implement and operate the service at the prescribed levels.

(6) The applicant shall provide evidence that it has satisfactory control over the operation or use of the requested equipment.

(7) The applicant shall provide certification assuring compliance with Title VI of the Civil Rights Act of 1964.

(8) In areas served by other private, nonprofit corporations holding certificates issued by the Washington utilities and transportation commission, the applicant shall provide certification that the current holders of the certificate can not provide the requested service.

NEW SECTION

WAC 468-87-200 APPLICATION PROCEDURES. To apply for consideration within the program, the applicant shall submit the following information:

(1) The legal name of the applicant, its mailing address, business phone number, and the name of the project director;

(2) A description delineating the geographic service area of the proposed service;

(3) A description of the number and characteristics of the client market and demand, including an estimate of the eligible minority population to be served.

(4) A description of the shortcomings associated with existing services and how the new service will overcome them;

(5) A description of how transportation is currently being provided to elderly and/or handicapped clients by the applicant, as well as by other private, nonprofit organizations serving the same geographic service area;

(6) A description of the benefits to be derived from the proposed service by the elderly and/or handicapped;

(7) A description of the number and types of equipment being requested, and an inventory of present equipment being used.

(8) A description of the type of transportation service to be provided;

(9) A description of how the equipment is intended to be used (i.e., replace existing vehicles, add to existing fleet, start new service);

(10) A description identifying any plans to combine and/or coordinate with existing public transportation services;

(11) A description of the specific sources and amounts of resources anticipated to be used to finance the operating costs of the equipment. Such description shall include letters of support from the identified funding sources, and a resolution signed by the applicant's board verifying the commitment of the applicant to the project. The descriptive budget shall also reflect estimates for drivers' salaries, insurance, fuel and maintenance, and should cover the next two years of operations;

(12) A description identifying any plans and describing all efforts to combine and/or coordinate with private-for-profit operators; and

(13) Evidence that the A-95 clearinghouse agency or agencies responsible for the service area of the applicant shall have received a copy of the application by the time of submittal to the agency.

(14) Evidence that the applicant meets all the relevant qualification criteria identified in WAC 468-87-110.

Guidelines to assist the applicant in preparing the application shall be produced by the agency and made available to potential applicants upon request to the agency commencing January 1, each year. The deadline for receiving applications shall be subject to agency notification provided in applicants information guidelines.

NEW SECTION

WAC 468-87-210 EVALUATION OF APPLICATIONS. The evaluation mechanism designed for the program, and to be used in the selection process, shall consist of the following:

(1) A four person panel shall review and rate each of the application requests. The panel shall consist of one representative from the agency; one representative selected by the agency; one representative from the state office on aging, department of social and health services; and one representative serving on behalf of private, nonprofit organizations serving handicapped persons; and

(2) A rating process that will rely upon the evaluation of each application by the evaluation panel. Each member of the panel shall review each application individually. Five criteria shall be used for the purpose of the rating process and each application shall be rated on the following scale for each criteria: 3 - Excellent; 2 - Good; 1 - Adequate; 0 - Poor. Each application shall therefore have five separate ratings from each panel member; one rating each based upon how well the applicant meets each of the following criteria as determined by each panel member:

(a) How much previous experience the applicant has in providing transportation to the elderly and/or handicapped. (Criteria 1)

(b) How much cooperative planning and coordination has been done by the applicant with other private, nonprofit service organizations, and other transportation providers serving the elderly and/or handicapped in the same geographic area. (Criteria 2)

(c) How secure the fiscal capability of the applicant is to maintain proposed service levels. (Criteria 3)

(d) How relevant and consistent the proposed service is to existing government-sponsored programs serving the same client groups. (Criteria 4)

(e) What level and volume of service is proposed by the applicant in the application. (Criteria 5);

(3) Weights assigned to each of the criteria identified in WAC 468-87-210(2) to measure the relative importance of each in the evaluation process. The weights assigned shall be percentages that when summed total to one hundred percent. The weights for each criteria are as follows:

(a) Criteria 1 - 10%

(b) Criteria 2 - 25%

(c) Criteria 3 - 25%

(d) Criteria 4 - 20%

(e) Criteria 5 - 20%

(4) A weighting process that permits ranking the applications. At the conclusion of the rating process, the agency shall compute a mean value for each criteria for each application. This mean shall vary between zero and three. For each application the mean rating score shall be multiplied with the assigned weight and the product for each criteria will be summed for each application. This final sum shall be divided by three to produce a score between zero and one hundred.

(5) Selection of the preliminary candidates for the program shall depend upon the score each receives in the evaluation process. All scores of sixty or higher shall be considered as preliminary candidates for funding;

(6) The agency shall be responsible for contacting the relevant agencies and coordinating the selection of the evaluation panel members.

NEW SECTION

WAC 468-87-220 COORDINATION. Based upon their evaluation score, the preliminary candidates for the program will be selected. Final selection of applicants shall depend upon the successful completion of the following coordination activities:

(1) The agency shall arrange for a public meeting for each application. At these meetings the applicant shall describe the services proposed to meet the special needs of the elderly and/or handicapped within the identified geographic service area. All private and public transit and paratransit operators within the service area shall be invited to the hearing and shall have opportunity to comment upon the proposed services. A quorum (three) of the evaluation panel shall be present to monitor the proceedings of the meetings.

(2) The agency shall comply with state agency A-95 Review procedures pursuant to state agreements and federal regulations.

(3) Program projects in the urbanized areas, (as defined through the United States Census), shall be included as an annual element of the transportation improvement program. Such projects shall meet all the requirements of the UMTA/Federal Highway Administration joint

planning and programming regulations. The applicant shall notify the appropriate designated Metropolitan Planning Organization of their intent to apply. In the event the Metropolitan Planning Organization shall fail to include the proposed applicant in the regional transportation improvement program, such application shall be eliminated from further consideration.

(4) A transportation development program shall be prepared for proposed service areas for all program applicants located in all other areas of the state. The principal responsibility for preparing such program shall reside with the operating public transit system. Where no public transit system is operating, the agency, in consultation with local agencies, shall participate directly in the development of this program.

(5) All applicants shall apply for and must receive the proper regulatory certifications from the Washington utilities and transportation commission pursuant to chapter 81.68 RCW and chapter 480-30 WAC.

(6) If major conflicts develop involving any of the above processes, their resolution shall be the responsibility of the applicant. The agency shall be available to advise and coordinate the resolution process.

NEW SECTION

WAC 468-87-230 SELECTION. At the completion of the evaluation process, the selection of the applicants to be included in the state-wide application to UMTA shall be made. Selection shall be based upon the following:

(1) Applicant achieving the minimum score or higher in the weighting process (WAC 468-87-210(5));

(2) Applicant successfully completing all aspects of the application process; and

(3) Applicant receiving approval from a majority of the evaluation panel membership.

(4) The evaluation panel shall individually score each application after all coordination activities are completed, mean scores will be used to determine final application rankings.

Upon acceptance of an individual applicant's request, the agency shall notify, in writing, the applicant of its acceptance.

NEW SECTION

WAC 468-87-240 STATE APPLICATION. Upon completion of the selection process, the agency, in accordance with UMTA guidelines, shall prepare a state-wide application for submittal to UMTA. Such application shall include the application of each successful applicant and will be the aggregate of the state's request. Applicants will be listed in rank order as determined by the evaluation panel.

NEW SECTION

WAC 468-87-300 CONTRACT. Upon acceptance by UMTA of the state application, each applicant shall enter into a contract arrangement with the agency. Such Contract shall as a minimum detail:

(1) Responsibilities of the applicant and the agency;

(2) The funding involved;

(3) The specifications of the equipment requested; and

(4) The term of the agreement.

NEW SECTION

WAC 468-87-310 SURPLUS FUNDS. Should there be funds in a given contract year above and beyond the total allocated to that year's contractors, the agency shall make such funds available under the following conditions:

(1) Only contractors holding contracts for the same year as the funds are available shall be eligible to apply for the additional funds;

(2) The agency shall notify the contractors, in the order of their priority determined by the evaluation process, of the additional funding. The contractors shall notify the agency in writing of their wish to use the additional funds;

(3) The notification process of the agency shall continue until all the funds have been allocated or until all eligible contractors have been notified and have responded.

NEW SECTION

WAC 468-87-320 EQUIPMENT PURCHASING. (1) The equipment specifications may be submitted by the contractor and shall

be subject to review by the agency, and where discrepancies occur, their resolution shall be determined by the agency.

(2) The purchase of all program equipment pursuant to the contract shall be undertaken by the agency on behalf of the contractor through the agency's purchasing agent, the state department of general administration, in accordance with applicable state law and procedures and the standards set forth in Federal Management Circular 74-7, Attachment "O".

NEW SECTION

WAC 468-87-330 UMTA INTEREST. The financial interest of UMTA in the program equipment shall be equivalent to the useful life of the equipment as defined in WAC 468-87-100.

NEW SECTION

WAC 468-87-340 EQUIPMENT ACCEPTANCE. The contractor shall inspect upon delivery the program equipment purchased pursuant to the contract. Upon receipt and acceptance of the program equipment, the contractor agrees that it shall be conclusively presumed, as between the agency and the contractor, that the contractor has fully inspected and acknowledged that such equipment is in good condition and repair, and that the contractor is satisfied with such equipment. Such acceptance of program equipment shall be acknowledged in writing to the agency identifying the date and specifying the equipment.

NEW SECTION

WAC 468-87-350 VEHICLE REGISTRATION AND LICENSING. Upon acceptance of the program equipment, registration and licensing will be subject to existing state laws.

(1) The contractor shall register for title purposes and maintain appropriate licensing for all program equipment during the term of the program.

(2) Title to the program equipment shall be in the name of the contractor and shall contain the notation: "This vehicle was purchased in part with federal funds."

(3) The agency shall have a contractual lien on the program equipment until termination of the program subject to WAC 468-87-100.

NEW SECTION

WAC 468-87-360 EQUIPMENT USE. Program equipment shall be used for the exclusive provision of transportation service to the elderly and/or handicapped. Such service shall:

(1) Be confined to a geographical area approved by the evaluation panel and subject to regulatory restrictions as defined in chapter 480-30 WAC; and

(2) In emergency situations, beyond such geographical area, subject to individual trip approval by the agency. In the event of an emergency, the contractor shall notify the agency, in writing, of any such emergency trip within seven days after its occurrence.

NEW SECTION

WAC 468-87-370 MAINTENANCE. (1) The contractor shall, at its own expense, maintain the program equipment and facilities at a high level of cleanliness, safety, and mechanical soundness, reasonable wear and tear expected.

(a) Detailed maintenance and inspection records shall be provided for each vehicle and related equipment by the contractor; and

(b) Each contractor shall provide certification that the equipment shall be maintained in accordance with equipment manufacturer's recommended practices; and

(2) Failure on the part of the contractor to maintain proper maintenance practices and records shall result in the withdrawal of UMTA financial support to the contractor and the termination of the contractor's participation in the program.

NEW SECTION

WAC 468-87-380 INSPECTIONS. The contractor shall permit the agency, the comptroller general of the United States, and/or the secretary of the United States department of transportation, or their authorized representatives, to enter upon the contractor's premises and to inspect any and all program equipment, and all relevant program data and records. Such inspections shall include auditing the books,

records, and accounts of the contractor pertaining to the program to confirm the existence, condition, and proper maintenance of the program equipment.

The agency shall carry out scheduled and unscheduled, on-site inspections to examine operations of individual contractors.

NEW SECTION

WAC 468-87-390 REPORTS. The contractor shall keep satisfactory written records with regard to the use of project equipment and shall submit the following reports to the agency:

(1) Monthly reports shall be prepared describing the current usage of program equipment. Such reports shall include the number of rides provided, miles traveled, hours of equipment usage, details concerning all repairs and preventive maintenance performed on the program equipment and other data deemed relevant by the agency and by UMTA. Such reports shall be of a form designated by the agency, and the form shall be made available to the contractor.

(2) An annual certification that the program equipment is being used in the manner defined by the contract.

(3) In the event any portion of the program equipment is damaged and the repair of such damage will cost one hundred dollars or more, the contractor shall notify the agency within seven days after the occasion of the damage including the circumstances thereof. Such report shall include the contractor's intention regarding repairs to the equipment, and certification that such repairs are being made.

(4) If the program equipment is not used in the prescribed manner, but is used in a manner not provided for in the contract, or is withdrawn from transportation service, the contractor shall immediately notify the agency, and shall dispose of such equipment in accordance with UMTA procedures and as directed by the agency.

(5) The contractor shall also submit to the agency upon request such other information as the agency requires to assure compliance with the contract and with reporting requirements imposed on the agency by UMTA.

NEW SECTION

WAC 468-87-410 INSURANCE. (1) The contractor, at its own expense, shall obtain automobile liability insurance providing the following minimum coverage:

(a) One hundred thousand dollars per person, three hundred thousand dollars per accident for bodily injury, and fifty thousand dollars per accident for property damage; or

(b) An "umbrella" policy providing at least comparable coverage.

(2) The insurance policy shall name the contractor as insured, the agency as loss payable, and it may not be cancelled or altered without at least thirty days prior written notice to the agency and to the contractor. In the event of damage to the program equipment the following situations apply:

(a) If the damage to equipment is not a total loss, payments made for damage shall be paid directly to the contractor;

(b) If the equipment is a total loss, the insurance proceeds shall be paid directly to the agency; and

(c) If the loss occurs under circumstances in which the contractor is not in violation of the terms of the policy, and if the contractor has otherwise fulfilled its obligations under its contract, the agency will either pay to the contractor its proportionate share of any such insurance proceeds received by the agency as the result of such loss or shall take such other action with respect to such proceeds as UMTA shall allow under the circumstances.

NEW SECTION

WAC 468-87-420 INDEMNITY. The contractor shall protect, indemnify, and save the state harmless from and against any damage, cost, claim, cause of action, proceeding, or liability, including legal expense, for injury or death to persons, as to damage or destruction of property, or otherwise, arising from the use, maintenance, and operation of the program equipment by the contractor, or its employees or contractors.

NEW SECTION

WAC 468-87-430 RISK OF LOSS OR DAMAGE. The contractor shall assume all risk of loss and damage to the program equipment from any cause. In the event of loss or damage to the program equipment, the contractor, at the option of the agency, shall:

(1) Place the same in good repair; or

(2) Replace the same with like program equipment in good repair, which program equipment shall thereupon become subject to the contracted agreement; or

(3) Return the program equipment to the agency for its disposal, assign the title of the program equipment at the agency's option, and terminate the contract arrangement.

NEW SECTION

WAC 468-87-440 DISPOSAL OF EQUIPMENT. (1) In the event that UMTA, the agency, or the contractor should choose to terminate a contract, the program equipment directly associated with that contract shall be disposed of in accordance with Federal Management Circular 74-7, Attachment "N". The relevant equipment shall be disposed of in the following order of priority:

- (a) Fourth party contractors and assignees, if any, that are currently serving the same clientele;
- (b) Other program recipients serving the same local community;
- (c) Other program recipients serving the same county;
- (d) Other program recipients operating in the state;
- (e) Other UMTA grant recipients operating in the state;
- (f) Recipients of grants from other federal agencies operating in the state.

(2) If the state has no further need for the equipment in any of its federal grant programs, the property may be used by the state for its own official activities in accordance with procedures outlined in Federal Management Circular 74-7, Attachment "N", section 4, a, (2)(a) and the following.

The benefitting organization shall compensate the original contractor by reimbursing it with an amount equal to twenty percent of its fair market value.

NEW SECTION

WAC 468-87-510 ACCOUNTING RECORDS. The contractor shall establish and maintain, in accordance with requirements established by the agency or good accounting practice, separate accounts for the program, either independently or within its existing accounting system, to be known as the project account.

(1) All charges to the project account shall be supported by properly executed invoices, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges, in accordance with the rules of proper accounting practice.

(2) Any check or order drawn by the contractor with respect to any item which is or will be chargeable against the project account shall be drawn only in accordance with a properly signed voucher then on file in the office of the contractor stating in proper detail the purposes for which such check or order is drawn.

(3) All checks, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to the program shall be clearly identified, readily accessible, and to the extent feasible, kept separate and apart from all other such documents.

NEW SECTION

WAC 468-87-610 SAFETY. To ensure the continued safe use of program equipment the following conditions shall apply:

(1) The contractor shall ensure that all drivers of vehicles with a capacity rating greater than fifteen persons shall have an "intermediate endorsement" upon their drivers' licenses.

(2) The contractor shall ensure that every driver shall have successfully completed instruction equivalent to the Red Cross multi-media course for first aid training.

(3) Suitable signs shall be conspicuously posted inside the vehicle, stating that smoking will not be permitted within the vehicle.

(4) The contractor shall ensure that all program vehicles are operated in a safe, prudent manner and that all drivers comply with existing state laws regarding the operation of motor vehicles on the streets, roads, and highways of the state.

(5) All motor vehicles constituting program equipment shall comply with the motor vehicle safety standards as established by the United States department of transportation to include the following:

(a) Certification that the horsepower of the vehicle is adequate for the speed range and terrain in which it will be operating.

(b) Certification that the vehicle meets the minimum, current federal environmental protection agency air pollution standards.

(c) Certification that the vehicle is equipped with a standard, twenty-four unit first aid kit comparable to those used by the American Red Cross and subject to the approval of the agency.

(d) Certification that the vehicle is equipped with a fire extinguisher in accordance with WAC 480-30-090(10).

NEW SECTION

WAC 468-87-710 TERMINATION. The contract can be terminated for the following reasons:

(1) The agency may, with the concurrence of UMTA, terminate the contract if both parties agree that continuation would not produce beneficial results commensurate with the further expenditure of funds.

(2) The agency may, by written notice to the contractor, terminate the contract for any of the following reasons:

(a) The contractor discontinues the use of the program equipment during its useful life for the purpose of providing transportation services to the elderly and handicapped;

(b) Insufficient ridership per vehicle over a six-month period, i.e. below 100 one-way trips per vehicle per month;

(c) The contractor takes any action pertaining to this agreement without the approval of the agency and which under the procedures of the contract would have required the approval of the agency;

(d) The commencement, prosecution or timely completion of the program by the contractor is, for any reason, rendered improbable, impossible, or illegal;

(e) The contractor takes any affirmative action of insolvency or files any petition under any bankruptcy, reorganization, insolvency, or moratorium law, or any law for the relief of, or relating to, debtors;

(f) Any involuntary petition under any bankruptcy statute is filed against the contractor, or a receiver or trustee is appointed to take possession of the property of the contractor, unless such petition or appointment is set aside or withdrawn or ceases to be in effect within thirty days of the date of the filing or appointment;

(g) Any policy of insurance relating to program equipment agreed to be paid for by the contractor expires or is canceled or ceases to be in force according to the original terms of such insurance, or of any extension; or

(h) The contractor is in breach of any provision of the contract.

(3) Upon termination of the contract under the provisions of this section, the contractor shall dispose of the program equipment in accordance with UMTA procedures as identified in WAC 468-87-440.

(4) The agency may choose to terminate the contract if it determines that the contractor has abused or misused the equipment to the degree that the useful life of the equipment is shortened. The equipment shall be returned to the agency and disposed of in accordance with OMB Circular A-102, Attachment N. Any proceeds gained from the disposal of the equipment shall be credited entirely to the federal project subject to guidance and directions received from UMTA.

REPEALER

Chapter 365-42 of the Washington Administrative Code is repealed as follows:

- | | |
|----------------------------|-------------------------------------|
| (1) <u>WAC 365-42-010</u> | DEFINITIONS. |
| (2) <u>WAC 365-42-020</u> | PROGRAM DESCRIPTION. |
| (3) <u>WAC 365-42-030</u> | PURPOSE. |
| (4) <u>WAC 365-42-100</u> | PROGRAM PERIOD. |
| (5) <u>WAC 365-42-110</u> | QUALIFICATION CRITERIA. |
| (6) <u>WAC 365-42-200</u> | APPLICATION PROCEDURES. |
| (7) <u>WAC 365-42-210</u> | EVALUATION OF APPLICATIONS. |
| (8) <u>WAC 365-42-220</u> | COORDINATION. |
| (9) <u>WAC 365-42-230</u> | SELECTION. |
| (10) <u>WAC 365-42-240</u> | STATE APPLICATION. |
| (11) <u>WAC 365-42-300</u> | CONTRACT. |
| (12) <u>WAC 365-42-310</u> | SURPLUS FUNDS. |
| (13) <u>WAC 365-42-320</u> | EQUIPMENT PURCHASING. |
| (14) <u>WAC 365-42-330</u> | UMTA INTEREST. |
| (15) <u>WAC 365-42-340</u> | EQUIPMENT ACCEPTANCE. |
| (16) <u>WAC 365-42-350</u> | VEHICLE REGISTRATION AND LICENSING. |
| (17) <u>WAC 365-42-360</u> | EQUIPMENT USE. |
| (18) <u>WAC 365-42-370</u> | MAINTENANCE. |
| (19) <u>WAC 365-42-380</u> | INSPECTIONS. |
| (20) <u>WAC 365-42-390</u> | REPORTS. |
| (21) <u>WAC 365-42-410</u> | INSURANCE. |
| (22) <u>WAC 365-42-420</u> | INDEMNITY. |

- (23) WAC 365-42-430 RISK OF LOSS OR DAMAGE.
- (24) WAC 365-42-440 DISPOSAL OF EQUIPMENT.
- (25) WAC 365-42-510 ACCOUNTING RECORDS.
- (26) WAC 365-42-610 SAFETY.
- (27) WAC 365-42-710 TERMINATION.

WSR 81-03-051
PROPOSED RULES
INSURANCE COMMISSIONER
STATE FIRE MARSHAL
 [Filed January 19, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner/State Fire Marshal, intends to adopt, amend, or repeal rules concerning:

- New ch. 212-54 WAC Day care centers and day treatment centers, standards for fire protection.
- New ch. 212-55 WAC Mini day care centers, standards for fire protection.
- Rep ch. 212-56 WAC Group home in family abode; standards for fire protection.
- Rep ch. 212-57 WAC Group home other than in family abode, standards for fire protection.
- Rep ch. 212-58 WAC Group home for developmentally disabled persons, standards for fire protection.
- Rep ch. 212-59 WAC Mini day care centers in family abode, standards for fire protection.
- Rep ch. 212-60 WAC Mini day care centers other than in family abode, standards for fire protection.
- Rep ch. 212-61 WAC Day care center in family abode, standards for fire protection.
- Rep ch. 212-62 WAC Day care center and day treatment program other than in family abode, standards for fire protection.
- Rep ch. 212-63 WAC Child care institutions, standards for fire protection.
- Amd ch. 212-64 WAC Maternity services, standards for fire protection.
- New ch. 212-65 WAC Group care facilities, standards for fire protection;

that such agency will at 10:00 a.m., Tuesday, February 24, 1981, in the Fire Marshal's Office, Room 500B State Modular Office Building, Thurston Airdustrial Center, Tumwater, 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, March 6, 1981, in the Fire Marshal's Office, Room 500B, State Modular Office Building, Thurston Airdustrial Center, Tumwater, Washington.

The authority under which these rules are proposed is RCW 74.15.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 24, 1981, and/or orally at 10:00 a.m., Tuesday, February 24, 1981, Fire Marshal's Office, Room 500B, State Modular Office Building, Thurston Airdustrial Center, Tumwater, Washington.

Dated: January 19, 1981

By: Thomas R. Brace
 Director, Division of State Fire Marshal

STATEMENT OF PURPOSE

The purpose of these rules is to establish minimum standard fire and life safety requirements for day care centers and day treatment centers.

These rules have the further purpose of consolidating, clarifying ambiguous language, and repealing chapter 212-61 WAC (Day Care Center in Family Abode) and chapter 212-62 WAC (Day Care Center and Day Treatment Center Other Than in Family Abode.)

These rules are promulgated pursuant to the authority contained in RCW 74.15.050.

These rules establish minimum fire and life safety standards necessary for obtaining State Fire Marshal approval for day care centers and day treatment centers. The rules identify the minimum requirements for exit systems, occupancy and/or hazardous area separations, an internal fire prevention program, and establishes requirements for staff training and development of a fire evacuation plan. These rules will provide for a reasonably safe facility for children in a day care center or day treatment center setting, by ensuring that, upon discovery of a fire or suspicious smoke condition, children are able to be assembled by a knowledgeable staff, and leave the building by way of a tenable exit system.

Agency Personnel responsible for the drafting, implementation and enforcement of these rules is Mr. George Williams, Supervisor, Residential Inspection Division, Office of State Fire Marshal, State Modular Office Building, Thurston Airdustrial Center, Mail Stop AQ-21, Olympia, Washington 98504 (Telephone: (206) 753-3605.)

Implementing these rules will not expand the responsibilities currently embodied in the laws governing the State Fire Marshal's Office.

These rules are proposed by the Office of State Fire Marshal, a state agency.

These rules are not made necessary by either a change in federal law or state court action.

STATEMENT OF PURPOSE

The purpose of these rules is to establish minimum standard fire and life safety requirements for mini day care centers.

These rules have the further purpose of consolidating, clarifying ambiguous language and repealing chapter 212-59 WAC (Mini Day Care Center in Family Abode) and chapter 212-60 WAC (Mini Day Care Center Other Than Family Abode).

These rules are promulgated pursuant to the authority contained in RCW 74.15.050.

These rules establish minimum fire and life safety standards necessary for obtaining State Fire Marshal approval for mini day care centers. The rules identify the minimum requirements for exit systems, occupancy and/or hazardous area separations, an internal fire prevention program, and establish requirements for staff training and development of a fire evacuation plan. These rules will provide for a reasonably safe facility for children in a mini day care center setting, by ensuring that, upon discovery of a fire or suspicious smoke condition, children are able to be assembled by a knowledgeable staff, and leave the building by way of a tenable exit system.

Agency personnel responsible for drafting, implementation and enforcement of these rules is Mr. George Williams, Supervisor, Residential Inspection Division, Office of State Fire Marshal, State Modular Office Building, Thurston Airdustrial Center, Mail Stop AQ-21, Olympia, Washington 98504 (Telephone: (206) 753-3605.)

Implementing these rules will not expand the responsibilities currently embodied in the laws governing the State Fire Marshal's Office.

These rules are proposed by the State Fire Marshal, a state agency.

These rules are not made necessary by either a change in federal law or state court action.

STATEMENT OF PURPOSE

The purpose of these rules, chapter 212-64 WAC, is to establish minimum standard fire and life safety requirements for maternity service facilities and to clarify ambiguous language.

The rules are promulgated pursuant to the authority contained in RCW 74.15.050.

These rules establish minimum fire and life safety standards necessary for obtaining State Fire Marshal approval for maternity service facilities. The rules identify the minimum requirements for exit systems, occupancy and/or hazardous area separations, an internal fire prevention program, and establish requirements for staff training and development of a fire evacuation plan. These rules will provide for a reasonably safe facility for mothers and infants in a maternity service setting, by ensuring that, upon discovery of a fire or suspicious smoke conditions, they are able to be assembled by a knowledgeable staff, and leave the building by way of a tenable exit system.

Agency personnel responsible for the drafting, implementation and enforcement of these rules is Mr. George Williams, Supervisor, Residential Inspection Division, State

Modular Office Building, Thurston Airdustrial Center, Mail Stop AQ-21, Olympia, Washington 98504 (Telephone: (206) 753-3605.)

Implementing these rules will not expand the responsibilities currently embodied in the laws governing the State Fire Marshal's Office.

These rules are proposed by the State Fire Marshal, a state agency.

These rules are not necessary by either a change in federal law or state court action.

STATEMENT OF PURPOSE

The purpose of these rules is to establish minimum standard fire and life safety requirements for group care facilities; and to consolidate, clarify ambiguous language, and repeal chapter 212-56 WAC (Group Home in Family Abode), chapter 212-57 WAC (Group Home Other Than Family Abode), chapter 212-58 WAC (Group Home for Developmentally Disabled Persons), and chapter 212-63 WAC (Child Care Institutions).

These rules are promulgated pursuant to the authority contained in RCW 74.15.050.

These rules establish minimum fire and life safety standards necessary for obtaining State Fire Marshal approval for group care facilities. The rules identify the minimum requirements for exit systems, occupancy and/or hazardous area separations, an internal fire prevention program, and establish requirements for staff training and development of a fire evacuation plan. The rules will provide for a reasonably safe facility for children in a group care facility setting by ensuring that, upon discovery of a fire or suspicious smoke condition, children are able to be assembled by a knowledgeable staff, and leave the building by way of a tenable exit system.

Agency personnel responsible for the drafting, implementation and enforcement of these rules is under the direction of Mr. George Williams, Supervisor, Residential Inspection Division, Office of State Fire Marshal, State Modular Office Building, Thurston Airdustrial Center, Mail Stop AQ-21, Olympia, Washington 98504 (Telephone: (206) 753-3605.)

Implementing these rules will not expand the responsibilities currently embodied in the laws governing the State Fire Marshal's Office.

These rules are proposed by the State Fire Marshal's Office, a state agency.

These rules are not made necessary either by a change in federal law or state court action.

Chapter 212-54 WAC
DAY CARE CENTERS AND DAY TREATMENT CENTERS,
STANDARDS FOR FIRE PROTECTION

NEW SECTION

WAC 212-54-001 PURPOSE. The purpose of this regulation is to adopt minimum standard fire and life safety requirements for day care centers and day treatment centers, which require state fire marshal approval in accordance with chapter 74.15 RCW.

NEW SECTION

WAC 212-54-005 DEFINITIONS. The following definitions shall apply when used in this regulation:

(1) "Approved" as to fire protection systems, assemblies, and devices means approved by the state fire marshal as the result of tests conducted by him; or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

(2) "Building official" means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference in the State Building Code Act.

(3) "Child" means a person under the age of eighteen years.

(4) "Exit" means a continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts and yards.

(5) "Family abode" means a single dwelling unit occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking and sanitation; and which is either owned, rented or leased by the family occupying the family abode.

(6) "Fire official" means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference in the State Building Code Act.

(7) "Heat detector" means an approved device which detects abnormally high temperatures or rate of temperature rise.

(8) "Infant" means a child under the age of one year.

(9) "Licensing agency" means the Washington state department of social and health services.

(10) "Day care center" means an agency which provides care for a group of thirteen or more children for periods of less than twenty-four hours.

(11) "Day treatment center" means an agency which provides care, supervision and appropriate therapeutic and educational services during part of the twenty-four hour day for a group of persons under the age of eighteen years.

(12) "Smoke detector" means an approved device which senses visible or invisible particles of combustion.

NEW SECTION

WAC 212-54-010 COMPLIANCE REQUIRED. All day care centers and day treatment centers shall comply with the fire and life safety requirements contained in this regulation. EXCEPTION: Day care centers or day treatment centers previously approved, based upon compliance with chapter 212-61 or 212-62 WAC, adopted pursuant to Administrative Order No. FM 77-3, filed December 8, 1977, may have their use continued without compliance with this regulation: PROVIDED, That

(1) The fire and life safety requirements have been maintained to the levels prescribed in chapter 212-61 or 212-62 WAC; and

(2) The continued operation of the facility as a day care center or day treatment center is not dangerous to life.

NEW SECTION

WAC 212-54-015 INSPECTIONS AND APPROVAL. (1) Upon receipt of an application for a license, or at least ninety days prior to the expiration date of a current license, the licensing agency shall submit a written request for inspection to the state fire marshal. The state fire marshal or his designated representative shall inspect the facility. If the facility fails to meet the requirements contained in this regulation, a written report shall be made to the applicant or licensee, indicating the violations noted, corrective action required, and a reasonable time schedule for correcting the violations noted. Upon expiration of the time specified for correction of the violations, a reinspection shall be made to determine compliance.

(2) Upon completion of the inspection and the facility is found to be in compliance with this regulation, notification of approval shall be forwarded to the licensing agency, and a certificate of compliance shall be forwarded to the applicant or licensee.

NEW SECTION

WAC 212-54-020 RIGHT OF APPEAL. Any person aggrieved by the requirements imposed by the state fire marshal may, within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force.

NEW SECTION

WAC 212-54-025 CONTACT WITH LOCAL BUILDING AND FIRE OFFICIALS. Each applicant for a day care center or day treatment center license shall contact the local building official and fire official of the city, town or county where the facility is located, to ascertain that all local building code and fire code requirements have been met.

NEW SECTION

WAC 212-54-030 OCCUPANCY RESTRICTIONS. (1) Spaces above the first story shall not be occupied by children in day care centers or day treatment centers. EXCEPTION: Use of toilet facilities while under the supervision of an adult staff person.

(2) Infants, handicapped children, or children unable to exit without assistance, shall not occupy a floor or basement which does not have at least one exit leading directly to the exterior of the building without having to traverse stairs.

NEW SECTION

WAC 212-54-035 HAZARDOUS AREAS. Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the day care center, day treatment center or the means of egress by at least one hour fire-resistive construction. EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

NEW SECTION

WAC 212-54-040 EXITS. (1) Each floor level used for day care center or day treatment center use shall be served by at least two remote exits. No point within an unsprinklered building shall be more than one hundred fifty feet from an exterior exit.

(2) Outside exit doors shall be operable from the inside, without the use of keys or any special knowledge or effort. When the licensed occupant load is more than fifty, the outside exit doors shall swing in the direction of egress.

(3) Exit doors from rooms having an occupant load of more than fifty, and from corridors, shall be equipped with panic hardware.

(4) Basements shall not be used for day care centers or day treatment centers unless exit stairways open directly to the exterior of the building without entering the first floor.

(5) No obstructions shall be placed in the corridors or passageways leading to the exits. Placement of portable coat racks, desks, chairs, or individual lockers in the means of egress in such a manner that the exit passageway is restricted, is prohibited.

(6) No space shall be used for day care purposes which is accessible only by ladder, folding stairs, or trap doors.

(7) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the staff.

(8) Every closet door latch shall be such that children can open the door from inside the closet.

NEW SECTION

WAC 212-54-045 SLEEPING AND NAPPING ROOMS. Every sleeping or napping room shall have at least one openable window for emergency rescue. When opened, the window shall provide a clear opening not less than twenty inches wide and twenty-four inches high. The sill shall not be higher than forty-four inches above the floor.

EXCEPTION: Sleeping or napping rooms having doors leading to exits in opposite directions, or a door leading directly to the exterior of the building.

NEW SECTION

WAC 212-54-050 SINGLE STATION SMOKE DETECTORS. Day care centers or day treatment centers, not required to have an electrically supervised fire alarm system, shall have an approved single station smoke detector installed in the corridor or passageway providing access to sleeping or napping rooms. Additional smoke detectors may be required at other locations to provide early warning in the event of abnormal smoke conditions.

NEW SECTION

WAC 212-54-055 ALTERNATE METHOD FOR ALARM. Day care centers or day treatment centers, not otherwise required to have an electrically supervised fire alarm system, shall provide an alternate means for sounding a fire alarm. A police type whistle or similar device, is adequate for meeting this requirement: **PROVIDED**, That whatever method is selected shall be limited to a fire emergency only.

NEW SECTION

WAC 212-54-060 FIRE ALARM SYSTEM. (1) An approved electrically supervised fire alarm system shall be installed in each day care center or day treatment center having an occupant load of fifty or more children.

(2) Smoke detectors shall be installed in corridors or passageways providing access to rooms used for sleeping or napping purposes. Heat detectors may be required in hazardous areas which enter upon the means of egress. Smoke detectors and heat detectors shall be electrically interconnected to the fire alarm system.

NEW SECTION

WAC 212-54-065 FIRE EXTINGUISHER. At least one approved 2A-rated fire extinguisher, suitable for use on fires in ordinary combustibles, shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance or special hazards.

NEW SECTION

WAC 212-54-070 FIRE PREVENTION. (1) The local fire department should be requested to visit the day care or day treatment center to become familiar with the facility and to assist in planning evacuation or emergency procedures.

(2) Furnace rooms shall be maintained free of lint, grease and rubbish accumulations; and suitably isolated, enclosed or protected so as not to present a fire hazard to children.

(3) Flammable or combustible materials shall be stored away from exits and in areas which are not accessible to children.

(4) Open-flame devices capable of igniting clothing shall not be left on, unattended or used in a manner which could result in an accidental ignition of childrens' clothing. Candles will not be used.

(5) All electrical circuits, devices and appliances shall be properly maintained. Circuits shall not be overloaded. Extension cords shall not be used in lieu of permanent wiring.

(6) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers.

NEW SECTION

WAC 212-54-075 MAINTENANCE. Fire protection equipment installed within the facility shall be properly maintained:

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times. Fire extinguishers shall be mounted in the bracket provided for this purpose.

(2) Single station smoke detectors shall be tested at monthly intervals or in a manner specified by the manufacturer.

(3) Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times.

(4) Fire alarm systems shall be tested at monthly intervals. Automatic fire detectors shall be inspected annually. The inspection must be

conducted by a person or agency qualified by experience; training or licensure. The results of system tests or inspections shall be maintained on the premises, preferably at the system control panel.

NEW SECTION

WAC 212-54-080 FIRE EVACUATION PLAN. Each day care center or day treatment center shall develop a written fire evacuation plan. The plan shall include the following:

(1) Action to take by the person discovering a fire.

(2) Method of sounding an alarm on the premises.

(3) Action to take pending arrival of the fire department.

(4) Action to take for evacuation of the building and assuring accountability of the children.

NEW SECTION

WAC 212-54-085 FIRE EVACUATION DRILL. A fire evacuation drill shall be conducted at least once each month. A written record shall be maintained on the premises, indicating the date and time the fire evacuation drill was conducted.

NEW SECTION

WAC 212-54-090 STAFF TRAINING. The licensee and each member of the staff shall be familiar with all elements of the fire evacuation plan and must be capable of accomplishing the following:

(1) Operation of fire extinguishers installed on the premises.

(2) Method of resetting fire alarm system (if installed).

(3) Method of testing smoke detectors (single station types).

(4) Conducting frequent inspections of the day care centers and day treatment centers to identify fire hazards, and taking remedial action to correct any hazards noted during the inspection.

NEW SECTION

WAC 212-54-095 ALTERNATE METHODS. The state fire marshal may modify any of the provisions of this regulation upon application in writing by the owner or licensee or his duly authorized representative, where there are practical difficulties in carrying out the strict letter of this regulation. The particulars of such modification may be granted or allowed: **PROVIDED**, That it does not create a condition that is dangerous to life. The decision of the state fire marshal shall be entered upon the record, and a signed copy shall be furnished the owner or licensee.

NEW SECTION

WAC 212-54-100 SEVERABILITY. If any provision of this regulation or its application to any person or circumstance is held invalid, the remainder of the regulation or the application of the provisions to other persons or circumstances is not affected.

Chapter 212-55 WAC MINI DAY CARE CENTERS, STANDARDS FOR FIRE PROTECTION

NEW SECTION

WAC 212-55-001 PURPOSE. The purpose of this regulation is to adopt minimum standard fire and life safety requirements for mini day care centers, which require state fire marshal approval in accordance with chapter 74.15 RCW.

NEW SECTION

WAC 212-55-005 DEFINITIONS. The following definitions shall apply when used in this regulation:

(1) "Approved" as to fire protection systems, assemblies, and devices means approved by the state fire marshal as the result of tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

(2) "Building official" means the person or agency appointed by the governing body of each city, town, or county for the administration and enforcement of the Uniform Building Code, adopted by reference in the State Building Code Act.

(3) "Child" means a person under the age of eighteen years.

(4) "Exit" means a continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors,

exterior exit balconies, ramps, stairways, smokeproof inclosures, horizontal exits, exit passageways, exit courts and yards.

(5) "Family abode" means a single dwelling unit occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking, and sanitation; and which is either owned, rented, or leased by the family occupying the family abode.

(6) "Fire official" means the person or agency appointed by the governing body of each city, town, or county for the administration and enforcement of the Uniform Fire Code, adopted by reference in the State Building Code Act.

(7) "Heat detector" means an approved device which detects abnormally high temperatures or rate of temperature rise.

(8) "Infant" means a child under the age of one year.

(9) "Licensing agency" means the Washington state department of social and health services.

(10) "Mini day care center" means a day care center for the care of twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervision the child is placed, or for the care of from seven to twelve children in the family abode of such person or persons.

(11) "Smoke detector" means an approved device which senses visible or invisible particles of combustion.

NEW SECTION

WAC 212-55-010 COMPLIANCE REQUIRED. All mini day care centers shall comply with the fire and life safety requirements contained in this regulation.

EXCEPTION: Mini day care centers previously approved, based upon compliance with chapters 212-59 or 212-60 WAC, adopted pursuant to Administrative Order No. FM-77-3, filed December 8, 1977, may have their use continued without compliance with this regulation: PROVIDED, That

(1) The fire and life safety requirements have been maintained to the levels prescribed in chapters 212-59 or 212-60 WAC; and

(2) The continued operation of the facility as a mini day care center is not dangerous to life.

NEW SECTION

WAC 212-55-015 INSPECTIONS AND APPROVAL. (1) Upon receipt of an application for a license or at least ninety days prior to the expiration date of a current license, the licensing agency shall submit a written request for inspection to the state fire marshal. The state fire marshal or his designated representative shall inspect the facility. If the facility fails to meet the requirements contained in this regulation, a written report shall be made to the applicant or licensee, indicating the violations noted, corrective action required, and a reasonable time schedule for correcting the violations noted. Upon expiration of the time specified for correction of the violations, a reinspection shall be made to determine compliance.

(2) Upon completion of the inspection and the facility is found to be in compliance with this regulation, notification of approval shall be forwarded to the licensing agency, and a certificate of compliance shall be forwarded to the applicant or licensee.

NEW SECTION

WAC 212-55-020 RIGHT OF APPEAL. Any person aggrieved by the requirements imposed by the state fire marshal may, within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force.

NEW SECTION

WAC 212-55-025 CONTACT WITH LOCAL BUILDING AND FIRE OFFICIALS. Each applicant for a mini day care center license shall contact the local building official and fire official of the city, town, or county where the facility is located, to ascertain that all local building code and fire code requirements have been met.

NEW SECTION

WAC 212-55-030 OCCUPANCY RESTRICTIONS. (1) Spaces above the first story shall not be occupied by children in mini day care centers. EXCEPTION: Use of toilet facilities while under the supervision of an adult staff person.

(2) Infants, handicapped children, or children unable to exit without assistance, shall not occupy a floor or basement which does not have at least one exit leading directly to the exterior of the building without having to traverse stairs.

NEW SECTION

WAC 212-55-035 HAZARDOUS AREAS. Rooms or spaces containing a commercial-type cooking kitchen, boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the mini day care area by at least one hour fire-resistive construction. EXCEPTION: A fire-resistive separation shall not be required where the food preparation kitchen contains only a domestic cooking range, and the preparation of food does not result in the production of smoke or grease laden vapors.

NEW SECTION

WAC 212-55-040 EXITS. (1) Each floor level used for mini day care purposes shall be served by two remote exits.

(2) Outside exit doors shall be openable from the inside without the use of keys or any special knowledge or effort.

(3) Basements shall not be used for mini day care centers unless one of the following conditions exist:

(a) Exit stairways from the basement open directly to the exterior of the building without entering the first floor; or

(b) One of the two required exits discharges directly to the exterior from the basement level, and a self-closing door is installed at the top or bottom of the interior stair leading to the floor above.

(4) No obstructions shall be placed in the corridors or passageways leading to the exits. Placement of portable coat racks, desks, chairs, or individual lockers in the means of egress in such a manner that the exit passageway is restricted, is prohibited.

(5) No space shall be used for mini day care purposes which is accessible only by ladder, folding stairs, or trap doors.

(6) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency, and the opening device shall be readily accessible to the staff.

(7) Every closet door latch shall be such that children can open the door from inside the closet.

NEW SECTION

WAC 212-55-045 SLEEPING AND NAPPING ROOMS. Every sleeping or napping room shall have at least one openable window for emergency rescue. When opened, the window shall provide a clear opening not less than twenty inches wide and twenty-four inches high. The sill shall not be higher than forty-four inches above the floor. EXCEPTION: Sleeping or napping rooms having doors leading to exits in opposite directions, or a door leading directly to the exterior of the building.

NEW SECTION

WAC 212-55-050 AUTOMATIC SMOKE DETECTION. An approved single station smoke detector shall be installed in the corridor or passageway providing access to rooms used for sleeping or napping purposes. Additional smoke detectors may be required at other locations to provide early warning in the event of abnormal smoke conditions. When activated, smoke detectors shall provide an alarm.

NEW SECTION

WAC 212-55-055 ALARM IN CASE OF FIRE. Each mini day care center shall provide a means for sounding a fire alarm. A police type whistle is adequate for meeting this requirement: PROVIDED, That whatever method is selected shall be limited to a fire emergency only.

NEW SECTION

WAC 212-55-060 FIRE EXTINGUISHERS. At least one approved 2A-rated fire extinguisher, suitable for use on fires in ordinary combustibles, shall be provided on each occupied floor level. Additional fire extinguishers may be required due to area, travel distance, or special hazards.

NEW SECTION

WAC 212-55-065 FIRE PREVENTION. (1) The local fire department should be requested to visit the mini day care center to become familiar with the facility and to assist in planning evacuation or emergency procedures.

(2) Furnace rooms shall be maintained free of lint, grease, and rubbish accumulations; and suitably isolated, enclosed, or protected so as not to present a fire hazard to occupants of the mini day care center.

(3) Flammable or combustible materials shall be stored away from exits, and in areas which are not accessible to children.

(4) Heating and cooking appliances, and other open-flame devices capable of igniting clothing shall not be left on, unattended, or used in a manner which could result in an accidental ignition of children's clothing. Candles will not be used.

(5) All electrical circuits, devices, and appliances shall be properly maintained. Circuits shall not be overloaded. Extension cords shall not be used in lieu of permanent wiring.

(6) Combustible rubbish shall not be allowed to accumulate and shall be removed from the building or stored in closed, metal containers.

NEW SECTION

WAC 212-55-070 MAINTENANCE. Fire protection equipment installed within the facility shall be properly maintained:

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times. Fire extinguishers shall be mounted in the bracket provided for this purpose.

(2) Automatic smoke detectors shall be tested at monthly intervals in a manner specified by the manufacturer.

(3) Fire doors, exit lights, corridor lighting, door latches, and exit hardware shall be maintained operationally ready for use at all times.

NEW SECTION

WAC 212-55-075 FIRE EVACUATION PLAN. Each mini day care center shall develop a written fire evacuation plan. The plan shall include the following:

(1) Action to take by the person discovering a fire.

(2) Method of sounding an alarm on the premises.

(3) Action to take pending arrival of the fire department.

(4) Action to take for evacuation of the building and assuring accountability of the occupants.

NEW SECTION

WAC 212-55-080 FIRE EVACUATION DRILL. A fire evacuation drill shall be conducted at least once each month. A written record shall be maintained on the premises, indicating the date and time the fire evacuation drill was conducted.

NEW SECTION

WAC 212-55-085 STAFF TRAINING. The licensee and each member of the staff shall be familiar with all elements of the fire evacuation plan and must be capable of accomplishing the following:

(1) Operation of fire extinguishers installed on the premises.

(2) Method of resetting fire alarm system (if installed).

(3) Method of testing smoke detectors (single station types).

(4) Conducting frequent inspections of the mini day care center to identify fire hazards, and taking remedial action to correct any hazards noted during the inspection.

NEW SECTION

WAC 212-55-090 ALTERNATE METHODS. The state fire marshal may modify any of the provisions of this regulation upon application in writing by the owner or licensee or his duly authorized representative, where there are practical difficulties in carrying out the strict letter of this regulation. The particulars of such modification may be granted or allowed: PROVIDED, That it does not create a condition that is dangerous to life. The decision of the state fire marshal shall be entered upon the record, and a signed copy shall be furnished the owner or licensee.

NEW SECTION

WAC 212-55-095 SEVERABILITY. If any provision of this regulation, or its application to any person or circumstance is held invalid, the remainder of the regulation or the application of the provisions to other persons or circumstances is not affected.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-001 PURPOSE. The purpose of ~~((these standards))~~ this regulation is to ~~((identify the))~~ adopt minimum ~~((levels of safety from fire necessary for obtaining state fire marshal approval))~~ standard fire and life safety requirements for maternity service facilities, which require state fire marshal approval in accordance with chapter 74.15 RCW.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-005 DEFINITIONS. ~~((Definitions of specific child care agencies is contained within each category of agency, hereafter indicated, and subject to evaluation by the state fire marshal.))~~ The following definitions shall apply when used in this regulation:

(1) ~~((“Adult”, a person eighteen years of age or older.))~~ “Approved” as to fire protection systems, assemblies, and devices means approved by the state fire marshal as the result of tests conducted by him, or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

(2) ~~((“Child”, a person under the age of eighteen years.))~~ “Building official” ((:)) means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference ((by)) in the State Building Code Act.

(3) “Exit” means a continuous and unobstructed means of egress to a public way and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exists, exit passageways, exit courts and yards.

(4) “Family abode” means a single dwelling unit occupied for living purposes by a family, which provides permanent provisions for living, sleeping, eating, cooking and sanitation; and which is either owned, rented or leased by the family occupying the family abode.

(5) “Fire official” ((:)) means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference ((by the)) in the State Building Code Act.

~~((5))~~ (6) ~~((“Group”, a group is generally defined as six or more persons.))~~ “Heat detector” means an approved device which detects abnormally high temperatures or rate of temperature rise.

~~((6))~~ (7) “Licensing agency” ((:)) means the ((licensing agency is the)) Washington state department of social and health services.

~~((7))~~ (8) “Maternity service” ((:)) means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement.

(9) “Smoke detector” means an approved device which senses visible or invisible particles of combustion.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-015 COMPLIANCE REQUIRED. All maternity service facilities shall comply with the fire and life safety requirements contained in ((these standards)) this regulation.

EXCEPTION: Maternity service facilities previously approved, based upon compliance with chapter 212-64 WAC, adopted pursuant to Administrative Order No. FM-77-3, filed December 8, 1977, may have their use continued without compliance with this regulation: PROVIDED, That (1) the fire and life safety requirements have been maintained to the levels prescribed in chapter 212-64 WAC, and (2) the continued operation of the facility is not dangerous to life.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-020 INSPECTIONS AND APPROVAL((S)). ~~((1))~~ All maternity service facilities shall comply with the applicable portions of the Uniform Building Code and the Uniform Fire Code as administered and enforced by the local building and fire official.

(2) ~~The licensing agency, upon receipt of an application for a license, or at a point at least ninety days prior to the expiration date of the current license, shall submit to the state fire marshal, a written request for inspection. The state fire marshal or his representative shall inspect the facility and provide a list of deficiencies (if any), corrective action required, and agree upon a date for completion of required corrective action. A reinspection shall be accomplished on or about the date agreed upon, to determine compliance.~~

(3) ~~Upon completion of the inspection or reinspection and the facility is found to be in compliance with this standard, a certificate of compliance shall be forwarded to the licensing agency.~~

(4) ~~Child care agencies failing to comply with the minimum fire and life safety requirements shall be reported to the licensing agency.) (1) Upon receipt of an application for a license, or at least ninety days prior to the expiration date of a current license, the licensing agency shall submit a written request for inspection to the state fire marshal. The state fire marshal or his designated representative shall inspect the facility. If the facility fails to meet the requirements contained in this regulation, a written report shall be made to the applicant or licensee, indicating the violations noted, corrective action required, and a reasonable time schedule for correcting the violations noted. Upon expiration of the time specified for correction of the violations, a reinspection shall be made to determine compliance.~~

(2) ~~Upon completion of the inspection, and the facility is found to be in compliance with this regulation, notification of approval shall be forwarded to the licensing agency, and a certificate of compliance shall be forwarded to the applicant or licensee.~~

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-025 RIGHT OF APPEAL. Any person aggrieved by the requirements (~~imposed by~~) of the state fire marshal(;) may, within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-030 ((BUILDING CONSTRUCTION)) CONTACT WITH LOCAL BUILDING AND FIRE OFFICIALS. ((State fire marshal minimum standards of construction are as follows:

(1) ~~Buildings not over two stories in height may be of any recognized construction type if maintained to the extent that the life safety features have not been minimized.~~

(2) ~~Buildings three stories in height shall be of at least one hour fire resistive construction.~~

NOTE: ~~The above limitations may be increased one story if the building is provided with complete automatic sprinkler protection.~~

(3) ~~Buildings over three stories in height shall be of fire resistive construction.~~

(4) ~~Second floor corridors shall be one-half hour rated unless provided with automatic sprinklers or direct means of egress from each occupied room.~~

(5) ~~Corridors above the second floor shall be one hour rated fire resistive construction unless the entire building is provided with automatic sprinkler protection.~~

(6) ~~All vertical openings not serving as required exits shall be fire stopped at each floor level.)~~ Each applicant for a maternity service facility license shall contact the local building official and fire official of the city, town or county where the facility is located, to ascertain that all local building code and fire code requirements have been met.

NEW SECTION

WAC 212-64-033 OCCUPANCY RESTRICTIONS. Infants not under the personal care of the mother shall not be housed above the first floor, unless the building is equipped with an approved sprinkler system.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-035 ((EXITING)) NUMBER AND TYPE OF EXITS. ((~~†~~) All stairwells serving as required means of egress from floors above the second shall be enclosed and provide a continuous

protected passageway to the outside. EXCEPTION: Unenclosed stairwells connecting not more than three floors may be allowed provided that:

(a) ~~Building is of fire resistive construction, or~~
(b) ~~Building is provided with complete automatic sprinkler protection; or~~

(c) ~~Building is provided with smoke detectors in all open areas and means of egress.~~

(2) ~~All floors above the first floor level subject to occupancy by ten or more persons shall have at least two exits, remote from each other, and so arranged that it is possible to go in either direction from any occupied area and reach safety outside the building.~~

(3) ~~All exit doors shall be openable from the inside without the use of keys or special knowledge.~~

(4) ~~Infants not under the personal care of the mother shall not be housed above the first floor unless the building is of fire resistive construction or provided with complete automatic sprinkler protection.~~

(5) ~~Basements shall not be used for maternity care purposes unless provided with at least one exit directly to the outside or protected with an automatic sprinkler system.)~~ (1) Every sleeping room above the ground floor shall have access to two separate means of exit, at least one of which shall consist of an enclosed interior stairway, an exterior stairway, a fire escape, or a horizontal exit.

(2) ~~Exits shall be located to provide a safe path of travel to the outside of the building without having to traverse any corridors or space exposed to any unprotected vertical opening.~~

(3) ~~The exit may pass through an adjoining or intervening room if the adjoining or intervening room leads directly to an outside stairway, fire escape, or horizontal exit. The door to the adjoining or intervening room shall be removed, and the opening shall be placarded "TO EXIT." EXCEPTION: Exits shall not pass through kitchens, bathrooms, storerooms, garages, closets, or spaces used for similar purposes.~~

(4) ~~Basements or cellars shall not be used for sleeping purposes unless there are two remote exits leading directly to the exterior from the basement or cellar level. EXCEPTION: Rooms located in the basement or cellar of a family abode may be used if one of the two required exits discharges directly to the exterior from the basement or cellar level.~~

(5) ~~Infants not under the personal care of the mother or a maternity care staff person, shall not be housed above the first floor, or in rooms located in a basement or cellar.~~

(6) ~~No space shall be used for sleeping purposes which is accessible only by ladder, folding stair, or trap door.~~

(7) ~~Exterior exit doors on maternity service facilities having an occupant load of fifty or more persons, shall be hinged to swing in the direction of egress.~~

NEW SECTION

WAC 212-64-037 SLEEPING ROOM DOORS. Sleeping room doors shall be one and three-fourths inch solid wood core, or equivalent.

EXCEPTION: Existing panel-type doors may be used if upgraded by the application of a fire-resistive material, i.e., one-half inch gypsum wallboard, securely fastened to the door rails.

NEW SECTION

WAC 212-64-039 WINDOWS FOR EMERGENCY EGRESS OR RESCUE. Every sleeping room below the fourth floor shall have at least one openable window for emergency egress or rescue. Emergency egress or rescue windows shall have a minimum clear opened area of five square feet, with the minimum opened width dimension of twenty inches, and minimum opened height dimension of twenty-four inches. The window sill height shall not be more than forty-eight inches above the floor.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-040 FIRE EXTINGUISHERS. At least one approved 2A-rated fire extinguisher, suitable for use on fires in ordinary combustibles, shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance, or special hazards. ((All extinguishers shall be properly maintained and staff members instructed in their use.))

NEW SECTION

WAC 212-64-043 AUTOMATIC DETECTION SYSTEM. An approved automatic smoke detection system shall be installed in corridors or locations providing access to resident and infant sleeping rooms. Corridor smoke detectors shall not be spaced more than thirty feet apart, or more than fifteen feet from any wall. Additional fire detection devices may be required at other locations which may pose a threat to the occupants of the facility. Automatic fire detection devices shall be electrically interconnected to the fire alarm system.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-045 FIRE ALARM SYSTEM. ~~((+)) An approved manual fire alarm system shall be provided when the resident occupant load exceeds fifteen persons, except that a fire alarm system shall not be required where the building is three stories or less in height and each sleeping room has a direct exit to the outside.~~

~~(2) Nursery areas not under continuous supervision shall be provided with automatic smoke detection. (1) Every maternity service facility shall be equipped with an approved electrically supervised fire alarm system. Activation of any initiating device shall result in general alarm indication, and sound an audible signal throughout the building or affected portion thereof.~~

~~(2) The fire alarm system shall be under the supervision of a responsible person, who shall cause proper tests to be made.~~

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-050 HAZARDOUS AREAS ~~((AND BUILDING SERVICE EQUIPMENT)).~~ ~~((+)) Heating plants, hazardous areas and other occupancies within the building shall be protected or separated from maternity care or sleeping areas. Separations shall have a fire resistance rating conforming to the general construction requirements of the building type unless automatic sprinkler protection for the particular hazard or area is provided.~~

~~(2) Central heating plants and other fuel burning appliances shall be properly maintained and cleaned at frequent intervals. The surrounding area shall be kept free of rubbish and combustible storage. Rooms or spaces containing a boiler, maintenance shop, janitor closet, laundry, woodworking shop, or painting operation shall be separated from the maternity service areas and the means of egress by one-hour fire-resistive construction.~~

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-055 FIRE PREVENTION. (1) The local fire department ~~((shall))~~ should be requested to ~~((make frequent inspections for fire hazards and unsafe conditions:~~

~~or stored in closed, metal containers))~~ visit the maternity service facility to become familiar with the building, and to assist in planning evacuation or emergency procedures.

(2) Furnace rooms shall be maintained free of lint, grease and rubbish accumulations; and suitably isolated, enclosed or protected so as not to present a fire hazard to the occupants.

(3) Flammable or combustible materials shall ~~((not))~~ be stored ~~((in the building, except as required for operation of the maternity service facility. Materials so required shall be kept in locked cabinets or rooms set aside for that purpose))~~ away from exits.

(4) Cooking appliances shall be free of grease accumulations. Ventilators and filters installed over cooking ranges shall be inspected frequently, and cleaned as necessary to preclude accumulations of grease residue.

~~((+))~~ (5) All electrical circuits, devices and appliances shall be properly maintained ~~((and))~~. Circuits shall not be overloaded. Extension cords shall not be used ~~((as))~~ in lieu of permanent wiring.

~~((+))~~ (6) Combustible rubbish shall not be allowed to accumulate, and shall be removed from the building or stored in closed, metal containers.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-060 MAINTENANCE. Fire protection equipment installed within the facility shall be properly maintained.

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times. Fire extinguishers shall be mounted in the bracket provided for this purpose.

~~(2) ((Protective signalling systems shall be tested at monthly intervals and a record of testing shall be maintained on the premises.))~~ The manual fire alarm system shall be tested at monthly intervals. A record of testing shall be maintained on the premises, preferably at the system control panel. Automatic detection systems shall be inspected annually. The person or agency inspecting the detection system shall be qualified by way of technical training or licensure for accomplishing inspection, testing or servicing of automatic fire detectors. Inspection of automatic fire detection systems shall be verified on forms provided by the state fire marshal.

~~(3) ((Automatic fire detection systems shall be tested at least annually, by some person or agency qualified to accomplish the test and a record of testing shall be maintained on the premises.~~

~~(4))~~ Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times.

~~((5) Fire extinguishing systems installed in the building shall be maintained by some person or agency qualified to accomplish maintenance on the appropriate system, and a record of maintenance actions shall be maintained on the premises.))~~

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-065 FIRE EVACUATION PLAN ~~((AND STAFF TRAINING REQUIREMENTS)).~~ ~~((+)) A written emergency fire evacuation procedure shall be developed, identifying the actions to take by the person discovering a fire, and the action taken by occupants of the building. The emergency fire evacuation procedure shall include, but not necessarily be limited to, the following actions.))~~ Each maternity service facility shall develop a written fire evacuation plan. The plan shall include the following:

~~((a))~~ Initial steps to be taken upon (1) Actions to take by the person discovering a fire.

~~((b))~~ (2) Method of sounding an alarm on the premises ~~((and steps to take in summoning the fire department)).~~

~~((c))~~ (3) Actions to take ~~((in confining or controlling incipient fire))~~ pending arrival of the fire department.

~~((d))~~ (4) Actions to take for evacuation of the building and assuring the accountability of the occupants.

~~((2))~~ All occupants shall be instructed in emergency evacuation procedures. The procedures shall be tested at not less than monthly intervals by evacuation drill, assuring the procedures are properly executed in an expeditious manner. Accomplishment of fire evacuation drills shall be recorded and a record maintained on the premises to validate accomplishment of drills.

(3) The local fire department should be invited to witness fire evacuation drills, thereby assuring that the evacuation procedures are properly executed.

(4) All members of the staff assigned to assure supervisory and/or child development training, shall be proficient in the use of fire extinguishers installed on the premises. Frequent familiarization training in the use and handling of fire extinguishers is essential in maintaining required degree of proficiency. Training in the use of fire extinguishers should take place at least twice each year.))

NEW SECTION

WAC 212-64-067 FIRE EVACUATION DRILL. A fire evacuation drill shall be conducted at least once a month. In order to provide maximum effectiveness from fire drills, the drills should be performed at times when residents are sleeping. A written record shall be maintained on the premises, indicating the date and time the fire evacuation drill was conducted.

NEW SECTION

WAC 212-64-068 STAFF TRAINING. The licensee and each member of the staff shall be familiar with all elements of the fire evacuation plan, and must possess an understanding of the following:

- (1) Operation of fire extinguishers installed on the premises.
- (2) Method of resetting fire alarm system.
- (3) Method of testing smoke detectors (single station types).
- (4) Conducting limited inspection for fire hazards.

NEW SECTION

WAC 212-64-069 ALTERNATE METHODS. The state fire marshal may modify any of the provisions of this regulation upon application in writing by the owner or licensee or his duly authorized representative, where there are practical difficulties in carrying out the strict letter of this regulation. The particulars of such modification may be granted or allowed: PROVIDED, That it does not create a condition that is dangerous to life. The decision of the state fire marshal shall be entered upon the record, and a signed copy shall be furnished the owner or licensee.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-64-070 ((SEPARABILITY)) SEVERABILITY. If any provision of this regulation or its application to any person or circumstance is held invalid, the remainder of the regulation or the application of the provisions to other persons or circumstances is not affected.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 212-64-010 APPLICABILITY.

Chapter 212-65 WAC
GROUP CARE FACILITIES—STANDARDS FOR FIRE PROTECTION

NEW SECTION

WAC 212-65-001 PURPOSE. The purpose of this regulation is to adopt minimum standard fire and life safety requirements for group care facilities, which require state fire marshal approval in accordance with chapter 74.15 RCW.

NEW SECTION

WAC 212-65-005 DEFINITIONS. The following definitions shall apply when used in this regulation:

(1) "Approved" as to fire protection systems, assemblies, and devices means approved by the state fire marshal as the result of tests conducted by him; or by reason of accepted principles or tests by national authorities, technical or scientific organizations.

(2) "Building official" means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Building Code, adopted by reference in the State Building Code Act.

(3) "Exit" means a continuous and unobstructed means of egress to a public way, and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts and yards.

(4) "Family abode" means a single dwelling unit occupied for living purposes by a family, which provides permanent provisions for living, sleeping, eating, cooking and sanitation; and which is either owned, rented or leased by the family occupying the family abode.

(5) "Fire official" means the person or agency appointed by the governing body of each city, town or county for the administration and enforcement of the Uniform Fire Code, adopted by reference in the State Building Code Act.

(6) "Group care facility" means a facility which is maintained and operated for the care of a group of children on a twenty-four hour basis.

(7) "Heat detector" means an approved device which detects abnormally high temperatures or rate of temperature rise.

(8) "Licensing agency" means the Washington state department of social and health services.

(9) "Smoke detector" means an approved device which senses visible or invisible particles of combustion.

NEW SECTION

WAC 212-65-010 COMPLIANCE REQUIRED. All group care facilities shall comply with the fire and life safety requirements contained in this regulation. EXCEPTION: Group care facilities previously approved, based upon compliance with chapters 212-56, 212-57, or 212-63 WAC, each adopted pursuant to Administrative Order No.

FM-77-3, filed December 8, 1977, may have their use continued without compliance with this regulation: PROVIDED, That (1) the fire and life safety requirements have been maintained to the levels prescribed in chapters 212-56, 212-57, or 212-63 WAC, and (2) the continued operation of the facility is not dangerous to life.

NEW SECTION

WAC 212-65-015 INSPECTIONS AND APPROVAL. (1) Upon receipt of an application for a license, or at least ninety days prior to the expiration date of a current license, the licensing agency shall submit a written request for inspection to the state fire marshal. The state fire marshal or his designated representative shall inspect the facility. If the facility fails to meet the requirements contained in this regulation, a written report shall be made to the applicant or licensee, indicating the violations noted, corrective action required, and a reasonable time schedule for correcting the violations noted. Upon expiration of the time specified for correction of the violations, a reinspection shall be made to determine compliance.

(2) Upon completion of the inspection and the facility is found to be in compliance with this regulation, notification of approval shall be forwarded to the licensing agency, and a certificate of compliance shall be forwarded to the applicant or licensee.

NEW SECTION

WAC 212-65-020 RIGHT OF APPEAL. Any person aggrieved by the requirements imposed by the state fire marshal may, within five days after receipt of such order, appeal to the state fire marshal. If the state fire marshal confirms the order, the order shall remain in force.

NEW SECTION

WAC 212-65-025 CONTACT WITH LOCAL BUILDING AND FIRE OFFICIALS. Each applicant for a group care facility license shall contact the local building official and fire official of the city, town or county where the facility is located, to ascertain that all local building code and fire code requirements have been met.

NEW SECTION

WAC 212-65-030 OCCUPANCY RESTRICTIONS. Handicapped residents, or residents unable to traverse stairways without assistance, shall not occupy a floor, basement or cellar unless one of the required exits is a ramp leading to ground level outside the building.

NEW SECTION

WAC 212-65-035 HAZARDOUS AREAS. Rooms or spaces containing a commercial-type cooking kitchen boiler, maintenance shop, janitor closet, laundry, woodworking shop, flammable or combustible storage, or painting operation shall be separated from the group care area and the means of egress by one hour fire-resistive construction.

NEW SECTION

WAC 212-65-040 NUMBER AND TYPE OF EXITS. (1) Every sleeping room above the ground floor shall have access to two separate means of exit, at least one of which shall consist of an enclosed interior stairway, an exterior stairway, a fire escape, or a horizontal exit.

(2) Exits shall be located to provide a safe path of travel to the outside of the building without having to traverse any corridors or space exposed to an unprotected vertical opening.

(3) The exit may pass through an adjoining or intervening room if the adjoining or intervening room leads directly to an outside stairway, fire escape, horizontal exit, or enclosed stairway. The door to the adjoining or intervening room shall be removed, and the opening shall be placarded "TO EXIT." EXCEPTION: Exits shall not pass through kitchens, bathrooms, storerooms, garages, closets, or spaces used for similar purposes.

(4) Basements or cellars shall not be used for sleeping purposes unless there are two remote exits leading directly to the exterior from the basement or cellar level. EXCEPTION: Rooms located in the basement or cellar of a family abode may be used if one of the two required exits discharges directly to the exterior from the basement or cellar level.

(5) No space shall be used for sleeping purposes which is accessible only by ladder, folding stair, or trap door.

(6) Exterior exit doors on group care facilities having an occupant load of fifty or more persons shall be hinged to swing in the direction of egress.

NEW SECTION

WAC 212-65-045 SLEEPING ROOM DOORS. Sleeping room doors shall be 1-3/4 inch solid wood core, or equivalent. **EXCEPTION:** Existing panel-type doors may be used if upgraded by the application of a fire-resistive material, i.e., one-half inch gypsum wallboard, securely fastened to the door rails.

NEW SECTION

WAC 212-65-050 WINDOWS FOR EMERGENCY EGRESS OR RESCUE. Every sleeping room below the fourth floor shall have at least one openable window for emergency egress or rescue. Windows for emergency egress or rescue shall have a minimum clear opened area of five square feet, with the minimum opened width dimension of twenty inches, and minimum opened height dimension of twenty-four inches. The window sill height shall not be more than forty-eight inches above the floor.

NEW SECTION

WAC 212-65-055 AUTOMATIC DETECTION SYSTEM. An approved automatic smoke detection system shall be installed in corridors, or locations providing access to sleeping rooms. Corridor smoke detectors shall not be spaced more than thirty feet apart, or more than fifteen feet from any wall. Additional fire detection devices may be required at other locations which pose a threat to the occupants of the facility. Automatic fire detection devices shall be electrically interconnected to the fire alarm system.

NEW SECTION

WAC 212-65-060 FIRE ALARM SYSTEM. (1) Every group care facility shall be equipped with an approved electrically supervised fire alarm system. Activation of any initiating device shall result in general alarm indication and sound an audible signal throughout the building or affected portion thereof.

(2) The fire alarm system shall be under the supervision of a responsible person, who shall cause proper tests to be made.

NEW SECTION

WAC 212-65-065 FIRE EXTINGUISHERS. At least one approved 2A-rated fire extinguisher, suitable for use on fires in ordinary combustibles, shall be provided on each occupied floor level. Additional fire extinguishers may also be required due to area, travel distance, or special hazards.

NEW SECTION

WAC 212-65-070 FIRE PREVENTION. (1) The local fire department should be requested to visit the group care facility to become familiar with the building and to assist in planning evacuation or emergency procedures.

(2) Furnace rooms shall be maintained free of lint, grease and rubbish accumulations; and suitably isolated, enclosed, or protected so as not to present a fire hazard to the occupants.

(3) Flammable or combustible materials shall be stored away from exits.

(4) Cooking appliances shall be free of grease accumulation. Ventilators and filters installed over cooking ranges shall be inspected frequently, and cleaned as required to preclude accumulation of grease residue.

(5) All electrical circuits, devices and appliances shall be properly maintained. Circuits shall not be overloaded. Extension cords shall not be used in lieu of permanent wiring.

(6) Combustible rubbish shall not be allowed to accumulate, and shall be removed from the building or stored in closed, metal containers.

NEW SECTION

WAC 212-65-075 MAINTENANCE. Fire protection equipment installed within the facility shall be properly maintained.

(1) Fire extinguishers shall be maintained in accordance with nationally recognized standards, and they shall be operationally ready for use at all times. Fire extinguishers shall be mounted in the bracket provided for this purpose.

(2) The manual fire alarm system shall be tested at monthly intervals. A record of testing shall be maintained on the premises, preferably at the system control panel. Automatic detection systems shall be inspected annually. The person or agency inspecting the detection system shall be qualified by way of technical training or licensure for accomplishing inspection, testing or servicing the automatic fire detectors. Inspection of automatic fire detection systems shall be verified on forms provided by the state fire marshal.

(3) Fire doors, exit lights, corridor lighting, door latches and exit hardware shall be maintained operationally ready for use at all times.

NEW SECTION

WAC 212-65-080 FIRE EVACUATION PLAN. Each group care facility shall develop a written fire evacuation plan. The plan shall include the following:

(1) Action to take by the person discovering a fire.

(2) Method of sounding an alarm on the premises.

(3) Action to take pending arrival of the fire department.

(4) Action to take for evacuation of the facility, and assuring accountability of the occupants.

NEW SECTION

WAC 212-65-085 FIRE EVACUATION DRILL. A fire evacuation drill shall be conducted at least once each month. To provide maximum effectiveness from fire drills, the drills should be initiated when residents are asleep. A written record shall be maintained on the premises, indicating the date and time the fire evacuation drill was conducted.

NEW SECTION

WAC 212-65-090 STAFF TRAINING. The licensee and each member of the staff shall be familiar with all elements of the fire evacuation plan and must possess an understanding of the following:

(1) Operation of the fire extinguishers installed on the premises.

(2) Method of resetting fire alarm system.

(3) Method of testing smoke detectors (single station type.)

(4) Conducting limited inspections for fire hazards.

NEW SECTION

WAC 212-65-095 ALTERNATE METHODS. The state fire marshal may modify any of the provisions of this regulation upon application in writing by the owner or licensee or his duly authorized representative, where there are practical difficulties in carrying out the strict letter of this regulation. The particulars of such modification may be granted or allowed: **PROVIDED,** That it does not create a condition that is dangerous to life. The decision of the state fire marshal shall be entered upon the record, and a signed copy shall be furnished the owner or licensee.

NEW SECTION

WAC 212-65-100 SEVERABILITY. If any provision of this regulation, or its application to any person or circumstance is held invalid, the remainder of the regulation or the application of the provisions to other persons or circumstances is not affected.

REPEALER

Chapter 212-56 of the Washington Administrative Code is repealed as follows:

- | | |
|----------------------------|----------------------------|
| (1) <u>WAC 212-56-001</u> | PURPOSE. |
| (2) <u>WAC 212-56-005</u> | DEFINITIONS. |
| (3) <u>WAC 212-56-010</u> | APPLICABILITY. |
| (4) <u>WAC 212-56-015</u> | COMPLIANCE. |
| (5) <u>WAC 212-56-020</u> | INSPECTIONS AND APPROVALS. |
| (6) <u>WAC 212-56-025</u> | RIGHT OF APPEAL. |
| (7) <u>WAC 212-56-030</u> | BUILDING CONSTRUCTION. |
| (8) <u>WAC 212-56-035</u> | EXITING. |
| (9) <u>WAC 212-56-040</u> | FIRE EXTINGUISHERS. |
| (10) <u>WAC 212-56-045</u> | FIRE ALARM. |
| (11) <u>WAC 212-56-050</u> | FIRE PREVENTION. |

- (12) WAC 212-56-055 MAINTENANCE.
- (13) WAC 212-56-060 FIRE EVACUATION PLAN AND STAFF TRAINING REQUIREMENTS.
- (14) WAC 212-56-065 SEPARABILITY.

REPEALER

Chapter 212-57 of the Washington Administrative Code is repealed as follows:

- (1) WAC 212-57-001 PURPOSE.
- (2) WAC 212-57-005 DEFINITIONS.
- (3) WAC 212-57-010 APPLICABILITY.
- (4) WAC 212-57-015 COMPLIANCE.
- (5) WAC 212-57-020 INSPECTIONS AND APPROVALS.
- (6) WAC 212-57-025 RIGHT OF APPEAL.
- (7) WAC 212-57-030 BUILDING CONSTRUCTION.
- (8) WAC 212-57-035 EXITING.
- (9) WAC 212-57-040 FIRE EXTINGUISHERS.
- (10) WAC 212-57-045 FIRE ALARM.
- (11) WAC 212-57-050 HAZARDOUS AREAS AND BUILDING SERVICE EQUIPMENT.
- (12) WAC 212-57-055 FIRE PREVENTION.
- (13) WAC 212-57-060 MAINTENANCE.
- (14) WAC 212-57-065 FIRE EVACUATION PLAN AND STAFF TRAINING REQUIREMENTS.
- (15) WAC 212-57-070 SEPARABILITY.

REPEALER

Chapter 212-58 of the Washington Administrative Code is repealed as follows:

- (1) WAC 212-58-001 PURPOSE.
- (2) WAC 212-58-005 DEFINITIONS.
- (3) WAC 212-58-010 APPLICABILITY.
- (4) WAC 212-58-015 COMPLIANCE.
- (5) WAC 212-58-020 INSPECTIONS AND APPROVALS.
- (6) WAC 212-58-025 RIGHT OF APPEAL.
- (7) WAC 212-58-030 BUILDING CONSTRUCTION.
- (8) WAC 212-58-035 EXITING.
- (9) WAC 212-58-040 FIRE EXTINGUISHERS.
- (10) WAC 212-58-045 FIRE ALARM.
- (11) WAC 212-58-050 HAZARDOUS AREAS AND BUILDING SERVICE EQUIPMENT.
- (12) WAC 212-58-055 FIRE PREVENTION.
- (13) WAC 212-58-060 MAINTENANCE.
- (14) WAC 212-58-065 FIRE EVACUATION PLAN AND STAFF TRAINING REQUIREMENTS.
- (15) WAC 212-58-070 SEPARABILITY.

REPEALER

Chapter 212-59 of the Washington Administrative Code is repealed as follows:

- (1) WAC 212-59-001 PURPOSE.
- (2) WAC 212-59-005 DEFINITIONS.
- (3) WAC 212-59-010 APPLICABILITY.
- (4) WAC 212-59-015 COMPLIANCE.
- (5) WAC 212-59-020 INSPECTIONS AND APPROVALS.
- (6) WAC 212-59-025 RIGHT OF APPEAL.
- (7) WAC 212-59-030 BUILDING CONSTRUCTION.
- (8) WAC 212-59-035 EXITING.
- (9) WAC 212-59-040 FIRE EXTINGUISHERS.
- (10) WAC 212-59-045 AUTOMATIC FIRE DETECTION.
- (11) WAC 212-59-050 FIRE PREVENTION.
- (12) WAC 212-59-055 MAINTENANCE.
- (13) WAC 212-59-060 FIRE EVACUATION PLAN AND STAFF TRAINING REQUIREMENTS.
- (14) WAC 212-59-065 SEPARABILITY.

REPEALER

Chapter 212-60 of the Washington Administrative Code is repealed as follows:

- (1) WAC 212-60-001 PURPOSE.
- (2) WAC 212-60-005 DEFINITIONS.
- (3) WAC 212-60-010 APPLICABILITY.

- (4) WAC 212-60-015 COMPLIANCE.
- (5) WAC 212-60-020 INSPECTIONS AND APPROVALS.
- (6) WAC 212-60-025 RIGHT OF APPEAL.
- (7) WAC 212-60-030 BUILDING CONSTRUCTION.
- (8) WAC 212-60-035 EXITING.
- (9) WAC 212-60-040 FIRE EXTINGUISHERS.
- (10) WAC 212-60-045 FIRE ALARM.
- (11) WAC 212-60-050 HAZARDOUS AREAS AND BUILDING SERVICE EQUIPMENT.
- (12) WAC 212-60-055 FIRE PREVENTION.
- (13) WAC 212-60-060 MAINTENANCE.
- (14) WAC 212-60-065 FIRE EVACUATION PLAN AND STAFF TRAINING REQUIREMENTS.
- (15) WAC 212-60-070 SEPARABILITY.

REPEALER

Chapter 212-61 of the Washington Administrative Code is repealed as follows:

- (1) WAC 212-61-001 PURPOSE.
- (2) WAC 212-61-005 DEFINITIONS.
- (3) WAC 212-61-010 APPLICABILITY.
- (4) WAC 212-61-015 COMPLIANCE.
- (5) WAC 212-61-020 INSPECTIONS AND APPROVALS.
- (6) WAC 212-61-025 RIGHT OF APPEAL.
- (7) WAC 212-61-030 BUILDING CONSTRUCTION.
- (8) WAC 212-61-035 EXITING.
- (9) WAC 212-61-040 FIRE EXTINGUISHERS.
- (10) WAC 212-61-045 FIRE ALARM.
- (11) WAC 212-61-050 FIRE PREVENTION.
- (12) WAC 212-61-055 MAINTENANCE.
- (13) WAC 212-61-060 FIRE EVACUATION PLAN AND STAFF TRAINING REQUIREMENTS.
- (14) WAC 212-61-065 SEPARABILITY.

REPEALER

Chapter 212-62 of the Washington Administrative Code is repealed as follows:

- (1) WAC 212-62-001 PURPOSE.
- (2) WAC 212-62-005 DEFINITIONS.
- (3) WAC 212-62-010 APPLICABILITY.
- (4) WAC 212-62-015 COMPLIANCE.
- (5) WAC 212-62-020 INSPECTIONS AND APPROVALS.
- (6) WAC 212-62-025 RIGHT OF APPEAL.
- (7) WAC 212-62-030 BUILDING CONSTRUCTION.
- (8) WAC 212-62-035 EXITING.
- (9) WAC 212-62-040 FIRE EXTINGUISHERS.
- (10) WAC 212-62-045 FIRE ALARM.
- (11) WAC 212-62-050 HAZARDOUS AREAS AND BUILDING SERVICE EQUIPMENT.
- (12) WAC 212-62-055 FIRE PREVENTION.
- (13) WAC 212-62-060 MAINTENANCE.
- (14) WAC 212-62-065 FIRE EVACUATION PLAN AND STAFF TRAINING REQUIREMENTS.
- (15) WAC 212-62-070 SEPARABILITY.

REPEALER

Chapter 212-63 of the Washington Administrative Code is repealed as follows:

- (1) WAC 212-63-001 PURPOSE.
- (2) WAC 212-63-005 DEFINITIONS.
- (3) WAC 212-63-010 APPLICABILITY.
- (4) WAC 212-63-015 COMPLIANCE.
- (5) WAC 212-63-020 INSPECTIONS AND APPROVALS.
- (6) WAC 212-63-025 RIGHT OF APPEAL.
- (7) WAC 212-63-030 BUILDING CONSTRUCTION.
- (8) WAC 212-63-035 EXITING.
- (9) WAC 212-63-040 FIRE EXTINGUISHERS.
- (10) WAC 212-63-045 FIRE ALARM.
- (11) WAC 212-63-050 HAZARDOUS AREAS AND BUILDING SERVICE EQUIPMENT.
- (12) WAC 212-63-055 FIRE PREVENTION.
- (13) WAC 212-63-060 MAINTENANCE.
- (14) WAC 212-63-065 FIRE EVACUATION PLAN AND STAFF TRAINING REQUIREMENTS.

(15) WAC 212-63-070 SEPARABILITY.

WSR 81-03-052
PROPOSED RULES
COMMISSION FOR
VOCATIONAL EDUCATION
[Filed January 19, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28C.04.060, that the Commission for Vocational Education, intends to amend rules concerning minimum standards of state agency personnel, to be in conformance with the class specifications as adopted by the State Personnel Board, WAC 490-28A-013;

that such agency will at 9:30 a.m., Thursday, March 26, 1981, in the Educational Service District #113, 601 McPhee Road S.W., Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at approximately 10:00 a.m., Thursday, March 26, 1981, in the Educational Service District #113, 601 McPhee Road S.W., Olympia.

The authority under which these rules are proposed is RCW 28C.04.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 23, 1981, and/or orally at 9:30 a.m., Thursday, March 26, 1981, Educational Service District #113, 601 McPhee Road S.W., Olympia.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-16-057 filed with the code reviser's office on November 5, 1980.

Dated: January 13, 1981
By Homer J. Halverson
Executive Director

WSR 81-03-053
NOTICE OF PUBLIC MEETINGS
WENATCHEE VALLEY COLLEGE
YAKIMA VALLEY COLLEGE
[Memorandum—January 19, 1981]

Wenatchee Valley College

The regular meeting of the Wenatchee Valley College Board of Trustees shall be held on the second Wednesday of each month at 1:30 p.m. in Room 230 of Anderson Hall on the Wenatchee Valley College campus in Wenatchee, Washington.

Yakima Valley College

The regular meeting of the Yakima Valley College Board of Trustees shall be held on the first Wednesday of each month at 4:00 p.m. in the Board of Trustees' Office at 16th and West Nob Hill Boulevard on the Yakima Valley College campus in Yakima, Washington.

WSR 81-03-054
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 81-05]

WHEREAS, state General Fund revenues are now forecast to be substantially less than previously estimated, and

WHEREAS, the state must operate with a balanced budget with expenditures not exceeding revenues for the biennium, and

WHEREAS, it appears necessary to reduce expenditures over the remainder of the biennium in order to maintain a balanced budget, and

WHEREAS, any necessary reductions in General Fund supported public service levels should be shared among all agencies and programs,

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the power vested in me by RCW 43.88, do hereby require each agency subject to executive allotment control to limit its monthly employment to that level of full-time-equivalent (FTE) staffing as is actually incurred for the month of January, 1981. This limitation will take effect immediately and continue for the balance of Fiscal Year 1981. Agencies will be advised by the Office of Financial Management of other implementation details. Any requests for exceptions to this order are to be made in writing by the agency director to the Director of the Office of Financial Management.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the seal of
the state of Washington to
be affixed at Olympia this
16th day of January, A.D.,
nineteen hundred and
eighty-one.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 81-03-055
PROPOSED RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL
[Filed January 20, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 80.50.040(1), that the Energy Facility Site Evaluation Council, intends to adopt, amend, or repeal rules concerning:

Amd WAC 463-30-080 Commencement of contested case proceedings.

Amd WAC 463-46-055 Timing of the EIS process;

that such agency will at 1:30 p.m., Monday, March 9, 1981, in the EFSEC Hearing Room, 4224 6th Avenue S.E., Lacey, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Monday, March 9, 1981, in the EFSEC Hearing Room, 4224 6th Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is RCW 80.50.040(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 6, 1981, and/or orally at 1:30 p.m., Monday, March 9, 1981, EFSEC Hearing Room, 4224 6th Avenue S.E., Lacey, WA.

Dated: January 20, 1981

By: William L. Fitch
Executive Secretary

STATEMENT OF PURPOSE

Rule Title And Purpose: WAC 463-30-080 relating to commencement of contested case proceeding and WAC 463-46-055 relating to timing of the EIS process.

Statutory Authority: RCW 80.50.040(1).

Rule Summary And Supporting Statement On Proposed Action: WAC 463-30-080 sets the timing on commencement of the contested case hearing and is being amended to provide for receipt of revisions to the application prior to commencement of the contested case proceedings. WAC 463-46-055 relates to the timing of the EIS process and is being amended to clarify council intent on meaning of the term "proposed major action".

Agency Responsibility for Drafting, Implementing And Enforcing:

Drafting: Management Committee, Russel Albert, Chairman, 753-7384, Energy Facility Site Evaluation Council, 4224 6th Avenue S.E., Lacey, WA 98504

Implementing: William L. Fitch, Executive Secretary, Energy Facility Site Evaluation Council, 4224 6th Avenue S.E., Lacey, WA 98504 753-7384

Enforcing: Nicholas D. Lewis, Chairman, Energy Facility Site Evaluation Council, 4224 6th Avenue S.E., Lacey WA 98504 753-7384

Person Or Organization Proposing Rule: Washington State Energy Facility Site Evaluation Council.

Agency Comments, If Any: None.

AMENDATORY SECTION (Amending Order 109, filed 11/16/76)

WAC 463-30-080 COMMENCEMENT OF CONTESTED CASE PROCEEDINGS. Contested case proceedings pursuant to

RCW 80.50.090(3) shall be commenced (~~on receipt of the application~~) upon issuance of a formal notice of hearing by the council.

AMENDATORY SECTION (Amending Order 112, filed 12/15/76)

WAC 463-46-055 TIMING OF THE EIS PROCESS. (1) The primary purpose of the EIS process is to provide environmental information to governmental decision-makers to be considered prior to making their decision. The process should thus be completed before the decisions of the council commit it to a particular course of action. The actual decision to proceed with many actions may involve a series of individual approvals or decisions. The threshold determination and the EIS, if required, should ideally be completed at the beginning of this process. In many cases, however, preliminary decisions must be made upon a proposal before the proposal is sufficiently definite to permit meaningful environmental analysis. The council shall identify the times at which the EIS process must be completed. The lead agency should require completion of the threshold determination and EIS, if required, at the earliest point in the planning and decision-making process when the principal features of a proposal and its impacts upon the environment can be reliably identified.

(2) (~~At a minimum;~~) The threshold determination and any required EIS shall be completed prior to undertaking any proposed major action. For the purpose of this chapter, the council has determined that the proposed major action is the recommendation to the governor required in RCW 80.50.100. The council may initiate a contested case hearing required by RCW 80.50.100 prior to completion of the draft EIS. The council shall initiate and conclude a contested case hearing required by RCW 80.50.100 prior to issuance of the final EIS.

(3) When a proposed major action is a proposal for either a governmental action of a project nature or a governmental action of a non-project nature, and the proponent of the major action is also the lead agency, then the maximum time limits contained in these guidelines for the threshold determination and EIS process need not apply to the proposal.

WSR 81-03-056

NOTICE OF PUBLIC MEETINGS STATE BOARD OF EDUCATION

[Memorandum—January 20, 1981]

A special meeting of the State Board of Education will be held on Wednesday, February 4, 1981, convening at 10:00 a.m. in Conference Room 145, State Modular Building (Office of Superintendent of Public Instruction), 7510 Armstrong Street S.W. - FG-11, Tumwater, Washington.

The agenda items will be:

Legislation respecting the common schools to be proposed by the State Superintendent of Public Instruction and other persons or organizations;

Supplemental budget requests of the State Superintendent of Public Instruction, former Governor Dixie Lee Ray, Governor Spellman, and the amount of funds necessary for the common school system to complete the current biennium;

Status report of the common school construction needs and the common school construction fund, the establishment and/or reaffirmation of a position relative thereto; and

Review of the educational clinic program and consideration of the feasibility of the continuance of such program.

WSR 81-03-057
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 20, 1981]

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 388-82-020	Medical care services.
Amd	WAC 388-83-045	Allocation of available income and non-exempt resources.
Amd	WAC 388-85-015	Period of certification.
Amd	WAC 388-86-120	State financed medical care services.

It is the intention of the secretary to adopt these rules on an emergency basis prior to the hearing.

Correspondence concerning this notice and proposed rules attached should be addressed to:

N. Spencer Hammond
 Executive Assistant
 Department of Social and Health Services
 Mailstop OB-44 C
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by February 11, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, February 25, 1981, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 4, 1981, in William B. Pope's office, 4th floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 25, 1981, and/or orally at 10:00 a.m., Wednesday, February 25, 1981, Auditorium, State Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: January 19, 1981
 By: N. S. Hammond
 Executive Assistant

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045, amending WAC 388-82-020, 388-83-045, 388-85-015 and 388-86-120. The purpose of the rule change is to reduce the scope of the medical assistance available to GA-U (General Assistance-Unemployable) recipients.

The reason this rule is necessary is to comply with the provisions of the Budget and Accounting Act (chapter 43.88 RCW) inasmuch as expenditures are exceeding appropriated funds.

Statutory authority: RCW 74.08.090.

Summary of the rule changes:

WAC 388-86-120 is being changed to:

Require prior medical consultant approval for elective hospital admissions and elective surgery requests.

Establish criteria used to determine that the proposed surgery is elective.

Limit prescribed drugs to specific therapeutical classifications.

Stipulate that mental health services will be provided only in community mental health centers.

Stipulate that hearing aids are not provided. Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: James M. McCorkhill

Title: Head, Program Administration Section

Office: Medical Policy and Procedure

Mailstop: LK-11

Phone: 753-0526

The person or organization (if other than DSHS) who proposed these rules is: None

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-82-020 MEDICAL CARE SERVICES. An individual eligible for medical care services (MS) under a state-financed program is one who cannot meet the eligibility requirements under any (~~medical assistance (MA))~~ medicaid program, but does meet either (1) or (2) of the requirements below:

(1) Is eligible to receive a continuing general assistance grant or is a dependent other than a spouse included in a federal grant. Medical care service is (~~limited to a major medical program as~~) defined in WAC 388-86-120.

(2) Is in need of medical care only (MO) by reason of an acute and emergent condition (see WAC 388-86-120), and has satisfied a deductible (~~of one thousand dollars over a twelve month period and meets financial criteria according to WAC 388-83-045. Certification covers the acute and emergent condition only. See WAC 388-85-015(3) and 388-86-032).~~ See WAC 388-83-045. The deductible must be satisfied over a twelve-month period beginning with the date medical services were initiated.

(a) Eligibility shall be determined on the basis of income and resource standards, and deductible amount in effect at the time services were received.

(b) The deductible is applied no more than once during the twelve-month period per family.

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 1554, filed 10/9/80)

WAC 388-83-045 ALLOCATION OF AVAILABLE INCOME AND NONEXEMPT RESOURCES. (1) For AFDC-related, H and MO recipients available income according to WAC 388-83-030 shall be allocated in the following order to:

(a) Maintenance needs of the applicant/recipient living in his own home, or of legal dependents living in the family home if the applicant/recipient is in an institution.

The maintenance standards in WAC 388-83-035 shall apply unless the legal dependents are applying for or receive public assistance.

(b) Personal needs allowance according to WAC 388-92-035 for an applicant or recipient in an institution.

(c) Maintenance of the home of an individual who has been certified by a physician to need nursing home care (SNF, ICF, ICF/MR) for no more than six consecutive months.

(i) Income thus exempted must be used to retain the independent living situation of an individual with no dependents through payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or sewer necessary to maintain the home.

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months.

(iii) The six-month period begins on the first of the month following date of admission for medicaid eligible recipients or the date of eligibility for individuals changing from private to medicaid and ceases when patient is discharged to an independent living arrangement or at the end of six months if the recipient has not been discharged.

(iv) CSO social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days.

(d) Supplementary medical insurance premiums for a ((FAMCO)) Medicaid recipient related to Title XVI and not in a nursing home who is eligible for medicare during the month of authorization and the month following if not withheld from the RSI/RR benefit (see WAC 388-81-060).

(e) Health and accident insurance premiums for policies in force at time of application.

(f) Costs not covered under this program for medical or remedial care as determined necessary by the attending physician or, where appropriate, a dentist (see WAC 388-91-016(1)(a)), except that costs for services denied as medically inappropriate or not medically necessary, covered by medicare or other benefits or denied because of poor justification or late billing may not be exempted.

(g) For the Medicaid applicant only, payments made or being made for covered or noncovered medical care incurred within three months prior to month of application ((FAMCO recipient only)).

(h) See WAC 388-92-025 for allocation of income for SSI-related recipients.

(2) Participation in cost of care shall apply to

(a) Excess income, which is regular, anticipated, and income in kind available within a six-month period minus the monthly maintenance standard multiplied by six, if the individual is living outside an institution.

(b) Lump sum income which is applied in the month it is received or prorated over the period for which it is intended. The monthly maintenance standard is deducted for the month(s) for which it is considered, if the individual is living outside an institution.

(c) The monthly excess income of a person in an institution must not exceed the department rate for type of care provided after allowing for personal needs allowance. See WAC 388-92-035.

(d) The resources in excess of those listed in WAC 388-28-430(2)(a); WAC 388-83-055 ((and)), 388-83-060, and 388-83-065.

(e) Additional cash resources that come into possession of the recipient during a period of certification.

(f) For recipients of medical only (MO) who are not undergoing detoxification for an acute alcoholic condition, participation with excess income or nonexempt resources is applicable after allowance is made for mandatory deductions of employment, union dues, the monthly maintenance standard and a one thousand dollars deductible per family. The one thousand dollars deductible per family shall be applied no more than once during a twelve-month period effective with the date medical services were initiated. The one thousand dollars deductible is the minimum amount of participation during the twelve-month period. Participation from excess income ((is applied)) plus the deductible is applied to the cost of medical care.

(i) Eligibility shall be determined on the basis of income and resource standards, and deductible amount in effect at the time medical services were received.

(ii) The deductible is applied no more than once during the twelve month period per family.

(g) For recipients of medical only (MO) who are undergoing detoxification for an acute alcoholic condition, the one thousand dollars deductible will not be required as an eligibility factor for the covered period of detoxification. There is no participation for the person undergoing detoxification. Applicants with income and resources in excess of the monthly maintenance standard are not eligible for detoxification. Continued hospitalization for a concurrent acute and emergent condition beyond the number of days approved for detoxification as a single diagnosis will require the application of the one thousand dollars deductible.

(3) The twenty percent increase in social security benefits shall be considered exempt income when determining eligibility and participation for:

(a) Persons who in August 1972 received OAA, AFDC, AB or DA and also received RSI benefits and who became ineligible for OAA, AFDC, AB or DA solely because of the twenty percent increase in social security benefits under Public Law 92-336, and

(b) Current applicants for AFDC or ((FAMCO)) Medicaid who were entitled to RSI benefits in August 1972 and would have been eligible for OAA, AFDC, AB or DA in August 1972 but are not currently eligible solely because of the twenty percent increase in social security benefits under Public Law 92-336.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-85-015 PERIOD OF CERTIFICATION. (1) For the recipient of ((federal aid medical care only (FAMCO))) medicaid medically needy, the period of certification may be up to six months, depending upon the anticipated duration of medical need, except that ((FAMCO)) medicaid related to aid to families with dependent child-employable (AFDC-E), may be certified only to a maximum of three months.

(2) For a recipient in an institution with which the department has an agreement to provide care, no termination date is shown on the certification document; eligibility however, must be ((received)) reviewed within one year.

(3) For medical care services the period of certification shall be for one condition and not to exceed three months. The recipient of continuing general assistance who cannot be related to a federal aid category continues to be eligible ((for major medical within program limitations)) as defined in WAC 388-86-120 for as long as the grant continues. Out-of-state care is not provided for recipients of continuing general assistance.

(4) An applicant for medical only shall not be authorized medical care unless an acute and emergent condition exists as defined in WAC ((388-86-032 and)) 388-86-120((2)(a)), and until a deductible of one thousand dollars per family per year has been satisfied. The certification period for medical only shall be for only as long as the acute and emergent condition is estimated to exist but the period of certification shall not exceed three months.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-120 STATE FINANCED MEDICAL CARE ((SERVICES)). (1) A recipient of a continuing general assistance grant who cannot be related to a federal aid category ((and a recipient of medical only shall be eligible for treatment of acute and emergent conditions only which requires medical consultant approval. Coverage for the recipient of continuing general assistance shall be termed "major medical".

(a) An "acute condition" is defined as having a short and relatively severe course, not chronic, and an "emergent condition" is defined as occurring unexpectedly and demanding immediate action, either of which includes:

(i) Rabies prevention inoculation. Initial treatment may be started on an emergency basis; however, the approval of the medical consultant must be requested within fourteen days, including date treatment was initiated. Rabies serum shall be requested from the epidemiology section of the department's division of health services, Olympia.

(ii) Hospitalization for acute and/or emergent psychiatric or mental conditions. Voluntary admissions in an acute or emergent phase of psychiatric or mental illness and involuntary commitments by the court are covered by the program for eligible recipients. (See WAC 388-86-050(3)(a) and (b) for limitations of stay).

(b) Major medical coverage includes service in response to an acute and emergent need applicable to the recipient of a continuing general assistance grant and includes those conditions of less urgency where medical experience indicates a failure to treat will usually result in the

rapid development of an emergent condition. Certain nonacute and nonemergent conditions that are covered and may be approved by the medical consultant are:

(i) Specific maintenance drugs:

(A) Certain necessary drugs for conditions such as cardiovascular disease, diabetes, mental illness, epilepsy, nephritis, and carcinoma may be prescribed subject to approval by the local medical consultant. Examples of such drugs are cardiac control agents, insulin and oral antidiabetic tablets, anticonvulsant agents, psychotropic drugs, urinary antiinfective agents.

(B) Drugs for former patients of state mental institutions. Tranquilizers, antidepressants, antiepileptics, and agents used for treatment of drug-induced Parkinsonism may be provided to former patients of state hospitals and schools for the mentally retarded. The attending physician prescribes the necessary drugs on Form 6-02 mental hospitals for the mentally retarded and mails the prescription directly to the institution.

(ii) Nonemergent care, subject to approval of the medical consultant, if such care:

(A) Will avoid the need for hospitalization, or

(B) Is medically indicated in unusual circumstances by the attending physician and concurred with by the medical consultant.

(2) Limitations on medical services for eligible recipients of a continuing general assistance grant:

(a) Hearing aids are not provided.

(b) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).

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

(d) Dental coverage as is described in WAC 388-86-020.

(e) Mental health services are provided only in local community mental health centers.

(3) One physician office call a month will be provided.

(4) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis will be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.

(5) Eligibility factors applicable to the recipient of medical only are:

(a) The applicant must have acquired one thousand dollars in unpaid medical expenses over a twelve-month period.

(b) The one thousand dollars in unpaid medical expenses is the deductible. This amount plus any participation is the responsibility of the recipient of medical only.

(c) Recipients undergoing detoxification for an acute alcohol condition are not required to incur the one thousand dollars deductible as an eligibility factor for the covered period of detoxification. When any other medical need is identified, the requirements for acute and emergent need and one thousand dollars deductible shall apply.

(d) Citizenship is not a requirement of eligibility.

(6) Additional factors applicable to the recipient of medical only are:

(a) Maternity care is covered for persons not categorically relatable or eligible under the "H" program. This will usually apply only to nonresidents who have no medical coverage through the state of residence and for out-of-state child welfare service cases. Care may include prenatal, delivery, post partum, and such ancillary medical services as may be requested by the attending physician and approved by the medical consultant.

(b) Hospitalization is covered for acute and/or emergent psychiatric or mental conditions. Voluntary admissions in an acute or emergent phase of psychiatric or mental illness and involuntary commitments by the court are covered by the program for eligible recipients. (See WAC 388-86-050(3) (a) and (b) for limitations on stay.)

(c) Hearing aids and eyeglasses are not provided.

(d) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).

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

(f) Dental service is limited to the relief of pain.

(g) Mental health clinic services are not provided.

(h) Certification covers the acute and emergent condition (including specified exceptions only) is eligible to receive the same scope of care (WAC 388-86-005) as a recipient of Medicaid, except that no care will be provided outside the state of Washington other than in bordering states as specified in WAC 388-82-030(4), and shall be subject to

the following medical program limitations. Continuing general assistance medical coupons bear the imprint "GAU".

(a) Elective hospital admissions and elective surgery requests require prior medical consultant approval.

(b) Criteria used to determine that the proposed surgery is elective are:

(i) Medical necessity must be established. Definition in chapter 388-80 WAC applies.

(ii) Procedure cannot reasonably be delayed.

(c) Prescribed drugs are limited to specific therapeutic classifications. Lists are published through the Drug Formulary and/or official memoranda.

(d) Mental health services will be provided only in community mental health centers.

(e) Hearing aids are not provided.

(f) For purposes of eligibility determination, this subsection is effective February 2, 1981.

(2) An applicant for Medical Only (MO) is limited to the treatment of acute and emergent conditions only.

(a) Acute and emergent are defined in chapter 388-80 WAC.

(b) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis will be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.

(c) Medical care is subject to following conditions:

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

(ii) Dental service is limited to the relief of pain.

(iii) Mental health clinic services are not provided.

(iv) Specific maintenance drugs.

(A) Certain necessary drugs for conditions such as cardiovascular disease, diabetes, mental illness, epilepsy, nephritis, and carcinoma may be prescribed subject to approval by the local medical consultant. Examples of such drugs are cardiac control agents, insulin and oral antidiabetic tablets, anticonvulsant agents, psychotropic drugs, urinary antiinfective agents.

(B) Drugs for former patients of state mental institutions. Tranquilizers, antidepressants, antiepileptics, and agents used for treatment of drug-induced parkinsonism may be provided to former patients of state hospitals and schools for the mentally retarded. The attending physician prescribes the necessary drugs on form 6-02 and mails the prescription directly to the state institution.

(v) Recipients undergoing detoxification for an acute alcohol condition are not required to incur the one thousand dollars deductible as an eligibility factor for the covered period of detoxification. When any other medical need is identified, the requirements for acute and emergent need and one thousand dollars deductible shall apply.

(vi) Rabies prevention inoculation. Initial treatment may be started on an emergency basis; however, the approval of the medical consultant must be requested within fourteen days, including date treatment was initiated. Rabies serum shall be requested from the epidemiology section of the department's division of health services, Olympia.

(vii) Maternity care is covered for persons not categorically relatable or eligible under the "H" program. This will usually apply only to nonresidents who have no medical coverage through the state of residence and for out-of-state child welfare service cases. Care may include prenatal, delivery, post partum, and such ancillary medical services as may be requested by the attending physician and approved by the medical consultant.

(viii) Hospitalization is covered for acute and/or emergent psychiatric or mental conditions. Voluntary admissions in an acute or emergent phase of psychiatric or mental illness and involuntary commitments by the court are covered. See WAC 388-86-050(3)(a) and (b) for limitations on stay.

(ix) Hearing aids and eyeglasses are not provided.

(x) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).

(xi) Citizenship is not a requirement of eligibility.

(d) The applicant must have incurred one thousand dollars per family in medical expenses over a twelve-month period. See WAC 388-83-045.

(e) The one thousand dollars in unpaid medical expenses is the deductible. This amount plus any participation is the responsibility of the recipient of medical only.

(f) Medical services received before the date of application may be certified and approved for payment provided that:

- (i) The medical services met the definition of acute and emergent and were covered under the medical program, and
(ii) The medical bills were unpaid, and
(iii) The deductible and financial standards were met at the time medical services were initiated.

WSR 81-03-058
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1588—Filed January 20, 1981]

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

- | | | |
|-----|----------------|--|
| Amd | WAC 388-82-020 | Medical care services. |
| Amd | WAC 388-83-045 | Allocation of available income and non-exempt resources. |
| Amd | WAC 388-85-015 | Period of certification. |
| Amd | WAC 388-86-120 | State financed medical care services. |

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 changes are necessary to comply with the Budget and Accounting Act (chapter 43.88 RCW) due to expenditures exceeding appropriated funds.

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

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

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

APPROVED AND ADOPTED January 20, 1981.

By N. S. Hammond
 Executive Assistant

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-82-020 MEDICAL CARE SERVICES.
 An individual eligible for medical care services (MS) under a state-financed program is one who cannot meet the eligibility requirements under any ~~((medical assistance (MA)))~~ medicaid program, but does meet either (1) or (2) of the requirements below:

(1) Is eligible to receive a continuing general assistance grant or is a dependent other than a spouse included in a federal grant. Medical care service is ~~((limited to a major medical program as))~~ defined in WAC 388-86-120.

(2) Is in need of medical care only (MO) by reason of an acute and emergent condition (see WAC 388-86-120), and has satisfied a deductible ~~((of one thousand dollars over a twelve month period and meets financial criteria according to WAC 388-83-045. Certification covers the acute and emergent condition only. See WAC 388-85-015(3) and 388-86-032)).~~ See WAC 388-83-045. The deductible must be satisfied over a twelve-month period beginning with the date medical services were initiated.

(a) Eligibility shall be determined on the basis of income and resource standards, and deductible amount in effect at the time services were received.

(b) The deductible is applied no more than once during the twelve-month period per family.

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 1554, filed 10/9/80)

WAC 388-83-045 ALLOCATION OF AVAILABLE INCOME AND NONEXEMPT RESOURCES.

(1) For AFDC-related, H and MO recipients available income according to WAC 388-83-030 shall be allocated in the following order to:

(a) Maintenance needs of the applicant/recipient living in his own home, or of legal dependents living in the family home if the applicant/recipient is in an institution.

The maintenance standards in WAC 388-83-035 shall apply unless the legal dependents are applying for or receive public assistance.

(b) Personal needs allowance according to WAC 388-92-035 for an applicant or recipient in an institution.

(c) Maintenance of the home of an individual who has been certified by a physician to need nursing home care (SNF, ICF, ICF/MR) for no more than six consecutive months.

(i) Income thus exempted must be used to retain the independent living situation of an individual with no dependents through payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or sewer necessary to maintain the home.

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months.

(iii) The six-month period begins on the first of the month following date of admission for medicaid eligible recipients or the date of eligibility for individuals changing from private to medicaid and ceases when patient is discharged to an independent living arrangement or at the end of six months if the recipient has not been discharged.

(iv) CSO social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days.

(d) Supplementary medical insurance premiums for a ~~((FAMCO))~~ Medicaid recipient related to Title XVI and not in a nursing home who is eligible for medicare

during the month of authorization and the month following if not withheld from the RSI/RR benefit (see WAC 388-81-060).

(e) Health and accident insurance premiums for policies in force at time of application.

(f) Costs not covered under this program for medical or remedial care as determined necessary by the attending physician or, where appropriate, a dentist (see WAC 388-91-016(1)(a)), except that costs for services denied as medically inappropriate or not medically necessary, covered by medicare or other benefits or denied because of poor justification or late billing may not be exempted.

(g) For the Medicaid applicant only, payments made or being made for covered or noncovered medical care incurred within three months prior to month of application ((FAMCO recipient only)).

(h) See WAC 388-92-025 for allocation of income for SSI-related recipients.

(2) Participation in cost of care shall apply to

(a) Excess income, which is regular, anticipated, and income in kind available within a six-month period minus the monthly maintenance standard multiplied by six, if the individual is living outside an institution.

(b) Lump sum income which is applied in the month it is received or prorated over the period for which it is intended. The monthly maintenance standard is deducted for the month(s) for which it is considered, if the individual is living outside an institution.

(c) The monthly excess income of a person in an institution must not exceed the department rate for type of care provided after allowing for personal needs allowance. See WAC 388-92-035.

(d) The resources in excess of those listed in WAC 388-28-430(2)(a); WAC 388-83-055 ((and)), 388-83-060, and 388-83-065.

(e) Additional cash resources that come into possession of the recipient during a period of certification.

(f) For recipients of medical only (MO) who are not undergoing detoxification for an acute alcoholic condition, participation with excess income or nonexempt resources is applicable after allowance is made for mandatory deductions of employment, union dues, the monthly maintenance standard and a one thousand dollars deductible per family. The one thousand dollars deductible per family shall be applied no more than once during a twelve-month period effective with the date medical services were initiated. The one thousand dollars deductible is the minimum amount of participation during the twelve-month period. Participation from excess income ((is applied)) plus the deductible is applied to the cost of medical care.

(i) Eligibility shall be determined on the basis of income and resource standards, and deductible amount in effect at the time medical services were received.

(ii) The deductible is applied no more than once during the twelve month period per family.

(g) For recipients of medical only (MO) who are undergoing detoxification for an acute alcoholic condition, the one thousand dollars deductible will not be required as an eligibility factor for the covered period of detoxification. There is no participation for the person undergoing detoxification. Applicants with income and resources

in excess of the monthly maintenance standard are not eligible for detoxification. Continued hospitalization for a concurrent acute and emergent condition beyond the number of days approved for detoxification as a single diagnosis will require the application of the one thousand dollars deductible.

(3) The twenty percent increase in social security benefits shall be considered exempt income when determining eligibility and participation for:

(a) Persons who in August 1972 received OAA, AFDC, AB or DA and also received RSI benefits and who became ineligible for OAA, AFDC, AB or DA solely because of the twenty percent increase in social security benefits under Public Law 92-336, and

(b) Current applicants for AFDC or ((FAMCO)) Medicaid who were entitled to RSI benefits in August 1972 and would have been eligible for OAA, AFDC, AB or DA in August 1972 but are not currently eligible solely because of the twenty percent increase in social security benefits under Public Law 92-336.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-85-015 PERIOD OF CERTIFICATION. (1) For the recipient of ~~((federal aid medical care only (FAMCO)))~~ medicaid medically needy, the period of certification may be up to six months, depending upon the anticipated duration of medical need, except that ~~((FAMCO))~~ medicaid related to aid to families with dependent children-employable (AFDC-E), may be certified only to a maximum of three months.

(2) For a recipient in an institution with which the department has an agreement to provide care, no termination date is shown on the certification document; eligibility however, must be ~~((received))~~ reviewed within one year.

(3) For medical care services the period of certification shall be for one condition and not to exceed three months. The recipient of continuing general assistance who cannot be related to a federal aid category continues to be eligible ~~((for major medical within program limitations))~~ as defined in WAC 388-86-120 for as long as the grant continues. Out-of-state care is not provided for recipients of continuing general assistance.

(4) An applicant for medical only shall not be authorized medical care unless an acute and emergent condition exists as defined in WAC ~~((388-86-032 and))~~ 388-86-120~~((2)(a))~~, and until a deductible of one thousand dollars per family per year has been satisfied. The certification period for medical only shall be for only as long as the acute and emergent condition is estimated to exist but the period of certification shall not exceed three months.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-120 STATE FINANCED MEDICAL CARE ((SERVICES)). (1) A recipient of a continuing general assistance grant who cannot be related to a federal aid category ~~((and a recipient of medical only~~

~~shall be eligible for treatment of acute and emergent conditions only which requires medical consultant approval. Coverage for the recipient of continuing general assistance shall be termed "major medical."~~

~~(a) An "acute condition" is defined as having a short and relatively severe course, not chronic, and an "emergent condition" is defined as occurring unexpectedly and demanding immediate action, either of which includes:~~

~~(i) Rabies prevention inoculation. Initial treatment may be started on an emergency basis, however, the approval of the medical consultant must be requested within fourteen days, including date treatment was initiated. Rabies serum shall be requested from the epidemiology section of the department's division of health services, Olympia.~~

~~(ii) Hospitalization for acute and/or emergent psychiatric or mental conditions. Voluntary admissions in an acute or emergent phase of psychiatric or mental illness and involuntary commitments by the court are covered by the program for eligible recipients. (See WAC 388-86-050(3)(a) and (b) for limitations of stay.)~~

~~(b) Major medical coverage includes service in response to an acute and emergent need applicable to the recipient of a continuing general assistance grant and includes those conditions of less urgency where medical experience indicates a failure to treat will usually result in the rapid development of an emergent condition. Certain nonacute and nonemergent conditions that are covered and may be approved by the medical consultant are:~~

~~(i) Specific maintenance drugs.~~

~~(A) Certain necessary drugs for conditions such as cardiovascular disease, diabetes, mental illness, epilepsy, nephritis, and carcinoma may be prescribed subject to approval by the local medical consultant. Examples of such drugs are cardiac control agents, insulin and oral antidiabetic tablets, anticonvulsant agents, psychotropic drugs, urinary antiinfective agents.~~

~~(B) Drugs for former patients of state mental institutions. Tranquilizers, antidepressants, antiepileptics, and agents used for treatment of drug-induced Parkinsonism may be provided to former patients of state hospitals and schools for the mentally retarded. The attending physician prescribes the necessary drugs on Form 6-02 mental hospitals for the mentally retarded and mails the prescription directly to the institution.~~

~~(ii) Nonemergent care, subject to approval of the medical consultant, if such care:~~

~~(A) Will avoid the need for hospitalization, or~~

~~(B) Is medically indicated in unusual circumstances by the attending physician and concurred with by the medical consultant.~~

~~(2) Limitations on medical services for eligible recipients of a continuing general assistance grant:~~

~~(a) Hearing aids are not provided.~~

~~(b) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).~~

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

~~(d) Dental coverage as is described in WAC 388-86-020.~~

~~(e) Mental health services are provided only in local community mental health centers.~~

~~(3) One physician office call a month will be provided.~~

~~(4) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis will be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.~~

~~(5) Eligibility factors applicable to the recipient of medical only are:~~

~~(a) The applicant must have acquired one thousand dollars in unpaid medical expenses over a twelve-month period.~~

~~(b) The one thousand dollars in unpaid medical expenses is the deductible. This amount plus any participation is the responsibility of the recipient of medical only.~~

~~(c) Recipients undergoing detoxification for an acute alcohol condition are not required to incur the one thousand dollars deductible as an eligibility factor for the covered period of detoxification. When any other medical need is identified, the requirements for acute and emergent need and one thousand dollars deductible shall apply.~~

~~(d) Citizenship is not a requirement of eligibility.~~

~~(6) Additional factors applicable to the recipient of medical only are:~~

~~(a) Maternity care is covered for persons not categorically relatable or eligible under the "IF" program. This will usually apply only to nonresidents who have no medical coverage through the state of residence and for out-of-state child welfare service cases. Care may include prenatal, delivery, post partum, and such ancillary medical services as may be requested by the attending physician and approved by the medical consultant.~~

~~(b) Hospitalization is covered for acute and/or emergent psychiatric or mental conditions. Voluntary admissions in an acute or emergent phase of psychiatric or mental illness and involuntary commitments by the court are covered by the program for eligible recipients. (See WAC 388-86-050(3) (a) and (b) for limitations on stay.)~~

~~(c) Hearing aids and eyeglasses are not provided.~~

~~(d) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).~~

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

~~(f) Dental service is limited to the relief of pain.~~

~~(g) Mental health clinic services are not provided.~~

~~(h) Certification covers the acute and emergent condition (including specified exceptions only) is eligible to receive the same scope of care (WAC 388-86-005) as a recipient of medicaid, except that no care will be provided outside the state of Washington other than in bordering states as specified in WAC 388-82-030(4), and shall be subject to the following medical program limitations. Continuing general assistance medical coupons bear the imprint "GAU".~~

(a) Elective hospital admissions and elective surgery requests require prior medical consultant approval.

(b) Criteria used to determine that the proposed surgery is elective are:

(i) Medical necessity must be established. Definition in chapter 388-80 WAC applies.

(ii) Procedure cannot reasonably be delayed.

(c) Prescribed drugs are limited to specific therapeutic classifications. Lists are published through the Drug Formulary and/or official memoranda.

(d) Mental health services will be provided only in community mental health centers.

(e) Hearing aids are not provided.

(f) For purposes of eligibility determination, this subsection is effective February 2, 1981.

(2) An applicant for Medical Only (MO) is limited to the treatment of acute and emergent conditions only.

(a) Acute and emergent are defined in chapter 388-80 WAC.

(b) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis will be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.

(c) Medical care is subject to following conditions:

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

(ii) Dental service is limited to the relief of pain.

(iii) Mental health clinic services are not provided.

(iv) Specific maintenance drugs.

(A) Certain necessary drugs for conditions such as cardiovascular disease, diabetes, mental illness, epilepsy, nephritis, and carcinoma may be prescribed subject to approval by the local medical consultant. Examples of such drugs are cardiac control agents, insulin and oral antidiabetic tablets, anticonvulsant agents, psychotropic drugs, urinary antiinfective agents.

(B) Drugs for former patients of state mental institutions. Tranquilizers, antidepressants, antiepileptics, and agents used for treatment of drug-induced parkinsonism may be provided to former patients of state hospitals and schools for the mentally retarded. The attending physician prescribes the necessary drugs on form 6-02 and mails the prescription directly to the state institution.

(v) Recipients undergoing detoxification for an acute alcohol condition are not required to incur the one thousand dollars deductible as an eligibility factor for the covered period of detoxification. When any other medical need is identified, the requirements for acute and emergent need and one thousand dollars deductible shall apply.

(vi) Rabies prevention inoculation. Initial treatment may be started on an emergency basis; however, the approval of the medical consultant must be requested within fourteen days, including date treatment was initiated. Rabies serum shall be requested from the epidemiology section of the department's division of health services, Olympia.

(vii) Maternity care is covered for persons not categorically relatable or eligible under the "H" program.

This will usually apply only to nonresidents who have no medical coverage through the state of residence and for out-of-state child welfare service cases. Care may include prenatal, delivery, post partum, and such ancillary medical services as may be requested by the attending physician and approved by the medical consultant.

(viii) Hospitalization is covered for acute and/or emergent psychiatric or mental conditions. Voluntary admissions in an acute or emergent phase of psychiatric or mental illness and involuntary commitments by the court are covered. See WAC 388-86-050(3)(a) and (b) for limitations on stay.

(ix) Hearing aids and eyeglasses are not provided.

(x) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).

(xi) Citizenship is not a requirement of eligibility.

(d) The applicant must have incurred one thousand dollars per family in medical expenses over a twelve-month period. See WAC 388-83-045.

(e) The one thousand dollars in unpaid medical expenses is the deductible. This amount plus any participation is the responsibility of the recipient of medical only.

(f) Medical services received before the date of application may be certified and approved for payment provided that:

(i) The medical services met the definition of acute and emergent and were covered under the medical program, and

(ii) The medical bills were unpaid, and

(iii) The deductible and financial standards were met at the time medical services were initiated.

WSR 81-03-059

ADOPTED RULES

DEPARTMENT OF

NATURAL RESOURCES

(Board of Natural Resources)

[Order 350, Resolution 321—Filed January 20, 1981]

Be it resolved by the State of Washington, Board of Natural Resources, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the establishment of permanent rules relating to the leasing of state lands.

This action is taken pursuant to Notice No. WSR 80-14-073 and 80-17-022 filed with the code reviser on October 1, 1980 and November 13, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 79.01.242 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 19, 1981.

By Brian J. Boyle
Commissioner of Public Lands
Executive Secretary
Board of Natural Resources

NEW SECTION

WAC 332-22-010 PROMULGATION. This chapter is promulgated by the board of natural resources pursuant to the authority granted by RCW 79.01.242 to establish procedures for implementing the department's state land leasing program. The board of natural resources recognizes that in order to obtain a fair market return to the trust, certain of its lands should be retained and managed through leasing. These rules and regulations are designed to establish practical leasing guidelines and achieve the best possible return to the designated trust beneficiary consistent with any other obligations imposed by law on such lands.

NEW SECTION

WAC 332-22-020 DEFINITIONS. Insofar as these rules and regulations shall apply, these definitions will be utilized. (1) Commissioner shall mean the commissioner of public lands.

(2) Department shall mean the department of natural resources as defined in RCW 43.30.030.

(3) Board shall mean the board of natural resources as defined in RCW 43.30.040.

(4) Fair market rental value shall mean the rental from the lease based on the highest and best use as determined by an analysis of all relevant land use and economic factors.

(5) Fair market value for improvements is as defined in RCW 79.01.136.

(6) Highest and best use shall mean the most profitable legal use that will produce the highest return to the trust over an extended period of time, including interim use.

(7) Interim use shall mean any use of the land for which a rent can be charged before the planned use has been attained.

(8) State Lands shall mean those lands defined as state lands in RCW 79.01.004.

(9) Person shall mean a person 18 years of age or older, partnership, firm, corporation, government agency or other entity.

(10) Qualified person shall mean those persons who meet the qualifications set forth in the notice of leasing.

NEW SECTION

WAC 332-22-030 APPLICATIONS FOR LEASE. (1) Application to lease will be considered only for state lands as may be shown to be available in departmental records or under an existing lease which will expire within ninety (90) days or leases which will allow conversion to a higher and better use.

(2) Lands owned by other governmental entities, which are being managed by the department, may be leased only after the owner has made a written request

to the department or an agreement to make the same available for leasing pursuant to these rules and regulations.

(3) An application to lease shall be made upon forms prescribed by the department which shall be accompanied by fees prescribed by the board. The fee shall not be refunded unless the state lands applied for are not available for leasing. Applications not accompanied by the proper fees shall not be accepted.

(4) The commissioner may withhold from leasing any state land either before or after an application to lease is made. The commissioner may reject any and all applications to lease.

(5) Any person authorized to do business in the state of Washington shall be qualified to apply for a lease of state lands.

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 332-22-040 LEASE AUCTION PROCEDURE. (1) The department will ascertain those parcels of state land which will be offered for public auction from:

(a) Applications received;

(b) Land to be offered for lease; and

(c) Expiring existing leases which are in the best interest of the state to offer at auction for the same or different uses.

(2) The department will establish the minimum requirements for persons qualified to bid at public auction.

(3) Lease auctions will normally be held on the fourth Thursday of a month or on the next business day following where the fourth Thursday falls on a holiday. Special lease auctions may be called on other dates.

(4) Sealed bids will be received up to the time set in the notice of leasing by the auctioneer (RCW 79.01-.252). The lease will be awarded to the bidder with the most acceptable proposal which complies with the criteria set forth in the notice of public auction. The commissioner may reject any or all bids, if it is deemed in the best interests of the state or the trust to do so.

(5) In the event the auction is to be oral, it will be conducted by the auctioneer (RCW 79.01.252) at the time and place designated in the notice of leasing and the lease shall be awarded, by the commissioner or his designee, to the highest bidder within ten (10) days, if it is determined that the best interests of the state or the trust would be served by doing so.

NEW SECTION

WAC 332-22-050 LEASE PROCEDURE - AMENDMENT AND CONVERSIONS. Existing leases may be amended by negotiation between the lessee and the department but any such amendment shall not exceed the specified maximum lease period. The two-year conversion privilege under RCW 79.01.277 only applies to leases in effect September 26, 1979 and which expire after September 26, 1981.

NEW SECTION

WAC 332-22-060 LEASE PROCEDURE - RENTAL ADJUSTMENTS. All leases shall provide for periodic rental re-evaluation and adjustment.

NEW SECTION

WAC 332-22-070 LEASE PROCEDURE - NOTICE. Notice of all existing leases which will be negotiated by the department shall be published in two newspapers of general circulation in the area where the state land is located, one of which shall be located in the county where the land is located.

NEW SECTION

WAC 332-22-080 RIGHTS TO RE-LEASE DENIED. Claimed rights to re-lease or to renew a lease will not be authorized or recognized by the department.

NEW SECTION

WAC 332-22-090 NOTICE TO LESSEE OF PUBLIC AUCTION. The current lessee will be notified if the state intends to offer the leased land at public auction.

NEW SECTION

WAC 332-22-100 LEASE NEGOTIATION PROCEDURE. (1) Those leases which will be used generally for the same broad purposes as the current lease may be offered for negotiation.

(2) A notice of intention to negotiate a lease must be published once within thirty days of the date of negotiation of the existing lease. Such notice shall give the legal description, the date of expiration, the intended land use, the office to which application can be made. The final date to file a written request to lease and such other information as deemed necessary. The notice must further state that any qualified person interested in acquiring the lease must notify the designated office of their interest in such lease. A written request to lease must be received in the designated office by close of business on the specified date to be considered and must state the proposed terms and conditions and the contemplated use of the land.

(3) The Department shall review all such notices and either award the lease to the prior lessee or offer the land at public auction if the best interest of the state and trust would be served.

(4) The existing lessee will be considered as a qualified person and will be mailed the criteria for leasing concurrent with mailing of the notice of intention to negotiate to the newspaper.

(5) Negotiated lease may not exceed the maximum term authorized by RCW 79.01.096 and must have a term commencing within ninety (90) days of date of starting negotiations.

NEW SECTION

WAC 332-22-110 MANDATORY LEASE TERMS. Each lease negotiated or placed at public auction pursuant to these regulations shall contain terms and conditions relating to the following subjects:

(1) Every lease shall contain a provision setting out the use or uses to which the land is to be employed. Any lawful use may be authorized for state lands and forest board lands. Adequate provision must be made to protect the department against potential third-party claims by virtue of the uses made of the property by the lessee. Liability insurance may be utilized to satisfy this requirement.

(2) Improvements existing on the land at the time of negotiating a lease or at public auction shall be specifically described and, unless other ownership was authorized shall be considered as a part of the value of the land. Improvements may be required to be constructed as a condition of a lease. All improvements existing or authorized under the lease must be maintained at the sole cost of the lessee, unless otherwise specifically provided in the lease. All improvements must be protected against casualty loss in a manner satisfactory to the department unless otherwise specified in the lease. Improvements placed upon the land by the lessee, shall become the property of the state at the end of lease term unless specifically provided by the lease or department letter to remain in lessee ownership.

Improvements owned by lessee may, at any time, be acquired by the department at fair market value if it determines it is in the best interest of the state or the trust to do so upon agreement with lessee.

(3) Any lease issued pursuant to these regulations in excess of ten-year term, must contain an approved plan of development with a scheduled completion date for any required activities, improvements, or other actions.

NEW SECTION

WAC 332-22-120 ASSIGNMENT. All assignments of leases, whether total or partial, must be approved in writing by the department. Departmental approval of assignments may be conditioned upon a number of factors including, but not limited to, rental adjustment; increased insurance coverage; renegotiation of improvement ownership; or changes in authorized land use. The department may require assurance of the performance capability of the proposed assignee by any feasible means, including the filing of a performance bond.

An assignment will not be considered to be a termination of the lease within the meaning of RCW 79.01.092.

NEW SECTION

WAC 332-22-130 RESIDENTIAL LEASES. A lessee desiring a waiver or modification of a residential lease term, as set forth in RCW 79.01.242(4), may make a written request to the board and to the department setting forth the proposed change and the reasons therefore. The department may make recommendations

to the board on the request which shall be considered by the board prior to rendering its decision.

NEW SECTION

WAC 332-22-140 EXPIRED LEASES - OCCUPANCY. (1) An extension of the expired lease may be authorized by the department for a maximum of one year from date of expiration if it is deemed to be in the best interest of the state or the trust to do so. Such extension shall be issued upon such rent, terms and conditions as the department may prescribe.

(2) If a proposed use for the lands has not been determined, the department may issue a permit to the last lessee for up to a maximum period of five years from date of expiration of the lease for an interim use.

The permit may be issued in the same general form as a lease for a similar use of the land under such terms and conditions as the department may prescribe. Upon expiration or termination of the permit, the land and improvements can only be leased at public auction as set forth in WAC 332-12-030 and WAC 332-12-040.

NEW SECTION

WAC 332-22-150 TEMPORARY USE PERMITS. The board authorizes the department to issue temporary use permits of state land not to exceed one year which may not be renewed. This permit will only be issued upon receipt of fair market value for the period of occupancy.

WSR 81-03-060

ADOPTED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-158, Cause No. U-80-106—Filed January 20, 1981]

In the matter of amending WAC 480-100-041, 480-100-056 and 480-100-071; and adopting WAC 480-100-043 relating to electric companies.

This action is taken pursuant to Notice Nos. WSR 80-18-022 filed with the Code Reviser on November 26, 1980, and 81-02-043 filed January 7, 1981. These rules hereinafter amended and adopted shall take effect on a permanent basis pursuant to RCW 34.04.040(2).

These rules are being promulgated pursuant to RCW 80.04.160 and are intended to administratively implement the provisions of that chapter.

This rule-making 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 34.08 RCW), the Economic Policy Act (chapter 43.21H RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 80-18-022, the above matter was originally scheduled for action at 8:00 a.m., Wednesday, January 7, 1981, in the Commission's

Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert C. Bailey, and Commissioners A.J. Benedetti and Gary M. Odegaard.

Under the terms of said notice, interested persons were afforded the opportunity to submit written data, views, or arguments to the commission prior to January 7, 1981. Under the terms of said notice, interested persons were also afforded the opportunity to verbally submit data, views, or arguments at 8:00 a.m., Wednesday, January 7, 1981, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

Both the written and verbal comments submitted pursuant to the notice have been given consideration by the commission.

Pursuant to Notice No. WSR 81-02-043, final action on these rule amendments was continued to January 12, 1981, at 1:30 p.m., in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert C. Bailey, and Commissioners A.J. Benedetti and Gary M. Odegaard.

These amendments to WAC 480-100-041, 480-100-056 and 480-100-071; and the adoption of WAC 480-100-043 affect no economic value and have no direct economic impact.

In reviewing the entire record herein, it has been determined that WAC 480-100-041, 480-100-056 and 480-100-071 should be amended, and WAC 480-100-043 adopted, to read as set forth in Appendix A, attached hereto and made a part hereof by reference. WAC 480-100-041 relates to information to be provided to consumers. WAC 480-100-056 relates to the terms and conditions under which an electric company may deny service. WAC 480-100-071 relates to the terms and conditions under which electric service may be disconnected. WAC 480-100-043 relates to restrictions upon advertising by electric utilities.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-100-041, 480-100-056 and 480-100-071 be amended and WAC 480-100-043 be adopted, as set forth in Appendix A as permanent rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 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 chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington this 12th day of January, 1981.

Washington Utilities and Transportation Commission

Robert C. Bailey, Chairman

A.J. Benedetti, Commissioner

Gary M. Odegaard, Commissioner
Appendix A

AMENDATORY SECTION (Amending Order R-84, filed 6/30/76)

WAC 480-100-041 ((AVAILABILITY OF)) INFORMATION TO CONSUMERS. (1) Information relative to the rates, rules and regulations (filed tariffs) of the utilities shall be made available to the public upon request at any of its listed business offices. A copy of these rules (chapter 480-100 WAC) shall also be kept on file in each of the utility's listed business offices, and made available to its customers or their representatives upon request.

(2) Each utility shall make known to applicants for service and to its customers such information as is needed to assist in obtaining adequate and efficient service. ((Information relative to the rates, and rules and regulations (filed tariffs) of the utility shall be made available to the public upon request at any of its listed business offices:)) In addition, each applicant for service shall be provided with a guide detailing the rights and responsibilities of a utility customer. ((Each present customer shall also be provided with said guide within three months of the effective date of this rule. Thereafter, each customer shall also be provided, on an annual basis, with a bill insert by which to request a guide by return mail:)) Such guide shall describe processes for establishing credit ((and)), determining the need and amount for deposits, the procedure whereby a bill becomes delinquent, the steps which must be taken by the utility to disconnect service, and the right of the customer to pursue any dispute with the utility, first by procedures within the utility and then to the commission by formal or informal complaint.

((A copy of these rules (chapter 480-100 WAC) shall also be kept on file in each of the utility's listed business offices and made available to its customers or their representatives upon request:))

(3) Each utility shall transmit to each of its customers a clear and concise explanation of the existing rate schedule, and any rate schedule applied for, which is or would be applicable to such customers. This statement shall be transmitted to each customer:

(a) Not later than sixty days after the date of commencement of service to each customer, or ninety days after the adoption of this rule, whichever last occurs; and

(b) Not later than thirty days (sixty days in the case of a utility that uses a bimonthly billing system):

(i) After the effective date of any rate schedule applicable to the customer; and

(ii) After issuance of an order of investigation by the commission of any applied-for rate schedule applicable to the customer. This notice of applied-for rate schedule may be coordinated with the notice required by WAC 480-80-125.

(4) Each electric utility shall transmit to each of its customers not less frequently than once each year a request form to obtain:

(a) A guide summarizing the rights and responsibilities of a utility customer; and

(b) A clear and concise summary of the existing rate schedules applicable to each of the major classes of its electric customers for which there is a separate rate, including an identification of any classes whose rates are not summarized.

(5) Each utility shall show on each customer bill a concise statement of the actual consumption or degree-day adjusted consumption of electric energy at the premises to which service is delivered for the comparable period of the prior year, if available, and the percentage of change in consumption between the present period and the comparable period of the prior year.

(6) Each utility, on a request of a customer of such utility, shall transmit to such customer a clear and concise summary of the actual consumption (or degree-day adjusted consumption) of electric energy by such customer and/or such consumption at the service premises for each billing period during the prior year (unless such consumption data are not reasonably ascertainable by the utility).

NEW SECTION

WAC 480-100-043 ADVERTISING. (1) No electric utility may recover from any person other than the shareholders (or other owners) of such utility, any direct or indirect expenditure by such utility for promotional or political advertising.

(2) As used in this section:

(a) The term "advertising" means the commercial use by a utility of any media, including newspaper, printed matter, radio and television, in order to transmit a message to a substantial number of members of the public, or to such utility's customers.

(b) The term "political advertising" means any advertising for the purpose of influencing public opinion with respect to legislative, administrative, or electoral matters, or with respect to any controversial issue of public importance.

(c) The term "promotional advertising" means any advertising for the purpose of encouraging any person to select or use the service or additional service of a utility, or the selection or installation of any appliance or equipment designed to use such utility's service.

(3) As used in this rule the terms "political advertising" and "promotional advertising" do not include:

(a) Advertising which informs customers how they can conserve energy or can reduce peak demand for energy;

(b) Advertising required by law or by regulation, including advertising under Part 1 of Title II, of the National Energy Conservation Policy Act;

(c) Advertising regarding service interruptions, safety measures, or emergency conditions;

(d) Advertising concerning employment opportunities with such utility;

(e) Advertising which promotes the use of energy efficient appliances, equipment or services;

(f) Any explanation of existing or proposed tariff or rate schedules, or notification of hearings thereon.

AMENDATORY SECTION (Amending Order R-29, filed 7/15/71)

WAC 480-100-056 REFUSAL OF SERVICE. (1) No electric utility shall connect service to a master meter in any new building with permanent occupants when:

- (a) There is more than one unit in such building;
- (b) The occupant of each such unit has control over a significant portion of the electric energy used in such unit; and
- (c) With respect to such portion of electric energy used in such unit, the long-run benefits of separate meters to the electric customers in such building exceed the cost of purchasing and installing separate meters in such building.

(2) The utility may refuse to connect an applicant for service or may refuse to render additional service to a customer(;) when such service will adversely affect service being rendered to other customers, or where the applicant or customer has not complied with state, county, or municipal codes or regulations concerning the rendition of such service.

(3) A utility may refuse to serve an applicant or a customer if, in its judgment said applicant's or customer's installation of wiring or electrical equipment is hazardous, or of such character that satisfactory service is provided.

(4) The installation of proper protective devices on the applicant's or customer's premises may be required whenever the utility deems such installation necessary to protect its property or that of its other customers.

(5) A utility shall not be required to connect with or render service to an applicant unless and until it can secure all necessary rights-of-way, easements, and permits.

(6) A utility may not be required to provide service if, to do so, it would be economically unfeasible.

AMENDATORY SECTION (Amending Order R-84, filed 6/30/76)

WAC 480-100-071 DISCONTINUANCE OF SERVICE. By customer - A customer shall be required to give notice to the utility of his intention to discontinue service.

By utility - (1) Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be ((+5)) fifteen days. Upon the expiration of said specified time without payment, the bill may be considered delinquent.

(b) For the use of electrical energy for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of electrical energy without approval of the utility.

(d) For willful waste of electrical energy through improper or imperfect wiring, equipment, or otherwise.

(e) When customer's wiring or equipment does not meet the utility's standards, or fails to comply with other applicable codes and regulations.

(f) For tampering with the utility's property.

(g) In case of vacation of the premises by customer.

(h) For nonpayment of any proper charges, including deposit, as provided in the tariff of the utility.

(i) For refusal to comply with provisions of WAC 480-100-091, Access to Premises.

(j) For violation of Rules, Service Agreements, or filed tariff(s).

(k) For use of equipment which adversely affects the utility's service to its other customers.

(l) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice; provided, however, that if the customer shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(2) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the customer in person or by telephone to advise the customer of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified below.

(b)(i) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer's address. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the service customer. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ((+10)) ten working days of the first day on which disconnection may be effected, unless other mutually acceptable arrangements have been made, that

disconnect notice shall become void and a new notice shall be required before the service can be discontinued.

(ii) When the service address is different from the billing address, the utility shall in all instances prior to effecting discontinuance of service upon its own initiative provide notice to the service address unless the utility has verified that the customer of record and the service user are the same party. If personal service is effected upon the billing address, then personal service must be effected upon the service address; if service by mail is effected to the billing address, then either personal service or service by mail must be effected to the service address. Discontinuance of service shall not occur earlier than five business days after provision of notice to the service address.

(iii) When a customer of record orders termination of service at a service address, and the utility through its representative discovers that the actual service user at the service address has no prior notice of such termination, the utility shall delay termination for at least one complete business day following provision of actual notice to the service user.

(iv) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the customer can make contact with the utility to resolve any differences or avail himself of rights and remedies as set forth in WAC 480-100-096 (complaints and disputes) herein.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the customer's account. The utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the Director, Washington State Department of Social and Health Services, as well as to the customer. Upon request from the director or his designee, a delay in disconnection of no less than ((5)) five business days from the date of notice shall be allowed so that the department may take

whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h)(i) When a utility has, or has had, cause to disconnect utility service, the utility shall postpone termination of service or will reinstate service to a residential customer for thirty days from the date of receipt of a certificate by a licensed physician which states that termination of electric service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered. When service is reinstated, payment of a reconnection charge and/or a deposit shall not be required prior to such reinstatement of service.

(ii) This certificate of medical emergency must be in writing and show clearly the name of the person whose medical emergency would be adversely affected by termination, the nature of the medical emergency, and the name, title, and signature of the person certifying the medical emergency. If a notice of disconnection has been issued and the customer notifies the utility that a medical emergency exists, the customer shall be allowed five business days from when the utility is so notified to provide the utility with a certificate of medical emergency. If this five day period extends beyond the time set for discontinuance of service, the utility shall extend the time of discontinuance until the end of the five day period. If service has been discontinued and the customer requests reconnection of service due to a medical emergency, the utility shall reconnect service and the customer shall be allowed five business days to provide the utility with a certificate of medical emergency. If the utility does not receive a certificate of medical emergency within the time limits set herein, the utility may discontinue service following an additional twenty-four hour notice to the premises.

(iii) Any customer may designate a third party to receive notice of termination or other matters affecting the provision of service. The utility shall offer all customers the opportunity to make such designation. When the utility discovers that a customer appears to be unable to comprehend the impact of a termination of service, the utility shall consider an appropriate social agency to be the third party. In either case, the utility shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate and willing to receive such notice, and the name and/or title of the person able to deal with the termination situation, and shall inform the commission on a current basis which agencies and position titles receive such notifications.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and customer over the propriety of disconnection.

(5) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

WSR 81-03-061
PROPOSED RULES
TACOMA COMMUNITY COLLEGE
[Filed January 20, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Tacoma Community College, intends to adopt, amend, or repeal rules concerning faculty tenure rights and procedures, amending chapter 132V-22 WAC;

that such institution will at 7:00 p.m., Tuesday, March 17, 1981, in the John Binns Room, Tacoma Community College, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 7:00 p.m., Tuesday, March 17, 1981, in the John Binns Room, Tacoma Community College.

The authority under which these rules are proposed is RCW 28B.50.140 sub 13.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to Monday, March 9, 1981, and/or orally at 7:00 p.m., Tuesday, March 17, 1981, John Binns Room, Tacoma Community College.

Dated: January 20, 1981

By: Larry P. Stevens
President

STATEMENT OF PURPOSE

Statutory Authority: RCW 28B.50.140 Sub. 13.

Purpose Of The Rule(s): To adopt as permanent rules the Faculty Tenure Rights and Procedures, chapter 132V-22 WAC.

Summary Of The Rule(s): These rules are being submitted by the Board of Trustees of Community College District 22 for the purposes of exercising and implementing the tenure rights and procedures for academic employees as negotiated by Tacoma Community College Federation of Teachers and Tacoma Community College, Community College District 22.

Reasons Which Support The Proposed Action: The Faculty Tenure Rights and Procedures presently on file in the Code Reviser's Office do not reflect the revisions as recently consummated by the Tacoma Community

College Federation of Teachers and Tacoma Community College, Community College District 22 on October 20, 1980.

Name Of Person Or Organization Proposing The Rule(s): Tacoma Community College, Community College District 22.

Governmental x Private Public
Agency Personnel Responsible For Drafting, Implementation And Enforcement Of The Rule(s): Drafting: Carl Brown, Dean of Administrative Services, Tacoma Community College, 756-5152, Implementation: Larry Stevens, President, Tacoma Community College, 756-5100, Enforcement: (Same as the Implementation as shown above.)

The Rule(s) Is (Are) Necessary As The Result Of Federal Law, Federal Court Action, Or State Court Action, (If So, Attach A Copy Of The Law Or Decision. (Not Applicable).

Agency Comments, If Any Regarding Statutory Language, Implementation, Enforcement And Fiscal Matters Pertaining To The Rule(s): (None)

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-010 PURPOSE-TENURE. The Board of Trustees of Community College District ~~((No:))~~ 22 hereby establishes the following rules on ~~((faculty))~~ academic employee tenure~~((:))~~. The purpose of ~~((which))~~ tenure is twofold~~((:))~~:

(1) To protect faculty appointment rights and faculty involvement in the establishment and protection of those rights at Tacoma Community College and all subsequent community colleges hereafter established within Community College District ~~((No:))~~ 22; and

(2) To assure that tenure is granted to ~~((faculty members))~~ academic employees of such character and scholarly ability that the district, so far as its resources permit, can justifiably undertake to employ them for the rest of their academic careers.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-020 DEFINITIONS. As used in this chapter ~~((WAC 132V-22))~~, the following terms and definitions shall mean:

(1) "Appointing authority" shall mean the Board of Trustees of Community College District ~~((No:))~~ 22.

(2) The definitions of "tenure", "faculty appointment", "probationary faculty appointment", "probationer", and "administrative appointment", shall be the same as are contained within ~~((section 33, chapter 283, Laws of 1969 ex. sess., as amended by sections 1 and 3 of chapter 5, Laws of 1970, and))~~ RCW 28B.50.851 as now or hereafter amended.

(3) "Regular college year" shall mean a faculty appointment normally inclusive of consecutive fall, winter, and spring quarters.

(4) "President" shall mean the president of Tacoma Community College and of any other college hereafter established within Community College District ~~((No:))~~ 22, or in such president's absence, the acting president.

(5) "College" shall mean Tacoma Community College and any subsequent community college hereafter established within Community College District ~~((No:))~~ 22.

(6) "Tenure Review Committee" shall mean a committee composed of ~~((two faculty members))~~ three academic employees who hold tenured faculty appointments ~~((and))~~ a division chairman ~~((appointed pursuant to WAC 132V-22-030))~~, or management supervisor and a student appointed pursuant to WAC 132V-22-030.

(7) "Full-time" shall mean an appointment ~~((for at least two-thirds of a standard full-time workload as))~~ which is consistent with the full-time contractual assignment specified ~~((in this))~~ within Article 6.00 of the negotiated agreement.

(8) "Dismissal" shall mean the termination of a tenured faculty appointment or a probationary faculty appointment by the appointing authority.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-030 COMPOSITION OF REVIEW COMMITTEES. (1) A separate tenure review committee (~~shall be established for each full-time probationer~~), which shall serve as a standing committee until such time as the appointment is terminated, shall be established for each full-time probationer.

(2) Each tenure review committee shall be composed of ~~((three))~~ five persons (~~(-two of whom)~~): Three shall be tenured faculty appointees selected by a majority of the tenured faculty members and faculty department heads acting in a body prior to October 15 of the probationer's first full regular college year of employment (~~and additionally, each review committee shall consist of the probationer's division chairman. The division chairman shall act as chairman of the committee and~~); one shall be the probationer's division chairman (or his/her management supervisor if he/she is not supervised by a division chairman); one shall be a student representative who shall be a full-time student and who shall be chosen by the student association of the college in such a manner thereof shall determine. Each tenure review committee shall select its own chairman. If the elected chairman fails to perform his/her required duties in the time period specified, management shall appoint a chairman from among the other committee members to fulfill the responsibilities. Each ~~((such))~~ review committee shall meet at the call of the chairman when, in his/her discretion, the need for such meeting arises, provided, that the committee shall meet with the probationer at least twice during each winter quarter (~~(-and)~~). Additionally, the committee shall meet within ten days (~~(of the receipt of a written request setting forth good cause to meet directed to the chairman by the probationer)~~) after the chairman receives the probationer's written request which states the purpose of the meeting.

(3) If a vacancy occurs upon any tenure review committee prior to the expiration of the probationer's appointment as such, an administrative (~~(or)~~), faculty or student member, as appropriate, shall be appointed to fill the vacancy pursuant to subsection (2) of this rule to serve for the duration of the committee's obligation.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-040 DUTIES AND RESPONSIBILITIES OF REVIEW COMMITTEE. (1) The general duty and responsibility of the tenure review committee shall be to assess and advise the probationer of his/her professional strengths and weaknesses and to make reasonable efforts to encourage and aid him/her to overcome his/her deficiencies.

(2) The first order of business for each tenure review committee shall be to establish the procedure it will follow in evaluating the performance and professional competence of the full-time probationer assigned thereto. The committee's evaluation of the probationer shall be directed toward and result in the determination of whether or not the probationer possesses the necessary personal characteristics and professional competence to perform effectively in his/her appointment. In determining professional competence, the committee shall give due consideration to the criteria under which the employee was hired, as established by the probationer's department, program, or advisory group. A review committee's evaluation procedures should include, as it deems necessary, the following:

- (a) Classroom observations by members of the tenure review committee;
- (b) Student evaluation administered by ~~((someone other than the probationer))~~ a member of the review committee;
- (c) Assessment of the probationer's contributions to the department, program, division, and institution by the department or program, and division heads (~~(-by))~~ and other faculty (~~(-by the representative faculty organization))~~; and
- (d) Self-evaluation.

(3) Each tenure review committee shall be required to conduct an on-going evaluation of the full-time probationer assigned thereto and render the following written reports to the president, probationer, and the appointing authority on or before the designated times during each regular college year that such appointee is on a probationary status, or, as is also required, within fifteen days of the president's written request therefor:

- (a) A written evaluation of each full-time probationary faculty appointee's performance, including the degree to which the probationer

has overcome stated deficiencies, on or before February 15. The review committee shall obtain the appointee's written acknowledgment of receipt of the written evaluation.

(b) A written recommendation regarding the employment or non-employment of the probationer for the ensuing regular college year on or before February 15.

(c) A written recommendation that the appointing authority award or not award tenure, such written recommendations to be submitted ~~((at times))~~ during the regular college year deemed appropriate by each review committee, provided ~~((:))~~ that during such probationer's third regular college year of appointment ~~((:))~~ the review committee shall, prior to February 15 of such regular college year, make a written recommendation as to the award or nonaward of tenure. The failure of any review committee to make such written recommendation by February 15 of a probationer's third consecutive regular college year shall require that the probationer's supervising dean make a written recommendation as to the award or nonaward of tenure ~~((:))~~ by the following February 25.

(4) The appointing authority shall ~~((only))~~ be required to give reasonable consideration to any recommendation of a review committee and is not bound thereby.

(5) All written evaluations and recommendations prepared and submitted by a review committee pursuant to these rules shall include the committee's findings and supportive data and analysis.

(6) If the probationer disagrees with the review committee's recommendation as to the award or nonaward of tenure, the probationer shall be provided an opportunity to challenge the review committee's recommendations before a committee of the appointing authority.

(7) On or before the last day of the winter quarter of ~~((a probationer's third consecutive))~~ each regular college year of a probationary appointment, the appointing authority shall notify ~~((him))~~ the probationer of their decision to either grant him/her tenure or not renew his/her appointment for the ensuing year.

(8) The decision of the appointing authority to not rehire a probationary academic employee for a second or third year of the probationary period or to not grant tenure is final, and the academic employee affected by this decision shall not have access to the Hearing Procedure Relating to Dismissal for Cause and Reduction-in-Force as provided by Section 12.32 of the Negotiated Agreement, but the academic employee may submit written appeal and appear, in person, at the next board meeting following such nonrenewal.

(9) As per Chapter 112, Laws of 1975, 1st Extraordinary Session, those academic employees funded more than fifty-one of their annual salaries by other than state funds are nontenurable, per WAC 131-16-400. Inclusion of this paragraph shall not limit the union in its court appeal of this law, rulings pursuant thereto and its effect on present employees in this category. Management will make every effort to shift presently affected employees to tenurable jobs as they become available. Management and the union agree to make necessary modifications in this section in order to bring it into compliance with subsequent court decisions, if any.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-050 PROCEDURE RELATING TO THE DISMISSAL FOR CAUSE OF TENURED AND PROBATIONARY FACULTY MEMBERS. A tenured faculty member shall not be dismissed by the college except for sufficient cause, nor shall a faculty member who holds a probationary faculty appointment be dismissed prior to the written terms of the appointment except for sufficient cause. Sufficient cause may include, but is not limited to:

- (1) Demonstrated incompetency in his professional assignment;
- (2) Proven neglect of ~~((duty))~~ recognized duties;
- (3) Proven insubordination;
- (4) Diagnosed physical or mental inability to perform assigned duties ~~((as a professional employee))~~;
- (5) Convicted of any unlawful act of violence during the period of employment;
- (6) Convicted of any unlawful act resulting in destruction of college property;
- (7) Convicted of any unlawful interference with the orderly conduct of the educational process.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-060 PRELIMINARY PROCEDURE RELATING TO THE DISMISSAL FOR CAUSE OF A TENURED OR PROBATIONARY FACULTY MEMBER. When reason arises to

question the fitness of (~~a faculty member~~) an academic employee, the initial step shall be for the appropriate administrative officer to discuss the matter with him/her in personal conference. At this conference, the academic employee may request the presence of a union representative. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, the case shall be referred to the president of the college. If the president of the college deems that the case warrants dismissal, ((and if the reasons for the dismissal are other than those specified in WAC 132V-22-100 Reduction in Force,)) the dismissal process shall ((proceed as follows)) be governed by the following procedure:

(1) At least fifteen calendar days prior to the effective date of the dismissal action and at least thirty days prior to the convening of the dismissal for cause committee, the academic employee, who is to be dismissed by the appointing authority, and the union shall be furnished with written notice which shall include grounds for dismissal, a statement of the legal authority and jurisdiction of the president's notice, and information of the employee's right of appeal. The notification shall be furnished directly to the employee during working hours, or if this is not possible because of the absence of the employee, it shall be mailed by certified return receipt mail to the academic employee's last known address.

(2) A dismissal review committee will be established. The dismissal review committee shall be the same as the tenure review committee. If the tenure review committee is no longer available the dismissal review committee shall ((be made up of two teaching faculty and a member of the administrative staff appointed by the president)) have the same membership as required for a tenure review committee for a probationary academic employee. The members representing the ((teaching faculty)) academic employees shall be selected by a majority of the ((teaching faculty)) academic employees and ((faculty department heads)) department chairmen acting as a body. The president shall deliver to the review committee the statement of charges provided to the employee.

(3) Remaining steps in the procedure for dismissal for cause of tenured or probationary faculty members are as specified in ((WAC 132V-22-200 Academic Employee Hearing Procedure)) WAC 132V-22-200 of these rules.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-100 PROCEDURE RELATING TO REDUCTION IN FORCE. (1) Definition: A reduction-in-force is a dismissal of faculty members ((because of budget reasons, lack of funds, change in instructional or service programs, or lack of students participating in particular programs or services,)) without prejudice and for adequate cause which shall include lack of funds and necessary curtailment of work.

(2) ((Lay-off Unit: The union-management committee will define the lay-off units, compile lists of employees within each unit, and recommend same to the president.)) Lay-off units and procedure for assignment:

(a) A full-time academic employee's assignment to a lay-off unit will be that within which his/her job responsibility is classified.

(b) For the duration of this agreement, the lay-off units and assignments thereto, as agreed to in the union-management meeting of February 3, 1974, or the most recent updating of those lay-off units and assignments thereto, shall be used as the basis of reduction-in-force. A person may be assigned to only one lay-off unit even though he/she is teaching in more than one unit.

(c) The institutional seniority list, which is to be published annually by November 1st of each year, under Article 9 of the Negotiated Agreement, will also include the lay-off unit to which an academic employee is currently assigned.

(3) ((Basis for Reduction: If the number of full-time contracted professional employees is to be reduced, the college president, with advice from the appropriate supervising administrators, including department chairmen, shall determine in the case of each affected department or program what courses and services are most necessary to maintain quality education and services at Tacoma Community College. In making his determinations on reductions, the college president shall consider the following factors in addition to those reasons as defined in part (1) definition, above:

(a) The enrollment, the trends in enrollment, and their effect upon the department or program;

(b) The present and anticipated service needs of the college and its students and prospective students.

(c) Information concerning faculty and administrative vacancies occurring through retirement, resignation, and professional and other leave;

(d) Before arriving at proposed reduction in force decisions, the president will confer with representatives of the designated faculty organization and the student government regarding proposed reduction plans and will consider their opinions in the matter.)) Alternatives to reduction-in-force: Alternatives to reduction-in-force shall be implemented by management prior to the initiation of reduction-in-force procedures. The application of these alternatives will be handled through the appropriate division and department. A full-time employee will be given sections normally staffed by part-time employees before being offered other alternatives to reduction-in-force. Such alternatives may include, but not be limited to, those in Article 6.00 of the Negotiated Agreement.

An academic employee's agreement to one or any combination of the above-referenced alternatives, or any other alternative agreed to, will be submitted in writing to the college president.

(4) ((Order of Reduction: If a reduction is determined to be necessary within a lay-off unit, the employment needs of the department or program shall be the primary basis for identifying the order of reduction in force. Strong consideration will also be given to seniority as defined in Art. IX of the Negotiated Agreement. PROVIDED, That consideration results in the retention of qualified professionals to replace and perform the necessary duties of the personnel to be reduced. In determining what duties a professional is qualified to perform the president will consider but not be limited to:

(a) general professional experience;

(b) actual work experience in the area under consideration; and

(c) educational background.)) Basis for reduction: If the number of full-time contracted academic employees is to be reduced, the college president, with advice from the appropriate supervising administrators and department chairmen shall determine in the case of each affected department or program what courses and services are most necessary to maintain quality education and services at Tacoma Community College. In making his determination on reductions, the college president shall consider the following factors:

(a) Budget limitations, lack of funds, change in instructional or service programs, or lack of students participating in particular programs or services.

(b) The enrollment, the trends in enrollment, and their effect upon the department or program.

(c) The present and anticipated service needs of the college and its students and prospective students.

(d) Information concerning faculty and administrative vacancies occurring through retirement, resignation, and professional and other leave.

Before arriving at proposed reduction-in-force decision, the president will confer with representatives of the designated faculty organization and the student government regarding proposed reduction plans and will consider their opinions in the matter.

(5) ((Right to Recall: A full-time faculty member whose contract is not renewed as a result of this reduction in force procedure shall have the right to recall to any faculty position, either a newly created position or a vacancy. PROVIDED, That the individual is determined to be qualified for such position by the college president following recommendation by the supervising dean, department chairman and/or program director. The right of recall shall extend one year from the date of lay-off.)) Order of reduction: If a reduction is determined to be necessary within a lay-off unit, the employment needs of the department or program shall be the primary basis for identifying the order of reduction-in-force. First consideration will also be given to seniority as defined in Article 9.00 of the Negotiated Agreement, provided that such consideration results in the retention of qualified academic employees to replace and perform the necessary duties of the personnel reduced. In determining what duties an academic employee is qualified to perform, the president will consider, but not be limited to:

(a) General professional experience;

(b) Actual work experience in the area under consideration; and

(c) Educational background.

(6) ((Dismissal Review Committee: (1) A dismissal review committee shall be composed of three members of the faculty who shall be selected by a majority of the faculty and faculty department heads acting in a body and two administrators who shall be appointed by the college president.)) Right to recall: A full-time faculty member whose contract is not renewed as a result of this reduction-in-force procedure shall have the right to recall to any faculty position, either a newly

created position or a vacancy: PROVIDED, That the individual is determined to be qualified for such position by the president of the college following recommendations by the supervising dean, department chairman and/or program director. The right of recall shall extend two years from day of lay-off.

(7) ((Procedure for Reduction in Force: In the event of a reduction in force the review committee shall consolidate all matters into a single hearing. At the hearing each individual professional staff member affected shall have the opportunity to be represented by counsel, respond to and present evidence and arguments on all issues involved, and to examine and cross-examine witnesses. At the hearing, each individual professional staff member affected shall have opportunity provided in the hearing for his counsel to protect his individual due process rights to respond to and present evidence and argument on all issues involved and to examine and cross-examine witnesses.

Remaining steps in the procedure for reduction in force are as specified in WAC 132V-22-200 academic employee hearing procedure.))

Reduction-in-force review committee: A reduction-in-force review committee shall be composed of three members of the faculty who shall be selected by a majority of the faculty and faculty department heads acting in a body, one administrator who shall be appointed by the college president, and one student representative who shall be chosen by the student association of the college in such a manner as the members thereof shall determine.

(8) Preliminary procedure for reduction-in-force: When reason arises to dismiss an academic employee as a result of reduction-in-force, the initial step shall be for the appropriate administrative officer to discuss the matter with him in personal conference. At this conference, the academic employee may request the presence of a union representative. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, the case shall be referred to the president of the college. If the president of the college still deems dismissal to be necessary, the dismissal process shall be governed by the following procedure:

(a) At least thirty calendar days prior to the convening of the dismissal review committee, the union and the academic employee who is threatened with dismissal by the appointing authority shall be furnished with written notice which shall include grounds for dismissal, a statement of the legal authority and jurisdiction of the president's notice, and information of the employee's right of appeal. The notification shall be furnished directly to the employee during working hours, or if this is not possible because of the absence of the employee, it shall be mailed by certified return receipt mail to the academic employee's last known address.

(b) A reduction-in-force review committee will be established. The reduction-in-force review committee shall be the same as the tenure review committee. If the tenure review committee is no longer available, the reduction-in-force review committee shall have the same membership as required for a tenure review committee for a probationary academic employee. The members representing academic employees shall be selected by a majority of the academic employees and department chairmen acting as a body. The president shall deliver to the reduction-in-force review committee the statement of charges provided to the employee.

(c) In the event of a reduction-in-force, the reduction-in-force review committee shall conduct a hearing. At the hearing, the academic employee affected shall have the opportunity to be represented by counsel, to respond to and present evidence and arguments on all issues involved, and to examine and cross-examine witnesses. At the hearing, the academic employee shall have opportunity for his counsel to protect his due process rights to respond to and present evidence and arguments on all issues involved and to examine and cross-examine witnesses.

(d) Subsequent steps in the procedure for reduction-in-force are specified in WAC 132V-22-200 of these rules.

AMENDATORY SECTION (Amending Order 16, filed 12/28/73)

WAC 132V-22-200 ((ACADEMIC EMPLOYEE)) HEARING PROCEDURE RELATING TO DISMISSAL FOR CAUSE AND REDUCTION-IN-FORCE. ((The following procedure shall apply to tenure dismissals and to reduction in force dismissals of academic employee(s)). (1) The president shall deliver to the review committee and to the faculty member a short and plain statement which contains:

(a) The grounds for dismissal in reasonable particularity;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) Reference to any particular statutes or rules involved;

(2) After receiving the president's recommendation for dismissal, the affected professional may request a hearing within the following ten days. If the president does not receive this request within ten days, it will be assumed the professional has chosen to withdraw from his employment and his right to a hearing will be deemed waived.

(3)) (1) The required notice of Dismissal for Cause or Reduction-in-Force to the affected academic employee(s) shall include notice of the right of a hearing before the review committee and that if the affected employee does not request such a hearing, from the president of the college within ten days after the effective date of separation from the payroll. Management will request a written determination from the employee as to whether he/she wishes to avail themselves of the right to a hearing. If after five additional days the academic employee fails to respond, this failure to request a hearing shall constitute acceptance of dismissal and waiver of any right to a hearing under the provisions of this negotiated agreement.

(2) In the event the president receives a request for a hearing, all parties shall be afforded an opportunity for a hearing after not less than twenty days' notice. The notice shall include:

(a) A statement of the time, place, and nature of the proceeding;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular rules of the ((institution)) colleges that are involved;

(d) A short and plain statement of the matters asserted.

((4) At) (3) Prior to the time of the hearing, the board and the union shall request an impartial hearing officer ((appointed by the board shall)) from the Public Employment Relations Commission to sit as a nonvoting member of the committee. It shall be his/her responsibility to:

(a) Make all rulings regarding the evidentiary and procedural issues presented during the course of the dismissal review committee hearings;

(b) Meet and confer with the members of the dismissal review committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(c) Appoint a court reporter, who shall operate at the direction of the presiding officer and shall record all testimony, receive all documents and other evidence introduced during the course of hearings, and record any other matters related to the hearing as directed by the presiding officer;

(d) Prepare the record if requested under subsection (6) herein.

((5)) (4) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved, and to examine and cross-examine witnesses.

((6)) (5) Oral proceedings shall be transcribed, if necessary, for the purposes of rehearing(;) or court reviews. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the costs thereof.

((7)) (6) The record in a contested case shall include:

(a) All documents, motions, and intermediate rulings;

(b) Evidence received or considered;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof, objections, and rulings thereon;

(e) Proposed findings and exceptions; and

(f) Any decision, opinion, or report by the officer or committee chairman presiding at the hearing.

((8)) (7) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

((9)) (8) The ((institution;)) college or its authorized hearing officer or committee(;) may:

(a) Administer oaths and affirmations, examine witnesses, and receive evidence(; and). No person shall be compelled to divulge information which he/she could not be compelled to divulge in a court of common law;

(b) Issue subpoenas;

(c) Take or cause depositions to be taken pursuant to rules promulgated by the ((institution; and)) college. No person shall be compelled to divulge information which he/she could not be compelled to divulge by deposition in connection with a court proceeding;

(d) Regulate the course of the hearing;

(e) Hold conferences for the settlement or simplification of the issues by consent of the parties.

((10)) (9) Within twenty days following the review hearing, the review committee shall prepare recommendations on the action they propose be taken and submit such recommendations to the appointing

authority. A copy of the recommendations shall be given the ((faculty member)) academic employee involved and the president.

~~((+)) (10) The board ((of trustees)) shall meet within thirty days ((subsequent to its)) after receipt of the dismissal review committee recommendations to consider those recommendations. ((The dismissal review committee's recommendations shall be advisory only and in no respect binding in fact or law upon the decision maker, the board of trustees. In addition to the recommendations of the review committee, the board of trustees shall give consideration to other evidence or recommendations they deem necessary.)) The academic employee affected by the review committee recommendations may request a hearing before the board within ten days after receipt of the said recommendations. If board action affects academic employees other than the academic employee against whom dismissal action was originally taken, those academic employees shall be guaranteed protection of the entire dismissal for cause hearing procedure provided for herein. Within thirty days after the hearing before the board, the appointing authority shall inform the affected academic employee of their decision by letter.~~

~~((+2) Within fifteen days thereafter, the appointing authority shall inform the faculty member by letter of their decision regarding the case.~~

~~((+3) Any faculty member dismissed shall have a right to appeal the final decision of the appointing authority within thirty days after receipt of the notice of dismissal.~~

~~The appeal to the board shall be based on the record. The filing of an appeal shall not stay enforcement of the decision of the board of trustees.))~~

WSR 81-03-062

NOTICE OF PUBLIC MEETINGS PUBLIC DISCLOSURE COMMISSION

[Memorandum—January 16, 1981]

Pursuant to the requirement of section 12, chapter 240, Laws of 1977, 1st ex. sess., I am herein reporting to you that the Public Disclosure Commission holds its regular meetings on the fourth Tuesday of each month (WAC 390-12-010). Meeting dates in 1981 will be as follows:

January 27, February 24, March 24, April 28, May 26, June 23, July 28, August 25, September 22, October 27, November 24, December 22.

WSR 81-03-063

NOTICE OF PUBLIC MEETINGS ADVISORY COUNCIL ON VOCATIONAL EDUCATION

[Memorandum—January 16, 1981]

The next regular meeting of the Washington State Advisory Council on Vocational Education will be held Friday, February 20, 1981, in the Auditorium at the Seattle-Tacoma International Airport, Seattle, Washington. The Auditorium is located on the Mezzanine level of the Airport. The meeting is scheduled to begin at 10:00 a.m.

This meeting is being held in a barrier-free site. Interpreters for the deaf, and brailled or taped information for the blind will be provided on request, if the State Advisory Council on Vocational Education is notified by February 5, 1981.

For further information please contact Dennis D. Coplen, Executive Director, State Advisory Council on

Vocational Education, 120 East Union, Room 207, M/S EK-21, Olympia, WA 98504 telephone (206) 753-3715.

WSR 81-03-064

ADOPTED RULES DEPARTMENT OF PERSONNEL (Personnel Board)

[Order 148A—Filed January 20, 1981]

Be it resolved by the Department of Personnel, acting at 600 South Franklin, Olympia, WA, that it does promulgate and adopt the annexed rules relating to Temporary employment—Exempt service, amending WAC 356-30-080.

The attached section as originally filed on October 9, 1980 (Administrative Order #148) contained a typographical error and did not reflect the action as adopted by the State Personnel Board. The purpose of this Administrative Order is to bring the existing WAC into compliance with the intent of the board.

This action is taken pursuant to Notice No. WSR 80-12-033 filed with the code reviser on August 29, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED October 9, 1980.

By Leonard Nord
Secretary, State Personnel Board

AMENDATORY SECTION (Amending Order 126, filed 11/15/78; correcting Order 148, filed 10/13/80)

WAC 356-30-080 TEMPORARY EMPLOYMENT—EXEMPT SERVICE. Appointments to temporary positions as defined in WAC 356-06-020(15) are exempt from these Rules provided:

(1) There is no involvement in federal grant-in-aid.

(2) Positions have been reported to the Director of Personnel.

(3) Compensation and minimum qualifications of appointees are consistent with those for comparable classified positions.

(4) That the appointment lasts for no more than nine months for single appointments, or no more than nine cumulative months for multiple appointments within a ((calendar year)) continuous twelve month period, except when a temporary employee replaces a permanent employee who has been granted a leave of absence without pay in accordance with WAC 356-18-140 and WAC 356-39-120 and 130. In such cases, the temporary appointment may extend to the date the employee on leave is scheduled to return.

(5) That a two-month break in service has occurred since the last temporary appointment of the same person in the same agency, except for multiple appointments as indicated in (4) above.

Established registers, certification, and referral service are available for use in filling temporary positions. A temporary employee, appointed following certification from the register, may enter a probationary period and subsequently gain permanent status, when a change in agency needs results in the permanent availability of the position.

WSR 81-03-065

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed January 21, 1981]

Pursuant to the provisions of RCW 34.04-.048 and WAC 1-12-033, notice is hereby given of withdrawal by the proposing agency, Department of Agriculture, of "amending sections WAC 16-231-115, 16-231-120, 16-231-125 and 16-231-130 restricted use herbicides in Franklin county" filed in the Code Reviser's office on January 7, 1981, under WSR 81-02-045.

WSR 81-03-066

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed January 21, 1981]

Pursuant to the provisions of RCW 34.04-.048 and WAC 1-12-033, notice is hereby given of withdrawal by the proposing agency, Department of Agriculture, of "amending sections WAC 16-232-010 and 16-232-025 restricted use herbicides in Walla Walla county" filed in the Code Reviser's office on January 7, 1981, under WSR 81-02-046.

WSR 81-03-067

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed January 21, 1981]

Pursuant to the provisions of RCW 34.04-.048 and WAC 1-12-033, notice is hereby given of withdrawal by the proposing agency, Department of Agriculture, of "amending sections WAC 16-231-020 and 16-231-025, restricted use herbicides in Benton county" filed in the Code Reviser's office on January 7, 1981, under WSR 81-02-047.

WSR 81-03-068

**PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed January 21, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapters 15.58 and 17.21 RCW, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning restricted use herbicides in Franklin county, amending WAC 16-231-115, 16-231-120, 16-231-125 and 16-231-130;

that such agency will at 10:00 a.m., Wednesday, March 4, 1981, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, March 13, 1981, in the Director's office.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 4, 1981, and/or orally at 10:00 a.m., Wednesday, March 4, 1981, Franklin County PUD Auditorium, Pasco, Washington.

Dated: January 21, 1981

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

For the purpose of legislative review of agency rules, the following statement is submitted:

This rule relates to the use and application of restricted use herbicides in Franklin county.

Statutory authority is chapters 17.21 and 15.58 RCW.

The sections codified under chapter 16-231 WAC are established to regulate the use of restricted use herbicides to protect susceptible crops from drift of these herbicides.

Department of Agriculture
Grain and Chemical Division

Art G. Losey

Assistant Director

406 General Admin. Bldg. AX-41

Olympia, WA 98504

Phone 753-5062

Proponents: Robert and Helen Gregson and
Quentin Mehlenbacher

Opponents: Unknown

The proposals are the results of requests from Mr. Mehlenbacher and Mr. and Mrs. Gregson. 2,4-D air contamination continues to be at a damaging level to some susceptible crops.

AMENDATORY SECTION (Amending Order No. 1676, filed 2/20/80)

WAC 16-231-115 AREA 1. (1) Area 1 description. (Lands generally within the Columbia Basin Irrigation Project.) This area includes all lands lying within a boundary line starting at the Columbia River and the east boundary line of Section 25, T9N, R30E; thence north fifteen miles more or less to the northeast corner of Section 12, T11N, R30E; thence west one mile more or less to State Highway 17; thence northerly along State Highway 17, fourteen miles more or less to State Highway 260; thence east along State Highway 260 five miles more or less to the Moor Road; thence north two miles more or less to the Burlington Northern Railroad tracks; thence northwesterly four miles more or less along the Burlington Northern tracks to the Adams County line; thence west nineteen miles more or less along the Adams-Grant county line to the northwest corner of Section 6, T14N, R28E; thence south four miles to the southwest corner of Section 19, T14N, R28E; thence west four miles more or less to the Columbia River; thence southerly and easterly along the Columbia River to the Snake River; thence northeasterly along the Snake River to the southern boundary line of Section 1, T11N, R29E; thence east two miles more (~~of~~) or less to the Eltopia West Road; thence east along Eltopia West Road to Highway 395; thence south on Highway 395 to the Snake River; and thence northerly and easterly along the Snake River to the east boundary line of Section 25, T9N, R30E.

(2) Area 1 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after (~~(April 5)~~) March 15 through October 31 of each year (~~(- PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year).~~).

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after November 1 through (~~(April 4)~~) March 31 of the following year, aircraft applications of restricted use herbicides shall be allowed using the Caution Area Restrictions (see WAC 16-230-675). On and after April (~~(5)~~) 1 through October 31, aircraft applications of restricted use herbicides shall be (~~allowed using the Danger Area Restrictions (see WAC 16-230-675))~~ prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

(~~(d) On and after April 5 through October 31, aircraft applications of restricted use herbicides shall be prohibited within one mile of any commercial vineyard: PROVIDED, That on and after April 5 through October 31, written requests to apply MCPA to peas and corn located one-half to one mile from commercial vineyards will be considered: PROVIDED FURTHER, That on and after April 5 through April 30 written requests to apply 2,4-DB on alfalfa and red clover seed crops located one-half to one mile from commercial vineyards will be considered:)~~)

AMENDATORY SECTION (Amending Order No. 1676, filed 2/20/80)

WAC 16-231-120 AREA 1A. (1) Area 1A description. This area includes all lands lying within a boundary line starting at the Columbia River and the southern boundary line of Section 1, T11N, R29E; thence east two miles more or less to the Eltopia West Road; thence east along Eltopia West Road to Highway 395; thence south on Highway 395 to the Snake River; and thence down to the Snake River to the confluence of the Snake River and the Columbia River(~~;~~); thence northerly and westerly along the Columbia River to the point of beginning.

(2) Area 1A restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after (~~(April 5)~~) March 15 through October 31 of each year (~~(- PROVIDED, That low volatile ester formulations of 2,4-DB may be applied to alfalfa and red clover seed crops on and after November 1 through April 30 of the following year).~~).

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.052 inches: PROVIDED, That applications of restricted use herbicides on asparagus shall be made using nozzles having minimum nozzle orifice diameter of 0.072 inches.

(c) On and after April (~~(5)~~) 1 through October 31, aircraft applications of restricted use herbicides shall be prohibited: PROVIDED, That on and after November 1 through (~~(April 4)~~) March 31 of the following year, aircraft applications of restricted use herbicides shall be allowed using the Caution Area Restrictions (see WAC 16-230-675); PROVIDED FURTHER, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

AMENDATORY SECTION (Amending Order No. 1676, filed 2/20/80)

WAC 16-231-125 AREA 2. (1) Area 2 description. This area includes all of the lands in Franklin County lying west and south of a line starting at the northeast corner of Section 34, T14N, R31E; thence south fifteen miles more or less to the Eltopia and Eye Road; thence easterly along the Eltopia and Eye Road to the Brass Road; thence easterly along the Brass Road to the Bannenburg Road; thence southeasterly along the Bannenburg Road to the northwest corner of Section 6, T10N, R33E; thence south along the section line to the Snake River; thence southwesterly along the Snake River to the east boundary line of Area 1; thence northerly along the east boundary line of Area 1 to the point of beginning.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after (~~(April 5)~~) March 15 through October 31 of each year (~~(- PROVIDED, That aerial applications of low volatile formulations of restricted use herbicides may be made using the Warning Area Restrictions (see WAC 16-230-675) from April 5 through April 30).~~).

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after (~~(May 1)~~) November 1 through (~~(October 31)~~) March 31, aircraft applications of restricted use herbicides shall be made using the Warning Area Restrictions (see WAC 16-230-675); PROVIDED, That on and after April 1 through October 31, aircraft applications of restricted use herbicides are prohibited: PROVIDED FURTHER, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

AMENDATORY SECTION (Amending Order No. 1676, filed 2/20/80)

WAC 16-231-130 AREA 3. (1) Area 3 description. (Dry land area south and east of Connell.) An area beginning at the northeast corner of Section 3, T14N, R33E and the Reeder Road; thence south along the Reeder Road to and along the Black Road to the Swanson Road; thence east and south along the Swanson Road to State Highway 260; thence southerly along State Highway 260 to the Munt Road; thence south along the Munt Road to the Largent Road; thence east along the Largent Road to the Pasco-Kahlotus Highway to the Walker Road; thence southerly along the Walker Road to the Snake River; thence southerly along the Snake River to the east boundary line of Area 2; thence northerly along the east boundary line of Area 2 and Area 1 to the Franklin-Adams county line; thence east fifteen miles more or less along the county line to the point of beginning.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after (~~(May 16)~~) March 15 through October 31 of each year.

(b) On and after May 1 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after (~~(May)~~) April 1 through October 31, aircraft applications of restricted use herbicides shall be (~~made using the Caution Area Restrictions (see WAC 16-230-675))~~ prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

WSR 81-03-069
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 21, 1981]

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 herbicides in Walla Walla county, amending WAC 16-232-010 and 16-232-025;

that such agency will at 10:00 a.m., Wednesday, March 4, 1981, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, March 13, 1981, in the Director's office.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 4, 1981, and/or orally at 10:00 a.m., Wednesday, March 4, 1981, Franklin County PUD Auditorium, Pasco, Washington.

Dated: January 21, 1981

By: Art G. Losey
 Assistant Director

STATEMENT OF PURPOSE

For the purpose of legislative review of agency rules, the following statement is submitted:

This rule relates to the use and application of restricted use herbicides in Walla Walla county.

Statutory authority is chapters 17.21 and 15.58 RCW.

The sections codified under chapter 16-232 WAC are established to regulate the use of restricted use herbicides to protect susceptible crops from drift of these herbicides.

Department of Agriculture
 Grain and Chemical Division

Art G. Losey

Assistant Director

406 General Admin. Bldg. AX-41

Olympia, WA 98504

Phone 753-5062

Proponents: Robert and Helen Gregson and Quentin Mehlenbacher

Opponents: Unknown

The proposals are the results of requests from Mr. Mehlenbacher and Mr. and Mrs. Gregson. 2,4-D air contamination continues to be at a damaging level to some susceptible crops.

AMENDATORY SECTION (Amending Order No. 1665, filed 2/20/80)

WAC 16-232-010 AREA 1. (1) Area 1 description. (Columbia River Buffer Area.) An area starting at the intersection of the Northern Pacific Railroad and the Washington-Oregon state line, T6N,

R32E; thence north nineteen miles more or less to the Snake River; thence westerly along the Snake River and southerly along the Columbia River to the Washington-Oregon state line; thence east to the point of beginning.

(2) Area 1 restrictions.

(a) The use or application of low volatile ester formulations of restricted use herbicides is prohibited on and after (~~April-5~~) March 15 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after April ((5)) 1 through October 31, aerial applications of restricted use herbicides shall be (~~made using the Caution Area Restrictions (see WAC 16-230-675))~~ PROHIBITED. That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

AMENDATORY SECTION (Amending Order No. 1665, filed 2/20/80)

WAC 16-232-025 AREA 3. (1) Area 3 description. All of the remaining lands within the border of Walla Walla County.

(2) Area 3 restrictions.

(a) The use and application of low volatile formulations of restricted use herbicides shall be prohibited on and after (~~May-15~~) March 15 through October 31.

(b) On and after May 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after (~~May-15~~) April 1 through October 31, aircraft applications of restricted use herbicides shall be (~~made using the Caution Area Restrictions (see WAC 16-230-675))~~ PROHIBITED. That hormone sprays may be applied to orchards for the prevention of fruit drop.

WSR 81-03-070
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 21, 1981]

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 herbicides in Benton county, amending WAC 16-231-020 and 16-231-025;

that such agency will at 10:00 a.m., Wednesday, March 4, 1981, in the Franklin County PUD Auditorium, Pasco, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Friday, March 13, 1981, in the Director's office.

The authority under which these rules are proposed is chapters 17.21 and 15.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 4, 1981, and/or orally at 10:00 a.m., Wednesday, March 4, 1981, Franklin County PUD Auditorium, Pasco, Washington.

Dated: January 21, 1981

By: Art G. Losey
 Assistant Director

STATEMENT OF PURPOSE

For the purpose of legislative review of agency rules, the following statement is submitted:

This rule relates to the use and application of restricted use herbicides in Benton county.

Statutory authority is chapters 17.21 and 15.58 RCW.

The sections codified under chapter 16-231 WAC are established to regulate the use of restricted use herbicides to protect susceptible crops from drift of these herbicides.

Department of Agriculture
Grain and Chemical Division

Art G. Losey

Assistant Director

406 General Admin. Bldg. AX-41

Olympia, WA 98504

Phone 753-5062

Proponents: Robert and Helen Gregson and
Quentin Mehlenbacher

Opponents: Unknown

The proposals are the results of requests from Mr. Mehlenbacher and Mr. and Mrs. Gregson. 2,4-D air contamination continues to be at a damaging level to some susceptible crops.

AMENDATORY SECTION (Amending Order No. 1677, filed 2/20/80)

WAC 16-231-020 AREA 2. (1) Area 2 description. (Buffer zone surrounding Prosser, Benton City, Kiona and Kennewick areas.) Section 19 through 36, T10N, R24E, R25E and R26E; those portions of Sections 30 and 31, T10N, R27E, lying west of the Yakima River; Sections 13, 14, and 20 through 36, T8N, R24E; Sections 1 through 4, 8 through 12, 15 through 22, T8N, R25E; Sections 35 and 36, T9N, R25E; Sections 1 through 12, T8N, R26E; Sections 25 through 36, T9N, R26E; Sections 1 through 16, Sections 21 through 25, and Section 36, T8N, R27E; Sections 1, 2, 11, and 12, T7N, R28E; that portion of T8N, R28E lying south of the Burlington Northern Railroad tracks; Sections 1 through 12, T7N, R29E; Sections 15 through 22, Sections 25 through 36 and those portions of Sections 7, 8, 9, 14, 15, 23 and 24 lying south and west of the K.I.D. Canal, T8N, R29E; Sections 1 through 12, T7N, R30E; Sections 31 and those portions of Sections 29, 30, 32, 33 and 34 lying south and west of the K.I.D. Canal, T8N, R30E; and those portions of Sections 5 through 8, T7N, R31E, lying in Benton County.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after ~~((April-5))~~ March 15 through October 31.

(b) On and after April 5 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April ~~((5))~~ 1 through October 31, aircraft applications of restricted use herbicides shall be ~~((made using Danger Area Restrictions (see WAC 16-230-675)))~~ prohibited: PROVIDED, That ~~((aircraft applications of restricted use herbicides on other than growing crops shall be considered through written request to the Washington State Department of Agriculture. Aircraft applications shall be prohibited within one mile of commercial vineyards and within one-quarter mile of other susceptible crops))~~ hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop. On and after November 1 through ~~((April-4))~~ March 31 of the following year, aircraft applications shall be made using Caution Area Restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order No. 1677, filed 2/20/80)

WAC 16-231-025 AREA 3. (1) Area 3 description. The remaining portions of Benton County - the Rattlesnake Hills and the Horse Heaven Hills.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after ~~((April))~~ March 15 through October 31.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April ~~((15))~~ 1 through October 31, aircraft applications of restricted use herbicides shall be ~~((made using Warning Area Restrictions (see WAC 16-230-675), and aircraft applications of restricted use herbicides on other than growing crops shall be considered through written request to the Washington State Department of Agriculture))~~ prohibited: PROVIDED, That hormone sprays may be applied by aircraft to orchards for the prevention of fruit drop.

WSR 81-03-071
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed January 21, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 49.17.040, that the Department of Labor and Industries, intends to adopt, amend, or repeal rules concerning chapter 296-27 WAC, method, manner, and frequency of inspections of work places in the state of Washington to determine compliance with the Washington Industrial Safety and Health Act, chapter 49.17 RCW;

that such agency will at 9:30 a.m., Wednesday, February 25, 1981, in the 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 9:30 a.m., Wednesday, March 25, 1981, in the Director's office, Department of Labor and Industries, Olympia, Washington.

The authority under which these rules are proposed is RCW 49.17.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 20, 1981, and/or orally at 9:30 a.m., Wednesday, February 25, 1981, Conference Room, General Administration Building, Olympia, Washington.

Dated: January 21, 1981

By: Michael E. Tardif
Assistant Attorney General

STATEMENT OF PURPOSE

Title and WAC number of rule(s) or chapter: chapter 296-27 WAC.

Statutory authority: RCW 49.17.040 and 49.17.240.

Summary of rule(s): The Department of Labor and Industries Division of Industrial Safety and Health, is adopting rules governing all aspects of its safety and health inspections, chapter 296-27 WAC.

Description of the purpose of the rule(s): This new section is added to be in compliance with the decision of the Walla Walla superior court that the Safety Division could not obtain a warrant until it complied with its own statute, RCW 49.17.050(6). This rule sets out basic inspection procedures describing the method, manner, and frequency of the department's safety and health inspections.

Reasons supporting the proposed rule(s): To be in compliance with the decision of the Walla Walla superior court that the Safety Division must comply with its own statute, chapter 49.17 RCW.

Name of agency personnel, with office location and telephone number, who are responsible for the drafting, implementation and enforcement of the rule:

Drafting: Richard E. Martin, 753-6381, Technical Services Chief, Division of Industrial Safety and Health, 814 East Fourth, P.O. Box 207, Olympia, Washington 98504
Implementation and Enforcement: James P. Sullivan, Assistant Director, Division of Industrial Safety and Health, 814 East Fourth, P.O. Box 207, Olympia, Washington 98504.

Names of the person or organization, whether private, public, or governmental, that is proposing the rule: Department of Labor and Industries, Division of Industrial Safety and Health.

Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement and fiscal matters pertaining to the rule: None.

The rule is necessary to comply with a federal law or state court decision.

Any other information that may be of assistance in identifying the rule or its purpose: None.

NEW SECTION

WAC 296-27-160 SAFETY AND HEALTH INSPECTIONS. The Washington Industrial Safety and Health Act (WISHA), chapter 49.17 RCW, authorizes the Department of Labor and Industries (the department) to inspect work places to protect the health and safety of employees. The primary purpose of safety and health inspections is to determine whether employers are (1) complying with safety and health standards and regulations promulgated under WISHA, and (2) furnishing places of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to their employees. The following sections describe the method, manner, and frequency of the department's safety and health inspections.

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

NEW SECTION

WAC 296-27-16001 DEFINITIONS. For the purpose of these inspection rules:

- (1) "BLS" shall mean Bureau of Labor Statistics.
- (2) "Compensable claim" shall mean an industrial insurance claim in which an injured worker or dependent has received, or is expected to

receive, a time-loss, permanent partial disability, pension or burial payment.

(3) "Department" shall mean the Department of Labor and Industries.

(4) "Incidence rate" shall mean the number of injuries and illnesses per 200,000 hours of work exposure or 100 full-time equivalent workers.

(5) "Industrial insurance modification factor" is based on a comparison of the actual incurred losses to the expected losses for the oldest three of the four fiscal years preceding the effective date of premium rates.

(a) A modification factor greater than 1.0000 indicates that an employer's actual incurred losses are greater than expected.

(b) A modification factor of less than 1.0000 indicates that an employer's actual incurred losses are less than expected.

(c) New firms and some firms qualifying for transition rating adjustments are assigned a base modification factor of 1.0000.

(6) "Industry" shall mean a group of businesses as classified by standard industrial classification code according to the type of activity in which they are engaged.

(7) "Target inspections" shall mean inspections scheduled under "WITS".

(8) "WISHA" shall mean the Washington Industrial Safety and Health Act.

(9) "WITS" shall mean Washington Inspection Targeting System.

(10) "Work place" shall mean any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control.

NEW SECTION

WAC 296-27-16003 CONDUCT OF INSPECTIONS. (1) An inspection shall be made during the regular working hours of the work place being inspected, unless special circumstances otherwise require. RCW 49.17.190(1) prohibits an employer from receiving advance notice of an inspection, except as authorized by the director or his or her authorized representative.

(2) When an inspector arrives at a work place, he or she will present his or her credentials to the owner or manager of the work place, and explain the nature and purpose of his or her visit. The inspector shall not sign any release or waiver form, including forms concerned with trade secrets, to gain entry to the work place. The inspector may, however, sign a visitor's register, plant pass, or other book or form used to control the entry and movement of persons. If a governmental security clearance is required for entry, the inspector shall obtain it before the inspection.

The inspector and all concerned employees of the department shall preserve the confidentiality of trade secrets.

(3) Before beginning an inspection, the inspector should conduct a joint opening conference with the employer and employee representatives. The employee representative is the employee designated by the union, safety committee, or employees to accompany the inspector during the inspection. If it is impractical to hold a joint conference, separate conferences with the representatives can be held.

(4) A representative of the employer and a representative authorized by the employees shall have the opportunity to accompany the inspector during the inspection. During the inspection, the inspector may interview any employee who wants to discuss a possible violation. The inspector may conduct an interview at any time during an inspection; if an interview would unduly hinder an employer's operations, however, the inspector should interview the employee during a break or after working hours. If the inspector receives a complaint during an inspection, he or she should inspect the alleged violation during that inspection.

The inspector may photograph a violation, take environmental samples, conduct tests, and employ other reasonable investigative techniques. A technique should not be used if it would cause a hazard.

An employer may immediately correct some violations during the inspection. The inspector should record the conditions and corrections to help judge the employer's good faith, compliance, and cooperation. Although corrected, a violation shall remain the basis for a citation and a proposed penalty.

(5) At the end of the inspection, the inspector should conduct a joint closing conference with the employer and employee representatives. If it is impractical to hold a joint conference, separate conferences can be held. The inspector should advise both the employer and employee representatives of their right to participate in later conferences.

An inspector shall not show or reveal the name of a complainant to the employer, unless the complainant authorizes the inspector to do so.

(6) If a safety inspector notices potential health hazards that indicate an industrial hygiene inspection is necessary, the inspector shall report the hazards and request a health inspection.

(7) If a health inspector notices potential safety hazards that indicate a safety inspection is necessary, the inspector shall report the hazards and request a safety inspection.

NEW SECTION

WAC 296-27-16005 OBJECTS OF INSPECTION. A safety and health inspection will primarily check for compliance with the substantive standards issued under WISHA. However, an inspector will also determine whether an employer has posted the WISHA notice that informs employees of their rights and obligations and, if necessary, has given the employees advance notice of the inspection. The inspector may also inspect the log and summary of recordable occupational injuries and illness, supplementary records of occupational injuries and illnesses, records of employee exposure to toxic chemicals and harmful physical agents, and other records relating to employee safety and health.

NEW SECTION

WAC 296-27-16007 CITATIONS AND PENALTY ASSESSMENTS. After an inspection, the inspector will record the violations he or she observes on a compliance worksheet. From the information written on the worksheet, and the photographs and tests, and inspector will prepare a citation and notice and a proposed penalty assessment. The citation and notice and the proposed penalty assessment will then be given or sent to the employer. The citation and notice will contain an abatement date of each violation. This is the date by which the employer must correct the violation.

NEW SECTION

WAC 296-27-16009 FOLLOW-UP INSPECTIONS. When an employer has been cited for a violation, the department may conduct a follow-up inspection to ensure that the violation has been corrected.

(1) If the department cited a serious violation, or a general violation for which a penalty was assessed, the department shall conduct a follow-up inspection. If there is more than one abatement date, more than one follow-up inspection may be necessary.

(2) The department may, but is not required to, conduct follow-up inspections after issuing a citation other than those set out in subsection (1).

NEW SECTION

WAC 296-27-16011 OBJECTION TO INSPECTION. (1) If the employer refuses to permit an inspection, or if the employer permits an inspection but interferes with or limits an important part of the inspection, the inspector may end the inspection or confine the inspection to the areas or limits that the employer will allow. The inspector shall attempt to ascertain the reason for the refusal, interference, or limitation, and shall report it to his or her supervisor. The supervisor may consult with the assistant attorney general. The department may seek an inspection warrant or other compulsory process from a court if an inspection is refused or limited.

(2) The department may seek an inspection warrant or other compulsory process from a court prior to the inspection if the department anticipates that permission to conduct an inspection might be denied or improperly limited.

NEW SECTION

WAC 296-27-16013 METHOD OF SELECTING WORK PLACES FOR INSPECTION. The department conducts its inspections according to the following priority system. The first three priorities are inspections specifically mandated by chapter 49.17 RCW. The fourth priority is the department's plan for effective use of its inspection resources in the routine work place inspections required by chapter 49.17 RCW. The priority classifications are:

- (1) Investigations of hazards that are imminently dangerous.
- (2) Investigations of catastrophes, fatalities, and serious accidents.
- (3) Investigations of complaints other than those that allege imminent danger.
- (4) Washington Inspection Targeting System.

Inspections in the first three categories are made whenever the department receives a complaint or information that an accident has occurred. The inspections pending in the higher priorities must be made before inspections in the lower priorities may be scheduled. The department sets up a separate inspection schedule for each county.

NEW SECTION

WAC 296-27-16015 WITS—IN GENERAL. Some work places, because of the nature of their industry, are likely to have more hazards than others. The health and safety of employees will be more efficiently protected if the department concentrates its inspections on the more hazardous work places. The WITS program is a system that identifies the most hazardous industries and work places, and ranks them in an objective order for inspections.

NEW SECTION

WAC 296-27-16017 WITS—SAFETY. Some of the terms used in this section are defined in WAC 296-27-16001.

The department identifies the most hazardous industries and work places through information from the industrial insurance division of the department and the BLS Occupational Injury and Illness Survey.

(1) To identify the most hazardous industries, the department obtains data from the industrial insurance division that show the number of compensable claims in each industry for the most recent calendar year. The data are compiled by county. Health-related claims and claims that could not have been prevented by a safety inspection are excluded from the data.

The department selects from the data the industries in each county that have at least one percent of the total compensable claims for the county. If the number of industries that have at least one percent of the claims is less than 25, the department selects the 25 industries with the most compensable claims.

To further identify the most hazardous industries, the department reviews the statewide incidence rate for the same industries. The department also ranks the industries according to the incidence rate. The department combines the two lists to produce a list of hazardous industries by county. The lists are compiled annually.

(2) Each month, the department examines the industrial insurance modification factors and recent compensable claims charged to employers where payments were made in the previous calendar month.

(3) A work place is targeted for a safety inspection if it falls within the following categories:

(a) Category one. Work places in hazardous industries having two or more compensable claims and having a modification factor equal to or greater than 1.0000.

(b) Category two. Work places not in hazardous industries having two or more compensable claims and having a modification factor equal to or greater than 1.0000.

(c) Category three. Work places in hazardous industries having two or more compensable claims and having a modification factor of less than 1.0000.

(d) Category four. Work places not in hazardous industries having two or more compensable claims and having a modification factor of less than 1.0000.

(e) Category five. Work places in hazardous industries having one compensable claim and having a modification factor equal to or greater than 1.0000.

(f) Category six. Work places not in hazardous industries having one compensable claim and having a modification factor equal to or greater than 1.0000.

(g) Category seven. Work places in hazardous industries having one compensable claim and having a modification factor of less than 1.0000.

(4) If more than one work place has the same category, the work place with the largest number of worker hours within the lowest zip code is scheduled for an inspection first.

(5) For self-insured employers, all claims received in the previous month are used to determine priority work places. A factor of 20 percent of the total claims received in the previous month is used to determine the category as set out in WAC 296-27-16017(3).

NEW SECTION

WAC 296-27-16021 WITS—SAFETY. After all inspections in the categories listed in WAC 296-27-16017(3)(a) through (g) are

completed, the department schedules inspections by county. The department selects work places in the most hazardous industries for inspection. The work places are grouped by zip and, each group is ranked by the number of worker hours. The work place with the highest number of worker hours within the lowest zip code is inspected first.

NEW SECTION

WAC 296-27-16023 FREQUENCY OF WITS INSPECTIONS. A workplace as defined in this chapter shall not be scheduled as defined in WAC 296-27-16001 and WAC 296-27-16021 more than once in a three month period.

NEW SECTION

WAC 296-27-16025 ADJUSTMENT FACTORS. The department may depart from its selection system in the following circumstances:

- (1) If an industry is seasonal, an inspection may need to be rescheduled in the peak production period.
- (2) Inspections of industries without fixed work places, such as construction and logging, may not be selected by zip code and number of worker hours because of the difficulty in determining where a particular employer is working on a particular day.

**WSR 81-03-072
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS**
[Filed January 21, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Pilotage Commissioners, intends to adopt, amend, or repeal rules concerning pilotage rates for the Puget Sound and Grays Harbor pilotage districts, amending WAC 296-116-300 and 296-116-185;

that such agency will at 9:00, Thursday, February 26, 1981, in the Conference Room, Washington State Ferries, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place immediately thereafter and also in the same location.

The authority under which these rules are proposed is RCW 88.16.035.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to the hearing, and/or orally at the hearing.

Dated: December 12, 1980
By: Ralph White
Acting Chairman

STATEMENT OF PURPOSE

Title: Pilotage rates for the Puget Sound Pilotage District and the Grays Harbor Pilotage District.

Description of Purpose: The purpose of this rule is to establish the tariffs and rates vessels will be charged for pilotage services.

Statutory authority: RCW 88.16.035.

Summary of rule: Same.

Reasons supporting the proposed action: Rate changes are an annual requirement under the statute. The Board of Pilotage

Commissioners proposes a 5 percent "across the board" rate increase and will make other adjustments to be decided after the hearing. Agency personnel responsible for the Drafting, Implementation and Enforcement: Ralph White, Chairman, Board of Pilotage Commissioners, Pier 52, Seattle, Washington 98104, 464-7816.

Rule is proposed by the Board of Pilotage Commissioners.

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: None.

Whether rule is necessary as a result of federal law or federal or state court action: No.

AMENDATORY SECTION (Amending Order 79-6, Resolution 79-6, filed 3/4/80)

WAC 296-116-185 TARIFFS, AND PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT. The following rates shall become effective on April 1, 1980

CLASSIFICATION OF PILOTAGE SERVICE	RATE
------------------------------------	------

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ~~(\$26.11)~~ \$27.42 per meter ~~((for \$7.97 per foot))~~ or \$8.37 per foot and the tonnage charge shall be ~~(\$666)~~ \$0.720 per net registered ton. The minimum net registered tonnage charge is ~~(\$261.00)~~ \$274.35. The charge for an extra vessel (in case of tow) is ~~(\$163.00)~~ \$171.15.

Boarding Fee:

Per each boarding/deboarding from a boat ... ~~(\$50.00)~~ \$52.50

NOTE: The boarding fee is to finance the purchase of the pilot boat "Chehalis". When the boat is fully amortized, the boarding fee will be terminated.

Harbor Shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage ... ~~((163.00))~~ 171.15
 Delays per hour ... ~~((43.00))~~ 45.15
 Cancellation charge (pilot only) ... ~~((65.00))~~ 68.25
 Cancellation charge (pilot boat only) ... ~~((261.00))~~ 274.35

Travel Allowance:

Boarding or deboarding a vessel off Grays Harbor entrance ... ~~((40.00))~~ 42.00
 Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$200 for each day or fraction thereof, and the travel expense incurred.

Bridge Transit:

Charge for each bridge transited ... ~~((85.00))~~ 89.25

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 60 days of invoice will be assessed at 1% per month late charge. At least a four hour notice shall be given for an arrival, sailing, or change of ETA or ETD.

AMENDATORY SECTION (Amending Order 80-1, Resolution 80-1, filed 5/28/80)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on June 1, 1980.

CLASSIFICATION	RATE
Ship Length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding Fee:	(\$20.00) <u>\$21.00</u>
<p>Per each boarding/deboarding at the Port Angeles Pilot station. Note: The boarding fee is ((to finance the building of the pilot boat Puget Sound and the replacement boat for the pilot boat Pilot. When both boats are fully amortized, the boarding fee will be terminated.)) for amortization and expenses of pilot boats Juan De Fuca and Puget Sound. \$10.50 of the fee shall be for amortization; \$9.50 shall be toward expenses. When both boats are amortized the \$10.50 portion of the boarding fee shall be terminated.</p>	
Harbor Shift - Live Ship (Seattle Port)	LOA Zone I
Harbor Shift - Live Ship (Other than Seattle Port)	LOA Zone I
Harbor Shift - Dead Ship	Double LOA Zone I
Dead Ship Towing Charge:	Double LOA Zone
<p>LOA of tug + LOA of tow + beam of tow Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage((+)), to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.</p>	
Waterway and Bridge Charges:	
<p>Ships up to 90' beam: A charge of (\$93.00) <u>\$97.65</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of (\$44.00) <u>\$46.20</u> per bridge.</p>	
Ships 90' beam and/or over:	
<p>A charge of (\$125.00) <u>\$131.25</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of (\$88.00) <u>\$92.40</u> per bridge. (The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)</p> <p>In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge shall be levied in the amount of a harbor shift only.</p>	
Compass Adjustment	((+25.00)) <u>131.25</u>
Radio Direction Finder Calibration	((+25.00)) <u>131.25</u>
Launching Vessels	((+87.00)) <u>196.35</u>
Trial Trips, 6 hours or less	((50.00)) <u>\$52.50</u> per hr.
((Minimum \$300.00)) (Minimum \$315.00)	
Trial Trips, over 6 hours (two pilots)	((+00.00)) <u>105.00</u> per hr.
Shilshole Bay - Salmon Bay	((73.00)) <u>76.65</u>
Salmon Bay - Lake Union	((58.00)) <u>60.90</u>

CLASSIFICATION	RATE
Lake Union - Lake Washington (plus LOA zone from Webster Point)	((73.00)) <u>76.65</u>
Cancellation Charge	LOA Zone I
Cancellation Charge - Port Angeles (When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I
Docking Delay after Anchoring ((+)) :	((50.00)) <u>\$52.50</u>
<p>Applicable Harbor Shift rate to apply, plus ((50.00)) <u>\$52.50</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$50.00 for every hour or fraction thereof.</p>	
Sailing Delay	((50.00)) <u>\$52.50</u> ((per hour)) per hour
<p>No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ((50.00)) <u>\$52.50</u> for every hour or fraction thereof.</p>	
Slow-Down - ((50.00)) <u>\$52.50</u> per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.	((50.00)) <u>\$52.50</u> per hour
Super Ships - Additional charge to LOA zone mileage of (\$0.0310) <u>\$0.0326</u> a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be (\$1.0372) <u>\$0.991</u> per gross ton.	
Delayed Arrival ((+)) - Port Angeles ((50.00)) <u>\$52.50</u> per hour (When pilot is ordered and vessel does not arrive within two hours without notification of change of ETA ((+)) .)	((50.00)) <u>\$52.50</u> per hour
Transportation to vessels on Puget Sound:	
March Point ((+)) - or Anacortes ((+)) :	((+92.00)) <u>\$96.00</u>
Bangor	((54.00)) <u>56.70</u>
Bellingham	((+0.00)) <u>106.05</u>
Bremerton	((28.00)) <u>29.40</u>
Cherry Point	((+2.00)) <u>117.60</u>
Dupont	((54.00)) <u>56.70</u>
Edmonds	((20.00)) <u>21.00</u>
Everett	((33.00)) <u>34.65</u>
Ferndale	((+1.00)) <u>116.55</u>
Manchester	((42.00)) <u>44.10</u>
Mukilteo	((33.00)) <u>34.65</u>
Olympia	((69.00)) <u>72.45</u>
Point Wells	((20.00)) <u>21.00</u>
Port Gamble	((49.00)) <u>51.45</u>
Port Townsend (Indian Island ((+)))	((70.00)) <u>73.50</u>
Semiahmoo (Blaine)	((+25.00)) <u>131.25</u>
Tacoma	((36.00)) <u>37.80</u>
Tacoma Smelter	((39.00)) <u>40.95</u>
Winslow	((28.00)) <u>29.40</u>
(a) Interport shifts: Transportation paid to and from both points.	
(b) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.	
(c) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.	
(d) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.40 per mile.	
Delinquent payment charge: 1% per month after 60 days from first billing.	
Non Use of Pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage	

fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA RATE SCHEDULE

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

((LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 499	88	137	238	357	481	625
450-459	90	140	240	362	487	628
460-469	92	142	242	368	494	630
470-479	95	145	245	375	497	632
480-489	97	148	247	381	501	635
490-499	100	150	250	388	507	639
500-509	103	153	254	394	510	642
510-519	105	157	257	400	515	644
520-529	107	162	261	403	520	650
530-539	110	165	265	406	527	657
540-549	112	168	269	410	537	662
550-559	115	172	272	415	541	668
560-569	119	177	276	419	546	675
570-579	122	180	280	421	552	681
580-589	126	183	284	424	556	688
590-599	132	187	287	426	562	694
600-609	137	192	291	428	569	699
610-619	144	195	295	432	575	706
620-629	151	198	299	434	582	712
630-639	159	202	302	436	587	719
640-649	166	207	306	439	593	725
650-659	175	210	310	441	600	732
660-669	180	213	314	443	606	737
670-679	185	217	317	450	613	743
680-689	190	222	321	456	619	750
690-699	195	225	325	463	625	763
700-719	205	232	332	469	637	774
720-739	215	240	340	475	650	787
740-759	225	250	347	481	662	800
760-779	235	260	355	487	675	812
780-799	245	270	362	494	688	825
800-819	255	280	370	500	699	838
820-839	265	290	377	507	712	849
840-859	275	300	385	512	725	862
860-879	285	310	392	525	737	875
880-899	295	320	400	538	750	887
900-919	305	330	407	550	763	900
920-939	315	340	415	562	774	913
940-959	325	350	422	575	787	924
960-979	335	360	430	587	800	937
980-999	345	370	437	600	812	950
1000 & over	355	380	445	613	825	962))

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
Up to 499	92	144	250	375	505	656
450-459	95	147	252	380	511	659
460-469	97	149	254	386	519	661
470-479	100	152	257	394	522	664
480-489	102	155	259	400	526	667
490-499	105	157	262	407	532	671
500-509	108	160	267	414	535	674
510-519	110	164	270	420	541	676
520-529	112	170	274	423	546	682
530-539	116	173	278	426	553	690
540-549	118	176	282	430	564	695
550-559	121	180	286	436	568	701
560-569	125	186	290	440	573	709
570-579	128	189	294	442	580	715
580-589	132	191	298	445	584	722
590-599	138	196	301	447	590	729

LOA	ZONE I	ZONE II	ZONE III	ZONE IV	ZONE V	ZONE VI
	Intra Harbor	0-30 Miles	31-51 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
600-609	144	201	306	449	597	734
610-619	151	205	310	454	604	741
620-629	158	108	314	456	611	748
630-639	166	212	317	458	616	755
640-649	174	217	321	461	623	761
650-659	184	221	326	463	630	769
660-669	189	224	330	465	636	774
670-679	194	228	333	472	644	780
680-689	199	233	337	479	650	787
690-699	205	236	341	486	656	801
700-719	215	343	348	492	669	813
720-739	226	252	357	499	682	827
740-759	236	263	364	505	695	840
760-779	247	273	373	511	709	853
780-799	257	284	380	519	722	866
800-819	268	294	388	525	734	880
820-839	278	304	396	532	748	891
840-859	289	315	404	538	761	905
860-879	299	326	412	551	774	919
880-899	310	336	420	565	787	931
900-919	320	346	427	578	801	945
920-939	331	357	436	590	813	959
940-959	341	367	443	604	827	970
960-979	352	378	451	616	840	984
980-999	362	388	459	630	853	997
1000 & over	373	399	467	644	866	1010

**WSR 81-03-073
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed January 21, 1981]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission, intends to adopt, amend, or repeal rules concerning Cause No. T-1429, relating to the amending of WAC 480-04-030 and 480-04-100, relating to the Utilities and Transportation Commission's field section district office addresses and copying costs to the public for copying of public documents. Written and/or oral submissions from interested persons may contain data, views, and arguments concerning the effect of the amendment 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, March 4, 1981, in the Commission Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040(1) and (4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, February 27, 1981, and/or orally at 8:00 a.m., Wednesday, March 4, 1981, Commission Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington.

Dated: January 21, 1981
By: David Rees
Secretary

STATEMENT OF PURPOSE

The rule changes proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 81.01.040(1) and (4), which direct that the commission has authority to implement the provisions of chapter 81.80 RCW, and pursuant to RCW 34.04.030, as rules of the Washington Utilities and Transportation Commission.

The rule changes proposed in respect of the field offices addresses are understandable and necessary. Some of the addresses have changed and in order to make the commission's facilities more available to the public the proper addresses are being inserted.

With respect to the change of the copying cost to the public, the new change is reflective only of increased costs to the commission. In addition, no charges will be levied on copies made numbering less than ten because of administrative convenience and the commission's continuing efforts to increase service to the public.

David Rees, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington (telephone number (206) 753-6512) and members of his staff were responsible for the drafting of the rule changes and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rule is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the adoption is pursuant to legislative authorization reflected in RCW 80.01.040(1) and (4).

The rule changes proposed will affect no economic values. The rule changes proposed are not necessary because of state or federal court action or federal law.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and three copies to the Chief Clerks of the House of Representatives.

APPENDIX A

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

WAC 480-04-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION. (1) Washington Utilities and Transportation Commission. The Washington Utilities and Transportation Commission is a regulatory agency. The administrative offices of the Washington Utilities and Transportation Commission and its staff are located at the Seventh Floor, Highways-Licenses Building, Olympia, Washington 98504.

(a) The commission is limited by RCW 80.01.010 to three (3) members, of whom one (1) member is designated as chairman.

(b) The office of Administrative Manager and Secretary and the Executive Officer are responsible directly to the commission. All departmental divisions and sections normally respond to the commission through the office of Administrative Manager and Secretary. As required on occasion, the following departments may respond directly to the commission: The Hearing Examiners, the Accounting Section, the Administrator of the Utilities Division, and the Administrator of the Transportation Division.

(c) Pursuant to RCW 80.01.100, the Attorney General Division is assigned to the commission to represent the people of the state of Washington and the commission in all actions or proceedings involving any question under Titles 80 and 81 RCW or in reference to any act or order of the commission.

(d) Sections and individuals responsible directly to the Administrative Manager and Secretary are: The Personnel Officer, the Controller, the Data Research and Planning Section, and the Machine Operations Section.

(e) Sections responsible directly to the Utilities Administrator are: The Utilities Tariff Section, the Utilities Finance Section, and the Utilities Engineering Section.

(f) Sections responsible directly to the Administrator of Transportation are: The Transportation Permit and Insurance Section, the Transportation Tariff Section, the Transportation Research Section, the Railroad Section, and the Transportation Enforcement or Field Section.

(2) Field organization.

(a) The Field Section is composed of six (6) districts, each of which is in the charge of a supervisor.

Office	Address	Office Hours
(i) Seattle District No. 1	1231 Andover Park East, Tukwila WA 98188	Mon. thru Fri. 8-5
(ii) Vancouver District No. 1	((510 Esther St. #8)) 110-A "Y" Street P.O. Box 1119 Vancouver, WA 98660	Mon. Thru Fri. 8-5
(iii) Yakima District No. 2	((1 North Ninth St.)) 3006 Main Street ((Yakima, WA 98901)) Union Gap, WA 98903	Mon. thru Fri. 8-5
(iv) Spokane District No. 4	((So. 110 Sheridan)) ((St.)) East 6204 Dean Spokane, WA ((99202)) 99201	Mon. thru Fri. 8-5
(v) Olympia District No. 5	((Restover Truck)) ((Stop)) ((Lathrop Road)) ((P.O. Box 413)) 4320 Martin Way Olympia, WA ((98507)) 98506	Mon. thru Fri. 8-5
(vi) Pasco District No. 6	((1600 North Chase)) 1600-C West Clark Pasco, WA 99301	Mon. thru Fri. 8-5

(b) The various special investigators, investigators and truck inspectors (at ports of entry) in each district are responsible to the district supervisor.

(c) Each district maintains a district office and one or more field offices; the addresses and office hours of the various field offices are available at the district offices and the administrative offices of the commission during customary office hours.

AMENDATORY SECTION (Amending Order R-112, filed 1/11/78)

WAC 480-04-100 COPYING COSTS. ~~((No fee shall be charged for the inspection of public records.))~~ The commission shall charge a fee of ~~((eight))~~ twelve cents per page of copy, ~~((subject to a minimum charge of two dollars for twenty-five or fewer pages, on each occasion on which copies are requested. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying))~~ provided that no charge shall be made for less than ten copies.

WSR 81-03-074
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed January 21, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission, intends to adopt, amend, or repeal rules concerning the amending of WAC 480-12-250 concerning classification of common and contract carriers for purposes of accounting and reporting. The proposed rule as amended is attached as Appendix A, Cause No. TV-1431. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposal 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, March 4, 1981, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 81.01.040[80.01.040] and 81.80.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to February 27, 1981, and/or orally at 8:00 a.m., Wednesday, March 4, 1981, Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

Dated: January 21, 1981
 By: David Rees
 Secretary

STATEMENT OF PURPOSE

The amendment of WAC 480-12-250 is proposed on this date as a permanent rule of the Washington Utilities and Transportation Commission.

WAC 480-12-250 as amended will conform as to Classes III and IV common and contract carriers with the Interstate Commerce Commission classification for purposes of accounting and reporting. The Class III carrier classification is being revised and the Class IV carrier classification is being deleted to accommodate those common and contract carriers who file annual reports with the Washington Utilities and Transportation Commission as well as the Interstate Commerce Commission.

David Rees, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington (telephone number (206) 753-6512) and members of his staff were responsible for the drafting of the proposed rules and are responsible for implementation and enforcement of the amended rule.

The proponent of the rule is the Washington Utilities and Transportation Commission. There are no opponents of the rule who are known to the commission.

There are no comments or recommendations by the commission regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

No federal law or federal or state court action is relied on as showing a necessity for the amendment of WAC 480-12-250.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and three copies to the Chief Clerk of the House of Representatives.

APPENDIX A

AMENDATORY SECTION (Amending Order R-154, Cause No. TV-1404, filed 12/10/80)

WAC 480-12-250 ACCOUNTS—UNIFORM SYSTEM ADOPTED—REPORTS. (1) The "Uniform System of Accounts" adopted by the Interstate Commerce Commission is hereby prescribed for the use of Class I and II Common and Contract Carriers in the state of Washington operating under chapter 81.80 RCW. A "Uniform System of Accounts" is hereby prescribed for the use of Class III ~~((and IV))~~ Common and Contract Carriers in the state of Washington.

(2) Classification of carriers:

(a) For purposes of the accounting and reporting regulations, common and contract carriers of property shall be divided into the following four classes:

- Class I - Carriers having average annual gross operating revenues (including interstate and intrastate) of \$5,000,000 or more from operations as motor carriers of property.
- Class II - Carriers having average annual gross operating revenues (including interstate and intrastate) of \$1,000,000 but less than \$5,000,000 from operations as motor carriers of property.
- Class III - Carriers having average annual gross operating revenues (including interstate and intrastate) of ~~(\$100,000 but)~~ \$1,000,000 or less ~~((than \$1,000,000))~~ from operations as motor carriers of property.
- ~~((Class IV - Carriers having average annual gross operating revenues (including interstate and intrastate) of less than \$100,000 from operations as motor carriers of property.))~~

(b) The class to which any carrier belongs shall be determined by the average of its annual gross operating revenues derived from motor carrier operations as a carrier of property for the past three calendar years.

(c) Any carrier may, at its option, adopt the methods of a group higher than the one in which it falls on the basis of its average annual gross operating revenues. Notice of such action shall be promptly filed with the Commission.

(3) Each Class III ~~((and Class IV))~~ Common or Contract Carrier must secure from the commission a copy of "Uniform System of Accounts" applicable to its business and keep its accounts and other records in conformity therewith to the end that its records may be kept and the annual report required to be filed by it may be compiled in accordance therewith.

(4) For purposes of rendering annual reports, Common and Contract Carriers shall secure from the commission the proper forms and make and file with the commission annual report as soon after the close of the calendar year as possible, but in no event later than April 1st of the succeeding year.

(5) All Class I and Class II Common and Contract Carriers in the state of Washington shall file, in addition to the annual report referred to herein, quarterly reports on forms which they shall secure from the commission for that purpose. Each such report shall be submitted to the commission within 30 days after the close of the period which it covers.

(6) Registered carriers operating exclusively in interstate or foreign commerce shall not be required to file annual or quarterly reports.

(7) Annual reports filed by carriers holding Garbage and/or Refuse Collection Certificates and Common and/or Contract Carrier Permits must comply with reporting requirements provided in WAC 480-70-230.

WSR 81-03-075
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1589—Filed January 21, 1981]

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 chore services for disabled adults, adopting WAC 388-15-217.

This action is taken pursuant to Notice No. WSR 80-17-003 filed with the code reviser on November 7, 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 the Department of Social and Health Services, as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED January 21, 1981.

By N. S. Hammond
Executive Assistant

NEW SECTION

WAC 388-15-217 CHORE SERVICES FOR EMPLOYED DISABLED ADULTS. (1) Notwithstanding other provisions of WAC 388-15-210 through 388-15-215, employed disabled adults shall be eligible for chore services as provided in this section, with cost participation, as authorized by RCW 74.08.570.

(2) The following definitions shall apply for purposes of this section:

(a) "Employed" means engaged on a regular monthly basis in any work activity for which monetary compensation is obtained.

(b) "Total income" is the sum of an applicant's unearned income plus gross earned income.

(3) To be eligible for chore services under this section, an applicant/recipient must meet all of the following conditions:

(a) Be eighteen years of age or older.

(b) Be a resident of the state of Washington.

(c) Be determined by the department to be disabled as specified in subsection (4) of this section.

(d) Be willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

(e) Be employed.

(f) Have chore service need as determined by the department using the client review questionnaire. See subdivision (8)(a) of this section.

(g) Not have unearned income exceeding the maximum income standard for receipt of Title XX chore services by applicants ineligible for this section. (Refer to WAC 388-15-020.)

(h) Not have resources exceeding the limitations specified in WAC 388-17-160(4).

(i) Promptly report to the department in writing any changes in income or resources which may effect eligibility.

(j) Agree to pay all chore services costs beyond the state's contribution as determined in accordance with subsection (5) of this section.

(4) For purposes of this section, an applicant is disabled if either of the following conditions is satisfied:

(a) The applicant previously has been determined "disabled" for the purpose of receiving Social Security Disability Insurance (SSDI) or Supplemental Security Income (SSI) or Federal Aid Medical Care Only (FAMCO), and the department determines that there has been no appreciable improvement in the applicant's disabling condition(s) since that disability determination was made.

(b) The applicant is determined by the department to have a medically determinable physical or mental impairment which, except for the applicant's ability to perform gainful activity, is comparable in severity to a disability which would qualify an applicant for medical assistance related to Title XVI under WAC 388-92-015(3)(c).

(5) The department shall use the following method in determining the portion of the applicant's chore service need which will be paid by the department and the amount to be paid by the applicant's cost participation:

(a) Determine the applicant's total income (earned plus unearned). Earned income from self-employment, when applicable, shall be computed using the same rules as are established in WAC 388-28-520.

(b) Deduct the applicant's allowable work related expenses as determined by the department according to subsection (7) of this section.

(c) Deduct the maximum income level permitted for a person with the same family size as the applicant under the income standard for Title XX chore services (without participation) under WAC 388-15-020(1)(e)(i) and 388-15-020(2).

(d) If the remainder, following steps (a) through (c) of this subsection, is equal to or less than zero, the department shall pay the full authorized cost of chore services as determined by the department according to subsection (8) of this section.

(e) If the remainder, following steps (a) through (c) of this subsection, is greater than zero, the applicant shall pay one-half of this remainder as cost participation. The department shall pay the difference between the full authorized cost of chore services as determined according to subsection (8) of this section and the applicant's cost participation amount.

(f) This calculation determines the maximum payment the department shall make for any month. If fewer

hours are worked than the maximum chore service need determined according to subdivision (8)(a) of this section, the department's actual payment shall be prorated.

(6) The department shall pay its share of chore service costs to the client following receipt of documentation that the services were provided. If less service is verified in any month than the maximum authorized, the department shall pay a prorated portion of its share of cost. The client shall employ the chore service worker and shall pay the worker the full amount due for services rendered. If the client receives services exceeding those authorized by the department, or agrees to a rate of pay exceeding that authorized by the department, the client shall be responsible for paying the amount exceeding the department's authorized service cost.

(7) An applicant's work related expenses shall be computed by the department as follows:

(a) Work related expenses shall be deducted in accordance with the "percentage method" or the "actual method," whichever is chosen by the client.

(b) If the client chooses the "percentage method," twenty percent of the gross earned income shall be deducted.

(c) If the client chooses the "actual method," the actual cost of each work related expense shall be deducted. This method shall be used only when the client provides written verification of all work related expenses claimed.

(d) When determined by the "actual method," allowable work expenses shall consist of:

(i) The same work related expenses as are listed in WAC 388-28-515(5), with the exception that expenditures for rental cars shall not be considered work related expenses under this section.

(ii) When appropriate, actual expenditures by the client for child care which is essential to continued employment shall be deducted as work expenses, up to the maximum amount which would be authorized for an applicant with similar employment hours, child care arrangements and child care provider who was eligible under WAC 388-15-170.

(e) Even if verified, work related expenses shall not be counted in excess of the applicant's gross earned income.

(f) The client shall have the option to change methods whenever he/she reports income to the CSO.

(8) The department shall determine the applicant's authorized chore service cost as follows:

(a) Using the client review questionnaire, determine chore service need following the same rules as would apply for Title XX chore services clients without cost participation.

(b) Calculate the authorized cost of these needed chore services based on hourly or monthly payment rates as authorized for Title XX chore service individual provider clients in that CSO catchment area.

WSR 81-03-076
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 1590—Filed January 21, 1981]

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 Furlough of person confined in state correctional institution—Who may apply, amending WAC 275-93-040.

This action is taken pursuant to Notice No. WSR 80-17-018 filed with the code reviser on November 13, 1980. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.66.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 21, 1981.

By N.S. Hammond
Executive Assistant

AMENDATORY SECTION (Amending Order 805, filed 5/31/73)

WAC 275-93-040 FURLOUGH OF PERSON CONFINED IN STATE CORRECTIONAL INSTITUTION—WHO MAY APPLY. (1) Any resident may apply for a furlough provided that

(a) he is in or eligible for minimum security classification,

(b) if sentenced to serve a mandatory minimum term a waiver from the board of prison terms and paroles has been secured, or there is only six months left to serve on such mandatory minimum term,

(c) his minimum term has been fixed by the board of prison terms and paroles,

(d) if he has a detainer pending, approval of the detaining agency must be secured. Other jurisdictions may provide approval on a class of applicants, for example, all those otherwise approved by this state, in lieu of action on individual applications.

(2) A resident must have served a minimum amount of time prior to the commencement of the furlough. He will be considered to have served a minimum amount of time if

(a) the furlough begins not sooner than six months after incarceration at the institution of present confinement. If he has been transferred to the institution for medical care or to participate in an educational or training program, the six-month period may be waived.

(b) he is a resident of an honor camp or work release unit and the time spent in this unit and in prior institutions of confinement totals six months.

(c) he is serving a sentence under twelve months and has served a minimum of ninety days, and the furlough

does not begin earlier than six months prior to his expected release or scheduled parole hearing.

(3) Persons convicted of rape in the first degree shall not be eligible to participate in the furlough program at any time during the first three years of confinement.

WSR 81-03-077
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE
[Filed January 21, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules pertaining to Student Responsibilities, amending WAC 132H-120-200;

that such institution will at 1:30 p.m., Tuesday, March 10, 1981, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Tuesday, March 10, 1981, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

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

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to March 10, 1981, and/or orally at 1:30 p.m., Tuesday, March 10, 1981, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: January 20, 1981
By: Thomas E. O'Connell
Secretary, Board of Trustees

STATEMENT OF PURPOSE

Description of Purpose: Amendment to the Student Code of Community College District VIII is necessary for the purpose of clarification of rules pertaining to drugs.

Statutory Authority: RCW 28B.50.140.

Summary of Rule: The Student Code of Community College District VIII speaks to appropriate conditions for an atmosphere of learning and self-development. The rights, freedoms and responsibilities addressed in the Student Code of Community College District VIII are critical ingredients toward the free, creative and spirited educational environment to which the students, faculty and staff of Bellevue Community College are committed.

Reasons Supporting Proposed Action: The reason for amending this section of the Student Code of Community College District VIII is to be consistent with law enforcement agencies in terminology.

Agency personnel responsible for drafting, implementation and enforcement: Thomas E. O'Connell, President, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, 641-2301 (SCAN 334-2301)

Person or organization proposing rule, and whether public, private or governmental: Board of Trustees, Bellevue Community College, Public.

Institution comments or recommendations, if any: None.

Rule necessary as result of federal law or federal or state court action: No.

AMENDATORY SECTION (Amending Order 71, filed 11/6/80)

WAC 132H-120-200 STUDENT RESPONSIBILITIES. Any student shall be subject to disciplinary action who either as a principal actor or aide or abettor: (1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) Violates any provision[s] of this chapter; or

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

(a) Possessing or consuming any form of liquor or alcoholic beverage except as a participant of legal age in a student program, banquet or educational program which has the special written authorization of the college President or his designee.

(b) Procedural guidelines for liquor policy implementation are as follows:

(i) When approved by the President or his designee, alcoholic beverages may be served by a recognized student organization, college administrative unit or a community organization. Such groups must adhere to the stipulation of building use policies (WAC 132H-140) and fully meet all laws, rules and regulations as set forth in the Washington State Liquor Control Board regulations RCW 66.20.010, which permits consumption of spirits.

(ii) Approval for the serving of alcoholic beverages must be requested at least seven (7) calendar days prior to the date of use. A student organization request (Form 010-116 6-78) must be filed with the Office of the Dean for Student Services and Development. If, in the judgment of the Dean for Student Services and Development, the request is congruent with the best interests of the student group and the college, the Dean will forward the request to the President for final approval. All other requests (Form 010-116 6-78) shall be filed with the Office of the President. The request shall be approved or denied at least three (3) calendar days prior to the proposed event. The application for utilization of alcoholic beverages must be completed by an authorized representative who accepts responsibility for compliance with the college and other governmental rules and regulations, where applicable, and agrees to be present at the function. The Associate Dean for Student Programs and Activities or designee shall be available at all student functions involving alcoholic beverages and is empowered to make decisions that might arise covering college policies or procedures.

(iii) Upon approval for the use of alcoholic beverages at Bellevue Community College, it shall be the responsibility of the sponsor to obtain all necessary licenses from the Washington State Liquor Control Board and to display such licenses at the time of the event.

(iv) Banquet events (sit-down dinners) are recognized as different in nature from student program events. At student program events, permission to serve alcoholic beverages shall be restricted to beer and light wine and food appropriate for the event must be available. Banquet events shall be approved in accordance with Washington State Liquor Control Board regulations RCW 66.20.010 which permits the consumption of spirits.

(v) The matrix shall be set aside as the only location for the sale and/or consumption of beer and wine at student program-sponsored events.

(vi) A driver's license with picture or a Washington State Liquor Control Board identification card are the only acceptable identification sources in determining legal age.

(vii) The policing of identification cards shall be the responsibility of campus security if the function is a student program sponsored event.

(viii) No person who is under the influence of alcohol or dangerous substances or who is disorderly in conduct shall be allowed to serve, consume or dispense alcoholic beverages.

(ix) All sales and use of alcoholic beverages shall be governed by the Washington state law as interpreted by the Washington State Liquor Control Board. The regulation shall be posted outside of the room where alcoholic beverages are consumed.

(x) No alcoholic beverages may be consumed outside the approved area for the event (building, room, etc.).

(xi) Non-alcoholic beverages shall be available to persons under the legal age at all events where alcoholic beverages are permitted.

(xii) No state monies shall be used to purchase any alcoholic beverages or to pay any license fees or related expense. All revenues generated by the sale of alcoholic beverages shall be processed in accordance with normal college policy and procedures.

(xiii) To insure variety in programming, the use of alcoholic beverages shall be approved for only a limited number of major collegewide activities.

(c) Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101 now law or hereafter amended, or any dangerous drug as defined in RCW 69.50.308 as now law or hereafter amended, except when the use of possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 29.04.005 as now law or hereafter amended.

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

(e) Forgery, as defined in RCW 9.44.010 of any district record of instrument or tendering any forged record of instrument to any employee or agent of the district acting in his official capacity as such.

(f) Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearing, meetings, the education and administrative functions of the college, or the private rights and privileges of others.

(g) Intentionally destroying or damaging any college facility or other public or private real or personal property.

(h) Failure to comply with directions of properly identified college officials acting in performance of their duties.

(i) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

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

(k) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities of the college campus, except for authorized college purposes or for law enforcement officers unless written approval has been obtained from the Dean for Student Services and Development; or any other person designated by the President.

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

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

(n) Being under the influence of liquor or alcoholic beverages or narcotic drugs while on college property or while participating in any college program, class or event or while in attendance in any class or college-sponsored or supervised activity.

Reviser's Note: RCW 28B.19.077 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 81-03-078

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Medical Examiners)

[Order PL 368—Filed January 21, 1981]

Be it resolved by the Washington State Board of Medical Examiners, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to physician assistant registration, supervision, classification, emergency administration of Schedule II narcotics, and mandatory continuing medical education.

This action is taken pursuant to Notice No. WSR 80-18-049 filed with the code reviser on 12/3/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.71A-.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 January 16, 1981.

By M. N. Surtees Carlson, M.D.
Chairperson

NEW SECTION

WAC 308-52-132 EMERGENCY NARCOTIC ADMINISTRATION. (1) When approved by the board in the physician assistant utilization plan, a physician may issue a standing written order, authorizing his or her physician assistant to administer a Schedule II narcotic controlled substance to the physician's patient in severe pain as an emergency pain relieving measure while efforts are being made to contact a physician or transport the patient for further emergency medical care.

(2) The authorization shall only be for the direct administration of a narcotic to a patient in an emergency. A physician must personally issue any prescription for Schedule II controlled substances which are not directly administered to a patient in an emergency pursuant to this regulation.

(3) A record of the emergency narcotic administration shall be maintained which shall include the date, time, patient's name, name of the physician assistant, name and strength of narcotic drug administered and nature of emergency.

AMENDATORY SECTION (Amending Order PL 285, filed 3/14/78)

WAC 308-52-138 PHYSICIAN((S)) ASSISTANTS—PROGRAM APPROVAL. No physician shall be entitled to register a physician((S)) assistant who has not successfully completed a program of training approved by the board in accordance with these rules.

(1) Standards. The board will establish standards by which programs designed to produce the various types of

physician((~~s~~)) assistants shall be judged. If the council of medical education of the American medical association has defined "essentials" for such program, these shall be regarded as minimal criteria.

(2) Procedure.

(a) In order for a program for training physician((~~s~~)) assistants to be considered for approval by the board, the director of the program shall submit to the board a description of the course of training offered, including subjects taught and methods of teaching, entrance requirements, clinical experience provided, etc. The director of the program shall also advise the board concerning the medical skills which are attained in such course, and the methods by which the proficiency of the students in those skills was tested or ascertained. The board may require such additional information from program sponsors as it desires.

(b) The board will approve programs in terms of the skills attained by its graduates (~~((according to the classification system defined in WAC 308-52-137. Programs training type B and type C assistants shall be subdivided according to))~~) and the specialty for which the physician((~~s~~)) assistant is trained.

(c) Reapproval. Each approved program will be reexamined at intervals, not to exceed three years. Approval will be continued or withdrawn following each reexamination.

(d) Registry. A registry of approved programs shall be maintained by the board at the division of professional licensing in Olympia, Washington, which shall be available upon request to interested persons.

AMENDATORY SECTION (Amending Order PL 353, filed 10/8/80)

WAC 308-52-139 PHYSICIAN ASSISTANTS—REGISTRATION. (1) Classification. Each physician assistant will be classified (~~((as type A, B, or C, depending upon))~~) according to his or her training. (~~((Type B and type C assistants will be subdivided according to specialty or function:))~~)

(2) Registration Procedure. All applications shall be made to the board on forms supplied by the board. Applications shall be submitted 30 days prior to the meeting of the board in which consideration is desired. Applications shall be made jointly by the physician and the assistant. An application which clearly meets the board's requirements may receive interim approval by a designated board member providing the physician supervisor is licensed and in good standing in the state of Washington and that evidence is submitted to document the required education and training of the physician assistant. Such interim approval shall be subject to final action by the board at its next regular meeting.

(3) Registration renewal. Each registered assistant and the registering physician shall be required to submit an application for renewal of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board. A current statement of utilization, skills and supervision shall be included in the application. Registration renewals will be issued to expire on the physician assistant's next birth anniversary date.

(4) Change of Registration. In the event that a physician assistant who is currently registered desires to become associated with another physician, such transfer may be accomplished administratively with the approval of ~~((the chairman))~~ a member of the board, providing that the new physician supervisor is licensed and in good standing in the state of Washington and that evidence is submitted to document the continuing competence of the physician assistant. (~~((This action shall be subject to approval by the board as a whole at its next regular meeting:))~~) Application for transfer of registration shall be made on forms provided by the board and may also be considered at any regular meeting of the board.

(5) Utilization Plan. The application for registration of a physician assistant must include a detailed plan describing the manner in which the physician assistant will be utilized. The board will grant specific approval for the tasks which may be performed by the assistant based upon the curriculum of the program from which the assistant graduated as contained in the files of the board. No assistant shall be registered to perform tasks not contained in the program approval unless evidence satisfactory to the board is submitted demonstrating that he has been trained in that function and his competence has been properly and adequately tested. Request for approval of newly acquired skills may be considered at any regular meeting of the board.

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 PL 285, filed 3/14/78)

WAC 308-52-140 PHYSICIAN((~~S~~)) ASSISTANTS—UTILIZATION. (1) Limitations, Number.

(a) No physician shall supervise more than one graduate physician((~~s~~)) assistant (~~((categorized as type A or B))~~) without special authorization by the board.

(b) The number of ~~((type C))~~ physician((~~s~~)) assistants who may be supervised by a single physician shall be ~~((set individually for each category))~~ established by the board.

(2) Limitations, Geographic.

(a) No physician((~~s~~)) assistant shall be utilized in a place geographically separated from the supervising physician's primary place for meeting patients without the express permission of the board. The "primary place for meeting patients" shall be defined to include the physician's office, the institution(s) in which his patients are hospitalized or the homes of patients for whom a physician-patient relationship has already been established.

(b) Special permission may be granted to utilize a ~~((type A))~~ physician((~~s~~)) assistant in a place remote from the physician's primary place for meeting patients if:

(i) There is a demonstrated need for such utilization.

(ii) Adequate provision for immediate communication between the physician and his physician((~~s~~)) assistant exists.

(iii) A mechanism has been developed to provide for the establishment of a direct patient-physician relationship between the supervising physician and patients who may be seen initially by the physician((¹s)) assistant.

(iv) The responsible physician spends at least one-half day per week in the remote office.

(v) The provisions of WAC 308-52-141(2) are met.

(3) Limitations, Hospital Functions. A physician((¹s)) assistant working in or for a hospital, clinic or other health organization shall be registered and supervised by a supervising physician in the same manner as any other physician((¹s)) assistants and his functions shall be limited to those specifically approved by the board. His responsibilities, if any, to other physicians must be defined in the application for registration.

(4) Limitations, Trainees. An individual enrolled in a training program for physician((¹s)) assistants may function only in direct association with his preceptorship physician or a delegated alternate physician in the immediate clinical setting or, as in the case of specialized training in a specific area, an alternate preceptor approved by the program. They may not function in a remote location or in the absence of the preceptor.

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 PL 285, filed 3/14/78)

WAC 308-52-141 PHYSICIAN((¹s)) ASSISTANTS—RESPONSIBILITY OF SUPERVISING PHYSICIAN. It shall be the responsibility of the supervising physician to insure that:

(1) The best interests of his patients are served by the utilization of a physician((¹s)) assistant.

(2) Adequate supervision and review of the work of the physician((¹s)) assistant is provided.

(a) The supervising physician shall review and countersign ((at least weekly at)) pertinent notes and orders concerning patient care provided by the physician((¹s)) assistant, if such care is rendered without direct consultation with the physician ((and shall countersign all notes made by the physician's assistant.)) The time period for such review and countersignature shall be established in the utilization plan and will depend upon the practice setting. Patient charts which reflect physician assistant care rendered with direct physician consultation need not be countersigned.

(b) In the temporary absence of the supervising physician, the physician((¹s)) assistant may carry out those tasks for which he is registered, if the supervisory and review mechanisms noted above are provided by a delegated alternate physician supervisor.

(c) The physician((¹s)) assistant may not function as such if these supervisory and review functions are impossible.

(3) The physician((¹s)) assistant employed by him, at all times when meeting or treating patients, wears an identifying badge in a prominent place on his person identifying him as a physician((¹s)) assistant.

(4) No physician's assistant in his employ advertises himself in any manner which would tend to mislead the public generally or the patients of the physician as to his role.

(5) The physician's assistant in his employ performs only those tasks which have been authorized by the board. If the physician((¹s)) assistant is being trained to perform additional tasks beyond those authorized, such training may be carried out only under the direct, personal supervision of the supervising physician or a qualified person designated by him.

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

NEW SECTION

WAC 308-52-201 GENERAL CONTINUING MEDICAL EDUCATION REQUIREMENTS. (1) All registered physician assistants will be required to show evidence of fifty credit hours of continuing medical education by their registration renewal date in 1982.

(2) In lieu of fifty hours of continuing medical education the board will accept a current certification with the American Academy of Physician Assistants and will consider approval of other programs as they are developed.

(3) If a registered physician assistant fails to meet the requirements because of illness or other extenuating circumstances, each case will be considered by the board on an individual basis. When circumstances justify it, the board may grant an extension of time.

NEW SECTION

WAC 308-52-205 CATEGORIES OF CREDITABLE CONTINUING MEDICAL EDUCATION ACTIVITIES. (1) The board approves the following categories of creditable continuing medical education activities for physician assistants. A minimum of twenty credit hours must be earned in category I.

Category I Continuing medical education activities with accredited sponsorship

Category II Continuing medical education activities with nonaccredited sponsorship and other meritorious learning experience

(2) The board adopts the standards approved by the American Academy of Physician Assistants for the evaluation of continuing medical education requirements in determining the acceptance and category of any continuing medical education experience.

NEW SECTION

WAC 308-52-211 CONTINUING MEDICAL EDUCATION CLOCK HOUR CREDIT REQUIREMENT. (1) The credits must be earned in the year preceding application for renewal of registration.

(2) One clock hour shall equal one credit hour for the purpose of satisfying the fifty hour continuing medical education requirement.

NEW SECTION

WAC 308-52-215 PRIOR ACTIVITY APPROVAL NOT REQUIRED. (1) It will not be necessary for a physician assistant to inquire into the prior approval of any continuing medical education. The board will accept any continuing medical education that reasonably falls within these regulations and relies upon each individual physician assistant's integrity in complying with this requirement.

(2) Continuing medical education program sponsors need not apply for nor expect to receive prior board approval for a formal continuing medical education program. The continuing medical education category will depend solely upon the accredited status of the organization or institution. The number of creditable hours may be determined by counting the contact hours of instruction and rounding to the nearest quarter hour. The board relies upon the integrity of program sponsors to present continuing medical education for physician assistants that constitutes a meritorious learning experience.

NEW SECTION

WAC 308-52-221 CERTIFICATION OF COMPLIANCE. (1) In conjunction with the application for renewal of registration a physician assistant shall submit an affidavit of compliance with the fifty hour continuing medical education requirement on a form supplied by the board.

(2) The board reserves the right to require a physician assistant to submit evidence in addition to the affidavit to demonstrate compliance with the fifty hour continuing medical education requirement. Accordingly, it is the responsibility of a physician assistant to maintain evidence of such compliance.

REPEALER

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

- WAC 308-52-137 PHYSICIANS' ASSISTANTS—CLASSIFICATION.
WAC 308-52-144 PHYSICIANS' ASSISTANTS—SIMULTANEOUS REGISTRATION OF TYPE C ASSISTANTS.

WSR 81-03-079

ADOPTED RULES

DEPARTMENT OF LICENSING

(Board of Medical Examiners)

[Order PL 369—Filed January 21, 1981]

Be it resolved by the Washington State Board of Medical Examiners, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the procedure and criterion for approving applications for physician licenses.

This action is taken pursuant to Notice No. WSR 80-18-053 filed with the code reviser on 12/3/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.71.017 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 16, 1981.

By M. N. Surtees Carlson, M.D.
Chairperson

AMENDATORY SECTION (Amending Order PL 240, filed 2/19/76)

WAC 308-52-040 FOREIGN MEDICAL GRADUATES. (1) Except in unusual circumstances, which shall be considered individually by the board, all graduates of foreign medical schools who were not licensed in another state prior to 1958 must have obtained the certificate granted by the educational council for foreign medical graduates or must qualify for exemption as provided for in other sections of these rules and regulations.

(2) A United States citizen or resident alien who has obtained his medical education in a medical school outside the United States, Canada, or Puerto Rico shall be eligible for licensure in the state of Washington if he has satisfied the following requirements:

(a) Has completed all of the formal academic requirements for graduation from a medical school outside the United States, provided that such medical school provides a resident course of professional instruction equivalent to that required under RCW 18.71.055 for approval of United States and Canadian schools. An internship and/or social service in a foreign country shall not be considered to be a part of the formal academic requirements.

(b) Has successfully completed one academic year of supervised clinical training in a program approved by the board. Approval of such program shall be based on the following requirements:

(i) The program shall be sponsored by a board-approved United States medical school.

(ii) The school must provide supervision equivalent to that given undergraduate medical students.

(iii) Admission to such a program shall be contingent upon review of the applicant's academic achievement, completion of the formal academic curriculum of the foreign medical school, and the attainment of a score satisfactory to the medical school in a qualifying examination acceptable to the board such as part 1 of the national board examination, or day-1 of flex examination, or the ECFMG examination.

(iv) The program must include experience in each of the major clinical disciplines.

(c) Has completed the postgraduate clinical hospital training required by the board of all applicants for licensure.

(d) Has passed the examination required by the board of all applicants for licensure.

(3) Satisfaction of the requirements of section (2) of these rules and regulations shall substitute for the completion of any foreign internship and/or social service required by the foreign medical school or government as a condition to the awarding of a medical degree or licensure, and no such requirements shall be a condition of licensure as a physician in this state.

(4) Certification by the ECFMG shall not be a condition of licensure as a physician in this state for candidates who have successfully completed the requirements of section (2) of these rules and regulations.

(5) All persons issued a license to practice medicine and surgery by the board of medical examiners shall possess all the rights and privileges thereof, including the use of the title "doctor of medicine" and the initials "M.D."

(6) Graduates of foreign medical schools who do not qualify for licensure under these rules and regulations will be required to meet the rules previously adopted by the board.

AMENDATORY SECTION (Amending Order PL 278, filed 11/16/77)

WAC 308-52-120 APPROVED UNITED STATES AND CANADIAN MEDICAL SCHOOLS. For the purposes of the Medical Practice Act the board approves those medical schools listed as accredited medical schools in the United States set forth in Appendix II, Table I, and as accredited schools in Canada set forth in Appendix III, Table I, as published in the Journal of the American Medical Association for (~~December 27, 1976~~) March 7, 1980.

NEW SECTION

WAC 308-52-255 POST GRADUATE MEDICAL TRAINING DEFINED. For the purposes of this chapter, post graduate medical training shall be considered to mean clinical training approved by the Board in general medicine or surgery, or a recognized specialty or sub-specialty in the field of medicine or surgery. The training must be acquired after completion of a formal course of under-graduate medical instruction outlined in RCW 18.71.055. This definition shall be considered to include, but not be limited to, internships, residencies and fellowships in medical or surgical subjects.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 308-52-020 REQUIREMENT FOR PROCESSING RECIPROCAL APPLICATIONS.
- WAC 308-52-110 RECIPROCITY OR WAIVER APPLICATIONS FOR LICENSE.
- WAC 308-52-250 INTERNSHIP DEFINED.

WSR 81-03-080 PROPOSED RULES DEPARTMENT OF ECOLOGY

[Filed January 21, 1981]

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 Tacoma, City of, amending WAC 173-19-3514;

that such agency will at 7:00 p.m., Thursday, February 26, 1981, in the Tacoma Public Utilities Administration Building Auditorium, 3628 South 35th, Tacoma, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, March 17, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowsix, 4224 Sixth Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1981, and/or orally at the above hearing.

Dated: January 21, 1981

By: John F. Spencer
Acting Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-3514 Tacoma, City of.

Description of purpose: Adoption of revised shoreline master program into the State Master Program, chapter 173-19 WAC.

Statutory authority: RCW 90.58.120 and 90.58.200.

Summary of rule: The amendment adopts a revision to the shoreline master program for the City of Tacoma.

Reasons supporting proposed action: Shoreline master programs and revisions thereto are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency personnel responsible for drafting, implementation and enforcement: Susan Wenke, Department of Ecology (PV-11), Olympia, WA 98504, 753-4388.

Person or organization proposing rule, and whether public, private, or governmental: Department of Ecology - state government.

Agency comments or recommendations regarding statutory language, implementation, enforcement, fiscal matters: None.

Whether rule is necessary as a result of federal law or federal or state court action: (If so, attach copy of law or court decision.)
No.

AMENDATORY SECTION (Amending Order DE 80-10, filed 3/18/80)

WAC 173-19-3514 TACOMA, CITY OF. City of Tacoma master program approved April 5, 1977. Revision approved December 5, 1979. Revision approved March 17, 1981.

WSR 81-03-081
ADOPTED RULES
INSURANCE COMMISSIONER
STATE FIRE MARSHAL
[Order FM 81-1—Filed January 21, 1981]

I, Richard G. Marquardt, Insurance Commissioner and State Fire Marshal, do promulgate and adopt at the State Modular Office Building, Olympia, Washington 98504, the annexed rules relating to transient accommodations, standards for fire protection, chapter 212-52 WAC.

This action is taken pursuant to Notice Nos. WSR 80-09-074, 80-13-009 and 80-16-043 filed with the code reviser on 7/18/80, 9/5/80 and 11/3/80. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.62.290 and 48.48.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 15, 1981.

By Richard G. Marquardt
Insurance Commissioner and
State Fire Marshal

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-001 PURPOSE. (~~The purpose of~~) This regulation ((is to)), promulgated pursuant to the authority contained in RCW 70.62.290, establishes the minimum fire and life safety standards necessary for obtaining state fire marshal approval for ((licensing)) buildings or portions thereof, which are licensed or applying for licensure as transient accommodations.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-005 DEFINITIONS. (~~Transient accommodation:))~~ The following definitions shall apply when used in this regulation:

(1) "Approved" as to fire protection systems, assemblies, and devices shall mean approved by the state fire marshal as the result of tests conducted by him, or by reason of accepted principals or tests by national authorities, technical or scientific organizations.

(2) "Audible" shall mean loud enough to be heard. (Webster's New World Dictionary.)

(3) "Automatic-closing" refers to a fire assembly which may remain in an open position, and which will close automatically if subjected to an increase in temperature or actuation of smoke detector. Fusible links are not permitted on exit doors.

(4) "Central station office" shall mean an office to which remote alarm and supervisory signalling devices are connected, where personnel are in attendance at all times to supervise the circuits and investigate signals.

(5) "Exit" is a continuous and unobstructed means of egress to a public way, and shall include intervening doors, doorways, corridors, exterior exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit courts and yards.

(6) "Fire assembly" refers to the assembly of a fire door, fire windows or fire dampers, including all required hardware, anchorage, frames and sills.

(7) "Fire-resistive construction" shall mean the type of construction which meets recognized standard fire test conditions, measured in accordance with a common standard, normally expressed in hours or increments thereof, applicable to a variety of materials, situations and conditions of exposure.

(8) "Interior finish" shall mean interior wainscoting, panelling, or other finish applied structurally or for decoration, acoustical correction, surface insulation, or similar purposes. Interior finish materials are classified numerically, based on their exposure to and reactions in specified fire tests. The numerical classes are referred to as "flame-spread classifications."

(9) "Licensee" is the person, firm or corporation to whom the transient accommodation license is issued.

(10) "Licensing agency" shall mean the Washington state department of social and health services.

(11) "Lobby" shall mean an anteroom, a large vestibule, or the main floor circulation center of a hotel.

(12) "Self-closing" refers to a fire assembly which is kept in a normally closed position, and is equipped with an approved device to ensure closing and latching after having been opened for use.

(13) "State Building Code Act" refers to chapter 19-27 RCW, effective January 1, 1975, which establishes statewide building and fire prevention codes, and mandates enforcement by each city, town and county.

(14) "Transient accommodation, as defined in chapter 70.62 RCW," shall mean any facility such as a hotel, motel, resort, condominium, ((rooming house)) or any other facility or place offering three or more lodging units to travelers and transient guests ((for periods of less than one month)).

NOTE: Section 248-144-020 WAC supplements above definition by indicating that the three or more lodging units are offered "for periods of less than one month."

((Licensing agency: Licensing agency shall mean the Washington state department of social and health services:))

NEW SECTION

WAC 212-52-012 APPLICATION AND SCOPE.
All buildings or portions thereof licensed as transient

accommodations shall comply with the fire and life safety standards as specified in this regulation.

EXCEPTIONS: (1) Transient accommodations designed and constructed after the effective date of this regulation shall, in addition to meeting the requirements of the current Uniform Building Code adopted for state-wide use by the State Building Code Act, comply with the following sections of this regulation: WAC 212-52-050 or the exceptions thereto, WAC 212-52-075(1), 212-52-105, 212-52-110, 212-52-115 and 212-52-120.

(2) Transient accommodations built and maintained to conform to the requirements of the codes adopted by reference in the State Building Code Act or a more recent edition of the Uniform Building Code, and for which a certificate of occupancy has been issued by the local building official, are exempt from compliance with this regulation. A copy of the certificate of occupancy shall be provided to the state fire marshal to verify compliance with the requirements of the building code.

(3) Transient accommodations inspected and approved as meeting the fire and life safety requirements of chapter 212-52 WAC, adopted pursuant to Administrative Order FM-77-3, filed December 8, 1977, shall be deemed in compliance with this regulation: **PROVIDED**, That,

(a) The fire and life safety standards of the specified regulation have been maintained; and

(b) The continued use of the building as a transient accommodation is not dangerous to life.

(4) Transient accommodations located within a municipality which have been exempted from compliance with this regulation, based on a written agreement between the municipality and the state fire marshal's office.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-020 EXEMPTION((S)) FROM ((STANDARDS)) COMPLIANCE WITH THIS REGULATION—APPLICATION, PROCEDURE, REVIEW. (1) Upon receipt of written application for exemption, municipalities having comprehensive regulatory programs covering transient accommodations which provide fire and life safety standards equal to or ((equivalent to)) more restrictive than the standards established by this regulation, may be exempted from compliance with ((these standards)) this regulation.

(2) The state fire marshal shall provide the exempted municipality with a list of transient accommodations within their jurisdiction. The exempted municipality shall certify those facilities approved for licensing as transient accommodations based on compliance with local fire and life safety requirements or written agreements necessary to bring the facility up to requirements.

(3) The state fire marshal shall review the exemption program within exempted municipalities at two year intervals.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-025 INSPECTIONS((, —REINSPECTIONS, APPROVALS)). (1) ((All transient accommodations shall be inspected by either the state fire marshal or the exempted municipality to determine the level of compliance with minimum fire and life safety standards:

(2) The names of facilities found to be in compliance with the minimum fire and life safety standards shall be forwarded to the licensing agency for licensing approval.

(3) Violations of the standards shall be noted, in writing, and a reasonable time specified for correction of deficiencies noted:

(4) Reinspections shall be accomplished as close to the specified reinspection date as practicable. Continuing violations which bear no evidence of corrective action shall be noted, and include a warning that the licensing agency shall issue a notice of license denial, revocation or suspension fifteen days hence, unless prompt corrective action is taken.)) Upon receipt of an application for a license, or at least ninety days prior to the expiration date of a current license, the licensing agency shall submit a written request for inspection to the state fire marshal.

(2) The inspection request shall be evaluated to determine whether the facility is subject to inspection by the state fire marshal. If an inspection by the state fire marshal is required, the facility shall be inspected for compliance with this regulation. EXCEPTION: Where the transient accommodation is located within an exempted municipality, the request for inspection shall be forwarded to the fire marshal of the exempted municipality for action.

NEW SECTION

WAC 212-52-027 APPROVAL. Upon completion of the inspection, and the facility is found to be in substantial compliance with this regulation, a notice of conditional approval shall be forwarded to the licensing agency. After subsequent reinspections indicate full compliance with this regulation, a notice of full approval shall be forwarded to the licensing agency.

NEW SECTION

WAC 212-52-037 ALTERNATE METHODS. The state fire marshal may modify any of the provisions of this regulation upon application in writing by the owner or licensee or his duly authorized representative, where there are practical difficulties in carrying out the strict letter of this regulation. The particulars of such modification may be granted or allowed: **PROVIDED**, That, in the opinion of the state fire marshal, the modification does not create a condition that is dangerous to life. The decision of the state fire marshal shall be entered upon the record, and a signed copy shall be furnished the owner or licensee.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-040 OCCUPANCY SEPARATION(S). (~~Occupancy separations shall be provided between the transient accommodation portion of the building and those other occupancies not under the same control or incidental to the transient accommodation operation. Lobbies and public dining rooms, not including cocktail lounges, shall not require a separation, if the kitchen is so separated from the dining room or the cooking appliances provided with fixed automatic extinguishing systems.~~) The lobby, public dining rooms, and cocktail lounge shall be separated from the means of egress by one hour fire-resistive construction. EXCEPTIONS:

(1) Occupancy separation shall not be required if the entire ground floor is equipped with an approved sprinkler system.

(2) One of the two required means of egress may pass through the lobby provided the lobby is constructed as per a corridor, with all openings protected by a self-closing or automatic-closing fire assembly.

(3) One of the two required means of egress may pass through a lobby having only a registration or reception desk and guest sitting area.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-045 HAZARDOUS AREAS. Every room containing a boiler or central heating plant, (~~laundries~~) laundry, parking garage(s), storage room(s), mechanical room, electrical room, maintenance shop, and other ((occupancies)) spaces within the building which present an unusual or extreme hazard to the safety of the guests ((may be required to have automatic extinguishing or detection systems, if not otherwise adequately separated by fire resistive construction)) shall be separated from the guest areas and the means of egress by at least one hour fire-resistive construction.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-050 INTERIOR STAIRWAYS. Every interior stairway shall be enclosed with walls of not less than one(=)hour fire-resistive construction. Where existing partitions form part of a stairwell enclosure, wood lath and plaster in good condition will be acceptable in lieu of one(=)hour fire-resistive construction. Doors to such enclosures shall be protected by a self-closing door equivalent to a solid wood door not less than 1 3/4 inches thick. Enclosures shall (~~include~~) be required for landings between flights and any corridors, passageways or public rooms (lobby) necessary for continuous exit to the exterior of the building. The stairway need not be enclosed in a continuous shaft, if cut off at each story by the fire-resistive construction required for stairwell enclosures ((and adequate alternate exits are provided)).

EXCEPTIONS: (1) Stairway enclosures shall not be required in buildings ((not over)) three or less stories in height if automatic sprinkler protection is provided in

((all corridors, stairways and passageways leading to the outside exits)) the following locations:

(a) Room side of each guest room door opening onto the corridor.

(b) Corridors, stairways, passageways, and ways leading to outside exits.

(c) Hazardous areas encroaching upon the means of egress or otherwise posing a threat to guest safety.

(2) Stairway enclosures shall not be required ((in buildings)) where the stairway serves only one adjacent floor(, terminates at a street entrance or lobby suitably separated from the rest of the building, and the corridors, stairways and passageways are provided with automatic smoke detectors, connected to a common alarm system:): PROVIDED, That,

(a) corridors, stairways, exit passageways, and ways leading to outside exits are equipped with an automatic smoke detection system electrically interconnected to an approved fire alarm system; and

(b) activation of the building fire alarm system results in the transmission of alarm indication to the fire department legally committed to serve the facility or to an approved central station office.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-055 OTHER VERTICAL OPENINGS. In transient accommodations where stairway enclosures are required, elevators, dumbwaiters, laundry and rubbish chutes, pipe chases and other vertical openings between floors shall be firestopped at each floor level or enclosed in continuous shafts, with all openings provided with self-closing or locking doors. Shafts not of fire-resistive or noncombustible construction shall be provided with an automatic sprinkler head at the top, connected to the domestic water system.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-060 INTERIOR FINISH. Ceiling and wall covering materials in corridors, stairways, passageways and other areas through which travel is necessary for continuous exit to the outside of the building shall have flame spread ratings of seventy-five or less, unless these areas are provided with automatic sprinklers.

The flame-spread rating of (~~existing surface~~) non-conforming interior finish materials may be reduced to acceptable levels by the application of flame-retardant paints or finishes, applied according to manufacturer's recommendations. Records of date of application, product applied, and the manner and rate of application shall be maintained for verification.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-065 GUEST ROOM PROTECTION. All transoms and openings other than doors between rooms and corridors shall be fixed(;) in the closed position, and covered with a minimum of three-fourths inch plywood(, one-half) or 5/8 inch fire-rated

gypsum wallboard or an equivalent material ((to provide at least one-half hour fire resistance)).

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-070 GUEST ROOM DOORS. (1) Guest room doors shall be steel, 1 3/4 inch solid wood core or equivalent. EXCEPTION: (a) Existing 1 3/8 inch solid wood-core doors may be continued in use if the door frames are not adequate to accommodate 1 3/4 inch solid wood-core doors.

(b) Existing nonconforming panel-type doors may continue in use if converted or modified by the application of fire resistive materials securely fastened to the door rails.

(c) Existing nonconforming panel-type doors may continue in use if the corridors and guest room are protected by an automatic sprinkler system.

(d) Guest room doors need not be 1 3/4 inch solid wood core if they open onto an exterior exit balcony, such as in motels.

(2) Guest room doors shall be self-closing and tight fitting to prevent the passage of smoke. Vision panels shall be wire glass ((secured with)), set in metal frames ((or clips)). EXCEPTION: (a) Guest room doors need not be self-closing if the corridors are protected by an automatic sprinkler system;

(b) Guest room doors need not be self-closing if corridors, stairways, passageways, and ways leading to outside exits are equipped with automatic smoke detectors, electrically interconnected to activate an approved fire alarm system, which transmits a signal to the fire department legally committed to serve the facility or to an approved central station office;

(c) Guest room doors need not be self-closing if the door opens onto an outside exit balcony, such as in motels.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-075 FIRE ALARM. (1) An approved electrically ((operated)) supervised fire alarm system shall be provided ((throughout the guest area of all buildings except where each guest room has a direct exit to the outside and the building is not over three stories in height)) in each transient accommodation where the guest rooms exit into a common interior corridor. Transient accommodations constructed or licensed after the effective date of this regulation, which are not equipped with an automatic sprinkler system, shall be provided with an approved automatic smoke detection system throughout common interior corridors, passageways, and ways leading to outside exits.

(2) ((Sounding)) Audible devices shall be ((so)) located ((as to arouse all occupants of the building or section thereof endangered by fire)) in such a manner that the alarm signal is audible throughout the transient lodging portion of the building.

(3) An alarm sending station shall be provided at the desk or other ((area)) location under continuous supervision by employees. Additional sending stations

shall be located at or near each required exit from each floor ((unless other effective means, such as automatic sprinkler protection or fire detection systems are provided for notification of fire. In all nonsprinklered buildings built or licensed after the effective date of this regulation, a corridor smoke detection system shall also be provided, connected to the alarm initiation system)).

(4) Where transient accommodations are equipped with automatic sprinkler systems, an electrical interconnection shall be provided between the sprinkler system and the fire alarm system, whereby activation of the sprinkler system will result in an alarm signal.

(5) The fire alarm system shall be under the supervision of a responsible person, who shall cause proper tests and inspections to be made at least once each month.

(6) At least one approved single station smoke detector shall be installed in each guest room in transient accommodations licensed after the effective date of this regulation. Smoke detectors shall be installed in accordance with the instructions of the manufacturer. The primary power supply for the smoke detectors may be either the commercial light and power supply normally available in the building, or from an integral battery or batteries. The smoke detectors shall be inspected and maintained in accordance with the instructions of the manufacturer.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-080 NUMBER OF EXITS. (1) Not less than two exits, remote from each other, shall be provided from ((every)) each floor occupied for sleeping purposes. ((Travel distance from any guest room to the nearest exit shall not exceed one hundred feet unless the corridors are sprinklered.)) An existing fire escape may serve as one required exit if properly maintained, and access thereto is not obstructed. EXCEPTION: Second floors occupied by ten or less may be served by one exit.

(2) Exits shall be ((so)) arranged so that it is possible to go in either direction from any guest room and reach an exit, except that dead-end corridors not exceeding ((thirty-five)) twenty feet in length from the guest room door may be permitted. ((Exit shall mean an interior stairway or ramp, a horizontal passageway into another building, a door leading directly outside at ground level, a door leading to an outside balcony or landing which is provided with an outside stair or an outside fire escape stairway. Existing fire escapes, consisting of balconies and ladders may be accepted, if properly maintained and all other requirements are met.)) In corridors equipped with an approved automatic smoke detection system throughout, dead-end corridors not exceeding thirty-five feet in length may be permitted.

(3) When the occupant load is more than ten above the first floor, exterior exit balconies such as may be found on motels, shall be equipped with not less than two remote stairways to ground level.

(4) Every sleeping room below the fourth floor shall have a window capable of being opened without tools, with a sill height not over forty-eight inches above the floor, and providing the minimum opening height dimension of twenty-four inches, width dimension of

twenty inches, and a minimum net clear opening of 5.7 square feet.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-090 EXIT DOORS. (1) Exterior exit doors from the building shall be openable from the inside without the use of a key or any special knowledge or effort, and the unlatching shall not require more than a single operation.

(2) ((AH)) Exit doors shall swing in the direction of egress (~~, except for those serving as emergency exits only where obstruction of passageway would otherwise result~~). EXCEPTIONS: Exit doors need not swing in the direction of egress: (a) In transient accommodations having less than ten guest rooms; or (b) Where the door may block access to fire escape balconies; or (c) If the door would otherwise block or restrict the means of egress.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-095 EXIT SIGNS. At every required exit doorway and wherever otherwise required to clearly indicate the direction of egress, an exit or directional sign shall be provided. Exit signs shall be illuminated at all times ((during occupancy of)) the building is occupied. ((Power shall be provided by means of separate circuits or separate energy sources.)) Exit signs may be of the internally illuminated type, or a standard placard containing the word "EXIT," which may be illuminated by an adjacent corridor light.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-100 CORRIDOR LIGHTING—ILLUMINATING THE MEANS OF EGRESS. (1) Stairways, corridors, passageways, and public areas serving as required exits shall be provided with ((adequate illumination)) lighting to the extent that the way leading to outside exits is clearly visible at all times.

(2) In multistory ((buildings)) transient accommodations having ((a guest capacity of)) twenty-five or more guest rooms, power ((shall be as required for exit signs and may be combined on the same circuit)) for corridor lighting shall be provided by means of separate circuits or separate energy sources.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-105 FIRE EXTINGUISHERS. (1) At least one approved 2A rated fire extinguisher shall be provided in the corridor of each guest-occupied floor. Additional extinguishers shall be provided as required, to ((insure)) ensure that one is within seventy-five feet of each guest room door.

(2) In buildings not having public corridors, an approved extinguisher((s)) shall be provided at a convenient ((outside)) location((s-or)) near the registration

desk in a plainly marked enclosure((s)) accessible at all times to guests.

(3) Additional extinguishers of a size and type commensurate with the hazard presented shall be provided as required in other areas in which a fire would affect guest safety.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-110 OBSTRUCTIONS. Furniture, appliances or similar objects shall not be placed in corridors ((or other means of egress in such a manner as to obstruct the passageway)), passageways or stairways; or in such locations which would result in obstructing the means of egress. Exits, exit signs, fire alarms and fire extinguishers shall be ((easily)) visible and not obstructed by curtains or other decorative materials or fixtures.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-115 MAINTENANCE. ((AH re- required alarms, fire protection systems and fire extinguishers shall be serviced at regular intervals and maintained in good operating condition at all times. Service records shall be available for inspection. Required fire doors shall be kept in a closed position at all times unless held open by approved smoke-actuated closing devices. Hardware, latches and closers shall be maintained in good working condition and openings kept free of obstructions. Corridor lighting and exit signs shall be checked daily and properly maintained. Burned-out bulbs shall be promptly replaced. Furnishings and decorations used in public areas shall be noncombustible or flame-retardant. Fire-retardant paints or solutions shall be renewed at such intervals as necessary to maintain the necessary flame retardant properties. In rooms or areas where smoking is prohibited, plainly visible "no smoking" signs shall be posted. Where smoking is permitted, suitable ashtrays or receptacles shall be provided at convenient locations.)) Fire protection systems, equipment and devices shall be properly maintained.

(1) Manual fire alarm systems shall be operationally tested by the facility staff at least once each month. A record of the operational tests shall be maintained on the premises.

(2) Automatic fire detection systems shall be inspected at least annually. The inspection shall be conducted by a person or agency with the technical qualifications and special purpose equipment necessary to accomplish the inspection. A report of the inspection shall be provided on forms supplied by the state fire marshal office.

(3) Sprinkler systems shall be inspected at least annually. The inspection shall be conducted by a person or agency with the technical qualifications and special purpose equipment necessary to accomplish the inspection. A report of the inspection shall be provided on forms supplied by the state fire marshal office.

(4) Automatic smoke detection devices (single station) shall be operationally tested at monthly intervals by the

facility staff, in accordance with the instructions supplied by the manufacturer. A record of the operational tests shall be maintained on the premises.

(5) At monthly intervals, the facility staff shall accomplish a visual inspection of fire extinguishers. The visual inspection must provide a reasonable assurance that the extinguisher is operational, and at its proper location. Monthly visual inspections shall be recorded, indicating the date inspected and initials of the inspector.

(6) Self-closing fire doors shall be maintained in the closed position, except where they are held open on approved door releases activated by products of combustion detectors other than heat. Under no conditions shall manually activated door stops be installed on a fire door.

(7) Fire door hardware, latches and closing devices shall be maintained in proper working condition.

(8) Guest room door self-closing devices shall be maintained in proper working condition.

(9) Corridor, stairway and exit lights shall be inspected daily. Burned-out bulbs shall be promptly replaced.

(10) Fire retardant paints or solutions shall be renewed at intervals necessary to maintain the fire retardant properties of the object or exposure to which it has been applied.

(11) "No smoking" signs shall be posted in rooms or areas where the state fire marshal determines smoking to be hazardous. Where smoking is permitted, suitable ash trays or receptacles shall be provided to deposit used smoking materials.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-120 EMERGENCY PROCEDURES PLAN. (1) Each licensed transient accommodation shall develop and maintain ~~((an))~~ a written fire emergency ~~((procedure identifying))~~ plan, specifying actions to be taken by the ~~((facility))~~ staff ~~((employees))~~ in the event of a fire emergency. The procedure shall ~~((indicate the actions to take by a person discovering))~~ include: (a) The actions taken by the staff upon being notified of a fire, (b) the actions to take for summoning the fire department, ~~((provisions))~~ (c) the actions to take for ~~((warning))~~ assisting guests or others endangered by fire, ~~((procedure for using fire fighting appliances and equipment, and))~~ (d) the actions required for guest safety as directed by the fire department, or a procedure for evacuating the building.

(2) ~~((All staff employees shall be familiar with their specific duties as defined in the emergency procedure. Drills implementing the emergency procedures should be conducted at monthly intervals. Special emphasis should be placed on assuring that the emergency procedure can be effectively implemented when minimum staff employees are available.))~~ The licensee or facility manager is responsible for assuring the staff is familiar with their duties as defined in the emergency plan. Training classes, covering each element of the emergency plan, shall be conducted at the time of employment and at annual intervals thereafter. An employee training record, indicating the date of training and names of employees receiving training, shall be maintained for the record.

AMENDATORY SECTION (Amending Order FM-77-3, filed 12/8/77)

WAC 212-52-125 ((SEPARABILITY)) SEVERABILITY. If any provision of these regulations or their application to any person is held invalid, the remainder of the regulations or the application of the provision to other persons or circumstances is not affected.

REPEALER

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

(1) WAC 212-52-010 APPLICABILITY.

(2) WAC 212-52-015 COMPLIANCE REQUIRED.

(3) WAC 212-52-035 SUSPENSION, REVOCATION OR DENIAL OF LICENSE.

WSR 81-03-082

ADOPTED RULES

INSURANCE COMMISSIONER

[Order R 81-1—Filed January 21, 1981]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to recodifying regulations dealing with surplus line insurance and updating regulations pertinent to surplus line brokers. The conditions that must be met by an applicant prior to taking the surplus line broker's examination are defined. The regulation explains the trust account requirements for alien surplus line insurance companies and how surplus line brokers can request information.

This action is taken pursuant to Notice No. WSR 81-02-011 filed with the code reviser on December 30, 1980. 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 48.15.040, 48.15.050, 48.15.090 and 48.15.150.

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

APPROVED AND ADOPTED January 16, 1981.

By Robert M. Higley
Deputy Commissioner

Chapter 284-15 WAC
SURPLUS LINE INSURANCE

NEW SECTION

WAC 284-15-010 BROKERS—SURPLUS LINE—QUALIFICATIONS AND EXAMINATION.

(1) Each applicant for initial license as a surplus line broker shall, prior to issuance of any such license, take

Washington, residing at
.....

By
.....
(Title)

(2) Every insurance contract, including those evidenced by a binder, procured and delivered as a surplus line coverage pursuant to chapter 48.15 RCW shall have a conspicuous statement stamped upon its face, which shall be initialed by or bear the name of the surplus line broker who procured it, as follows:

"This contract is registered and delivered as a surplus line coverage under the insurance code of the state of Washington, enacted in 1947. It is not issued by a company regulated by the Washington state insurance commissioner and is not protected by any Washington state guaranty fund law."

NEW SECTION

WAC 284-15-040 FORM FOR SURPLUS LINE INSURER TO DESIGNATE PERSON TO RECEIVE LEGAL PROCESS. (1) RCW 48.15.150 permits service of legal process against an unauthorized insurer that is sued upon any cause of action arising in this state under any contract issued by it as a surplus line contract to be made upon the insurance commissioner. The commissioner will mail the documents of process to the insurer at its principal place of business last known to the commissioner, or to a person designated by the insurer for that purpose in the most recent document filed with the commissioner on a form prescribed by the commissioner. If such unauthorized insurer elects to designate a person to receive such legal process from the commissioner, the designation shall be filed with the commissioner in substantially the form set forth in subsection (2) of this section.

(2) DESIGNATION OF PERSON TO WHOM COMMISSIONER SHALL FORWARD LEGAL PROCESS.

To the Insurance Commissioner of the State of Washington:

Pursuant to RCW 48.15.150, the undersigned Insurer hereby designates:

Name

Address

.....

as the person to whom the Insurance Commissioner shall forward legal process against the Insurer. This designation supersedes any similar designation heretofore made by this Insurer.

Executed at, this day of, 19..

.....
(Insurer)

(3) The "person" designated may be an individual, firm or corporation.

(4) The commissioner shall forward process to the person designated in the most recent document filed with him.

(5) Pursuant to RCW 48.15.150, each policy issued by an unauthorized insurer as a surplus line contract must contain a provision designating the commissioner as the person upon whom service of process may be made.

NEW SECTION

WAC 284-15-050 SURPLUS LINE—WAIVER OF FINANCIAL REQUIREMENTS. The commissioner may waive the financial requirements specified in RCW 48.15.090 in circumstances where insurance cannot be otherwise procured on risks located in this state. At least the following information shall be submitted when a surplus line broker makes a request for the commissioner to waive the financial requirements:

(1) A letter of explanation for the need to waive the financial requirements;

(2) The financial condition of the proposed insurer as reported in its annual statement as of the end of the calendar year next preceding;

(3) The number of years the company has been writing the specific class of insurance;

(4) The reinsurance agreements backing up the class of coverage or the company;

(5) Written acknowledgement signed by the proposed insured to the effect that the insured is informed that the coverage is to be issued by an insurer which is not an authorized insurer in the state of Washington, that financial requirements for surplus line insurers otherwise applicable have been waived by all parties concerned to enable this coverage to be obtained, and that there is no protection under the Washington Insurance Guaranty Association.

WSR 81-03-083

NOTICE OF PUBLIC MEETINGS

COMMISSION ON

MEXICAN-AMERICAN AFFAIRS

[Memorandum—January 20, 1981]

Pursuant to RCW 42.30.075, notice of the following change in the 1981 meeting schedule of the Commission on Mexican-American Affairs is hereby submitted for publication in the Washington State Register. Beginning with the March 7, 1981 meeting, all meetings will begin at 10 a.m. As published in WSR 81-01-123, the original 1981 meeting schedule indicated that all meetings would begin at 1 p.m.

WSR 81-03-084
PROPOSED RULES
COMMISSION ON
MEXICAN-AMERICAN AFFAIRS
[Filed January 21, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission on Mexican-American Affairs intends to adopt, amend, or repeal rules concerning organization and operation of the commission, commission meetings, communications with the commission, public records disclosure, uniform rules and practice procedure, and petitions for rule-making action;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Saturday, March 7, 1981, at the Tacoma Public Library, Lincoln-Kiser Room, 1102 Tacoma Avenue, Tacoma, WA.

The authority under which these rules are proposed is RCW 43.115.040, 34.04.020, 34.04.060, 42.17.250 and 42.30.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Friday, March 6, 1981.

Dated: January 21, 1981

By: Robert C. Hargreaves
Assistant Attorney General

STATEMENT OF PURPOSE

The Washington State Commission on Mexican-American Affairs has filed with the Code Reviser a notice of its intent to adopt, amend and repeal rules, the titles of which are reflected on the attached copies of the proposed rules. This rule-making action is proposed under the agency's general rule-making power contained in RCW 43.115.040, and pursuant to and in order to effectuate the statutory mandate to adopt such rules found in RCW 34.04.020, 34.04.060, 42.17.250 and 42.30.070.

The proposed rules describe the organization and operation of the commission, commission meetings, communications with the commission, public records disclosure, and the manner in which any interested person may petition the agency requesting the promulgation, amendment, or repeal of any rule. The uniform rules of practice and procedure contained in chapter 1-08 WAC are adopted by reference. The agency heretofore has not adopted many of these rules, and is proposing to do so at this time in order to comply with the mandate of the above-cited statutes. Some reorganization, amendment, and repeal of the agency's existing rules, now contained in chapter 322-10 WAC, was necessary in order to accomplish a meaningful organization of the entire set of rules. The adoption of the uniform rules by reference in WAC 322-22-010 is proposed in

order to clarify which procedural rules are applicable to agency hearings.

The rules were drafted by Assistant Attorney General Robert C. Hargreaves, who is assigned to counsel the commission, and they will be implemented and enforced by the Executive Secretary of the commission, whose address and telephone number is:

1522 South Cherry
Olympia, Washington 98504
Telephone: 753-3159 or
Scan: 234-3159

These rules are being proposed for adoption by the Commission on Mexican-American Affairs.

Title 322 WAC
COMMISSION ON MEXICAN-AMERICAN AFFAIRS

Chapter	
322-02	General Provisions
322-10	Public Records
322-22	Practice and Procedure

Chapter 322-02 WAC
GENERAL PROVISIONS

WAC	
322-02-010	Organization and operation of the Commission on Mexican-American Affairs
322-02-020	Commission meetings
322-02-030	Communications with the commission

NEW SECTION

WAC 322-02-010 ORGANIZATION AND OPERATION OF THE COMMISSION ON MEXICAN-AMERICAN AFFAIRS. (1) The Commission on Mexican-American Affairs, hereinafter referred to as the commission, is a commission in the office of the governor established by RCW 43.115.020. The commission exists to improve the well-being of Mexican-Americans and other Spanish speaking Americans by helping to insure their participation in the fields of government, business and education, and to aid them in obtaining governmental services in order to promote the health, safety and welfare of all residents of this state. The duties and responsibilities of the commission are more particularly described in chapter 43.115 RCW. The eleven (11) members of the commission are appointed by the governor with the advice and consent of the senate.

(2) All basic policy decisions are made by the commission at its regular and special meetings. To assist in policy formulation, and to otherwise assist in carrying out its various duties and responsibilities, the commission appoints an executive secretary and a staff. In addition, the commission from time to time maintains various field offices located throughout the state, staffed with a representative of the commission whose responsibility is to assist the commission by coordinating commission activities on the local level and maintaining liaison with the local Hispanic community. Individual commissioners may also establish advisory committees to advise them in specific problem areas. The addresses and telephone numbers of field representatives, and information concerning advisory committees may be obtained by writing or calling the commission's central administrative office.

(3) The commission maintains a central administrative office at 1522 South Cherry, Olympia, Washington 98504.

NEW SECTION

WAC 322-02-020 COMMISSION MEETINGS (1) Regular meetings of the commission are held on the first Saturday of each month. Notice of the time and place of the regular meetings will be published annually in the January edition of the Washington state register. A copy of the schedule of regular meetings may also be obtained upon request from the commission.

(2) Special meetings of the commission may be called at any time by the chairman of the commission or by a majority of the commission members. Notice of such meetings will be as provided by law.

(3) In addition to the meeting notices specified above, the commission staff will publicize information about all commission meetings in the communities in which the meetings are to be held.

NEW SECTION

WAC 322-02-030 COMMUNICATIONS WITH THE COMMISSION Any and all written communications with the commission, including but not limited to requests for information or copies of agency records, or submittals of any nature, shall be addressed to the Commission on Mexican-American Affairs, in care of the executive secretary, at the central administrative office, the address for which appears in WAC 322-02-010(3).

Chapter 322-10 WAC PUBLIC RECORDS

WAC

322-10-010	Purpose.
322-10-020	Definitions.
322-10-030	Public records available.
322-10-040	Public records officer.
322-10-050	Office hours.
322-10-060	Requests for public records.
322-10-070	Copying.
322-10-080	Exemptions.
322-10-090	Review of denials of public records requests.
322-10-100	Records index.
322-10-110	Adoption of form.

NEW SECTION

WAC 322-10-010 PURPOSE. The purpose of this chapter shall be to ensure compliance by the Commission on Mexican-American Affairs with the provisions of chapter 1, Laws of 1973 (Initiative 276, Disclosure—Campaign Finances—Lobbying—Records); and in particular, with sections 25 through 32 of that act, dealing with public records as amended, now codified as RCW 42.17.250 through RCW 42.17.320.

NEW SECTION

WAC 322-10-020 DEFINITIONS. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) The Commission on Mexican-American Affairs is an eleven member commission appointed by the governor with the consent of the senate. The Commission on Mexican-American Affairs shall hereinafter be referred to as the commission. When appropriate, the term commission also refers to the staff and employees of the commission.

NEW SECTION

WAC 322-10-030 PUBLIC RECORDS AVAILABLE. All public records of the commission are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, RCW 42.17.310, and WAC 322-10-080.

NEW SECTION

WAC 322-10-040 PUBLIC RECORDS OFFICER. The commission's public records shall be in the charge of the Public Records Officer designated by the commission. The person so designated shall be located in the central administrative office of the commission. The Public Records Officer shall be responsible for the following: The implementation of the commission's rules and

regulations regarding release of public records, coordinating the staff of the commission in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

NEW SECTION

WAC 322-10-050 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the commission. For the purposes of this chapter, the customary hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 5:00, Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 322-10-060 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures: (1) A request shall be made in writing upon a form prescribed by the commission which shall be available at its administrative office. The form shall be presented to the public records officer or to any member of the commission's staff, if the public records officer is not available, at the administrative office of the commission during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested records as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the commission's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public records requested.

NEW SECTION

WAC 322-10-070 COPYING. No fee shall be charged for the inspection of public records. The commission shall charge a fee of twenty-five cents per page of copy for providing copies of public records and for use of the commission's copy equipment. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying.

NEW SECTION

WAC 322-10-080 EXEMPTIONS. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 322-10-060 is exempt under the provisions of section 31, chapter 1, Laws of 1973, as amended (RCW 42.17.310).

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, as amended (RCW 42.17.290), the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records office will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reasons for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 322-10-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records

officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chairman of the commission. The chairman, or designee, shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the commission has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

NEW SECTION

WAC 322-10-100 RECORDS INDEX. (1) The commission will make available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

- (a) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;
- (c) administrative staff manuals and instruction to staff that affect a member of the public;
- (d) planning policies and goals, and interim and final planning decisions;
- (e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and
- (f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The index promulgated by the commission will be maintained in the central administrative office and shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 322-10-110 ADOPTION OF FORM. The Commission on Mexican-American Affairs hereby adopts for use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for Public Records".

We have received your request for copies of our public records. Please complete the form on the right and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

Thank you.
Return to:
Commission on Mexican-American Affairs
1522 South Cherry
Olympia, WA 98504

Commission on
Mexican-American Affairs

REQUEST FOR PUBLIC RECORDS

Date Time

Name

Address

Description of Records (see index):
.....
.....
.....

I certify that the information obtained through this request for public records will not be used for commercial purposes.

.....
Signature

Number of copies

Number of pages

Per page charge

Total charge \$

**Chapter 322-22 WAC
PRACTICE AND PROCEDURE**

WAC

- 322-22-010 Adoption of uniform rules
- 322-22-020 Petitions for rule-making action

NEW SECTION

WAC 322-22-010 ADOPTION OF UNIFORM RULES. The Commission on Mexican-American Affairs hereby adopts the uniform rules of practice and procedure contained in chapter 1-08 WAC.

NEW SECTION

WAC 322-22-020 PETITIONS FOR RULE MAKING ACTION (1) Any interested person may petition the commission requesting the promulgation, amendment or repeal of any rule. The petition may be in any form, so long as the following information is contained therein:

(a) Name and address of the person, organization or corporation requesting the promulgation, amendment or repeal of the rule. If the request is being made by an organization or corporation, the name of a designated individual for contact must be provided.

(b) Text or substance of the proposed rule or amendment, or specific reference to the appropriate rule in cases where repeal is requested.

(c) Full explanation for the requested promulgation, amendment or repeal of rules.

(2) Within thirty (30) days after submission of a petition, or at the next meeting of the commission if the commission does not meet within thirty (30) days, the commission will formally consider the petition and shall, within thirty (30) days thereafter, either deny the petition in writing (stating reasons for the denial) or initiate rule-making proceedings in accordance with chapter 34.04 RCW (Administrative Procedure Act).

REPEALER

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

- WAC 322-12-010 ESTABLISHING REGULAR MEETINGS.
- WAC 322-12-020 PURPOSE.
- WAC 322-12-030 DEFINITIONS.
- WAC 322-12-040 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE COMMISSION.
- WAC 322-12-060 PUBLIC RECORDS AVAILABLE.
- WAC 322-12-070 PUBLIC RECORDS OFFICER.
- WAC 322-12-080 OFFICE HOURS.
- WAC 322-12-090 REQUESTS FOR PUBLIC RECORDS.
- WAC 322-12-100 COPYING.
- WAC 322-12-110 EXEMPTIONS.
- WAC 322-12-120 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.
- WAC 322-12-140 RECORDS INDEX.
- WAC 322-12-150 COMMUNICATIONS.
- WAC 322-12-160 ADOPTION OF FORM.

Table of WAC Sections Affected

Key to Table

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- REP = Repeal of existing section
- AM/DE = Amendment and Decodification of existing section
- RECOD = Recodification of previously codified section

Suffixes:

- P = Proposed action
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
16-231-020	AMD-P	81-02-047	132V-22-200	AMD-E	81-03-047
16-231-020	AMD-W	81-03-067	132V-22-200	AMD-P	81-03-061
16-231-020	AMD-P	81-03-070	143-06-010	AMD-P	81-03-034
16-231-025	AMD-P	81-02-047	143-06-020	AMD-P	81-03-034
16-231-025	AMD-W	81-03-067	143-06-030	AMD-P	81-03-034
16-231-025	AMD-P	81-03-070	143-06-040	AMD-P	81-03-034
16-231-115	AMD-P	81-02-045	143-06-050	AMD-P	81-03-034
16-231-115	AMD-W	81-03-065	143-06-060	AMD-P	81-03-034
16-231-115	AMD-P	81-03-068	143-06-070	AMD-P	81-03-034
16-231-120	AMD-P	81-02-045	143-06-080	AMD-P	81-03-034
16-231-120	AMD-W	81-03-065	143-06-090	AMD-P	81-03-034
16-231-120	AMD-P	81-03-068	143-06-100	AMD-P	81-03-034
16-231-125	AMD-P	81-02-045	143-06-110	AMD-P	81-03-034
16-231-125	AMD-W	81-03-065	143-06-120	AMD-P	81-03-034
16-231-125	AMD-P	81-03-068	143-06-130	AMD-P	81-03-034
16-231-130	AMD-P	81-02-045	143-06-140	AMD-P	81-03-034
16-231-130	AMD-W	81-03-065	143-06-150	AMD-P	81-03-034
16-231-130	AMD-P	81-03-068	143-06-990	AMD-P	81-03-034
16-232-010	AMD-P	81-02-046	172-114-010	AMD	81-03-012
16-232-010	AMD-W	81-03-066	172-114-020	AMD	81-03-012
16-232-010	AMD-P	81-03-069	172-114-030	AMD	81-03-012
16-232-025	AMD-P	81-02-046	172-114-040	AMD	81-03-012
16-232-025	AMD-W	81-03-066	172-114-050	AMD	81-03-012
16-232-025	AMD-P	81-03-069	172-114-060	AMD	81-03-012
16-750-010	AMD-P	81-02-041	172-114-070	AMD	81-03-012
98-12-020	NEW-P	81-02-055	172-114-080	AMD	81-03-012
67-32-150	AMD-P	81-03-049	172-114-090	AMD	81-03-012
67-32-180	AMD	81-03-048	172-114-100	REP	81-03-012
67-32-310	AMD-P	81-03-049	172-114-110	REP	81-03-012
67-32-910	AMD-P	81-03-049	173-19-2521	AMD-P	81-02-050
98-16-010	NEW-P	81-02-055	173-19-3514	AMD-P	81-03-080
98-16-020	NEW-P	81-02-055	173-19-400	AMD-P	81-02-050
98-16-030	NEW-P	81-02-055	173-19-470	AMD-P	81-02-051
98-20-010	NEW-P	81-02-055	173-400-110	AMD	81-03-002
132H-120-200	AMD-P	81-03-077	173-490-020	AMD	81-03-003
132K-20-070	AMD-P	81-03-023	173-490-040	AMD	81-03-003
132K-112-200	REP-P	81-03-022	173-490-203	AMD	81-03-003
132L-26-030	AMD	81-03-036	182-08-111	AMD	81-03-014
132L-26-035	AMD	81-03-036	182-08-300	NEW	81-03-014
132L-26-050	AMD	81-03-036	212-52-001	AMD	81-03-081
132L-112-200	AMD	81-03-037	212-52-005	AMD	81-03-081
132L-112-210	AMD	81-03-037	212-52-010	REP	81-03-081
132L-112-280	AMD	81-03-037	212-52-012	NEW	81-03-081
132V-22-010	AMD-E	81-03-047	212-52-015	REP	81-03-081
132V-22-010	AMD-P	81-03-061	212-52-020	AMD	81-03-081
132V-22-020	AMD-E	81-03-047	212-52-025	AMD	81-03-081
132V-22-020	AMD-P	81-03-061	212-52-027	NEW	81-03-081
132V-22-030	AMD-E	81-03-047	212-52-035	REP	81-03-081
132V-22-030	AMD-P	81-03-061	212-52-037	NEW	81-03-081
132V-22-040	AMD-E	81-03-047	212-52-040	AMD	81-03-081
132V-22-040	AMD-P	81-03-061	212-52-045	AMD	81-03-081
132V-22-050	AMD-E	81-03-047	212-52-050	AMD	81-03-081
132V-22-050	AMD-P	81-03-061	212-52-055	AMD	81-03-081
132V-22-060	AMD-E	81-03-047	212-52-060	AMD	81-03-081
132V-22-060	AMD-P	81-03-061	212-52-065	AMD	81-03-081
132V-22-100	AMD-E	81-03-047	212-52-070	AMD	81-03-081
132V-22-100	AMD-P	81-03-061	212-52-075	AMD	81-03-081
212-52-080	AMD	81-03-081	212-52-090	AMD	81-03-081
212-52-090	AMD	81-03-081	212-52-095	AMD	81-03-081
212-52-095	AMD	81-03-081	212-52-100	AMD	81-03-081
212-52-100	AMD	81-03-081	212-52-105	AMD	81-03-081
212-52-110	AMD	81-03-081	212-52-110	AMD	81-03-081
212-52-115	AMD	81-03-081	212-52-115	AMD	81-03-081
212-52-120	AMD	81-03-081	212-52-120	AMD	81-03-081
212-52-125	AMD	81-03-081	212-52-125	AMD	81-03-081
212-54-001	NEW-P	81-03-051	212-54-001	NEW-P	81-03-051
212-54-005	NEW-P	81-03-051	212-54-005	NEW-P	81-03-051
212-54-010	NEW-P	81-03-051	212-54-010	NEW-P	81-03-051
212-54-015	NEW-P	81-03-051	212-54-015	NEW-P	81-03-051
212-54-020	NEW-P	81-03-051	212-54-020	NEW-P	81-03-051
212-54-025	NEW-P	81-03-051	212-54-025	NEW-P	81-03-051
212-54-030	NEW-P	81-03-051	212-54-030	NEW-P	81-03-051
212-54-035	NEW-P	81-03-051	212-54-035	NEW-P	81-03-051
212-54-040	NEW-P	81-03-051	212-54-040	NEW-P	81-03-051
212-54-045	NEW-P	81-03-051	212-54-045	NEW-P	81-03-051
212-54-050	NEW-P	81-03-051	212-54-050	NEW-P	81-03-051
212-54-055	NEW-P	81-03-051	212-54-055	NEW-P	81-03-051
212-54-060	NEW-P	81-03-051	212-54-060	NEW-P	81-03-051
212-54-065	NEW-P	81-03-051	212-54-065	NEW-P	81-03-051
212-54-070	NEW-P	81-03-051	212-54-070	NEW-P	81-03-051
212-54-075	NEW-P	81-03-051	212-54-075	NEW-P	81-03-051
212-54-080	NEW-P	81-03-051	212-54-080	NEW-P	81-03-051
212-54-085	NEW-P	81-03-051	212-54-085	NEW-P	81-03-051
212-54-090	NEW-P	81-03-051	212-54-090	NEW-P	81-03-051
212-54-095	NEW-P	81-03-051	212-54-095	NEW-P	81-03-051
212-54-100	NEW-P	81-03-051	212-54-100	NEW-P	81-03-051
212-55-001	NEW-P	81-03-051	212-55-001	NEW-P	81-03-051
212-55-005	NEW-P	81-03-051	212-55-005	NEW-P	81-03-051
212-55-010	NEW-P	81-03-051	212-55-010	NEW-P	81-03-051
212-55-015	NEW-P	81-03-051	212-55-015	NEW-P	81-03-051
212-55-020	NEW-P	81-03-051	212-55-020	NEW-P	81-03-051
212-55-025	NEW-P	81-03-051	212-55-025	NEW-P	81-03-051
212-55-030	NEW-P	81-03-051	212-55-030	NEW-P	81-03-051
212-55-035	NEW-P	81-03-051	212-55-035	NEW-P	81-03-051
212-55-040	NEW-P	81-03-051	212-55-040	NEW-P	81-03-051
212-55-045	NEW-P	81-03-051	212-55-045	NEW-P	81-03-051
212-55-050	NEW-P	81-03-051	212-55-050	NEW-P	81-03-051
212-55-055	NEW-P	81-03-051	212-55-055	NEW-P	81-03-051
212-55-060	NEW-P	81-03-051	212-55-060	NEW-P	81-03-051
212-55-065	NEW-P	81-03-051	212-55-065	NEW-P	81-03-051
212-55-070	NEW-P	81-03-051	212-55-070	NEW-P	81-03-051
212-55-075	NEW-P	81-03-051	212-55-075	NEW-P	81-03-051
212-55-080	NEW-P	81-03-051	212-55-080	NEW-P	81-03-051
212-55-085	NEW-P	81-03-051	212-55-085	NEW-P	81-03-051
212-55-090	NEW-P	81-03-051	212-55-090	NEW-P	81-03-051
212-55-095	NEW-P	81-03-051	212-55-095	NEW-P	81-03-051
212-56-001	REP-P	81-03-051	212-56-001	REP-P	81-03-051
212-56-005	REP-P	81-03-051	212-56-005	REP-P	81-03-051
212-56-010	REP-P	81-03-051	212-56-010	REP-P	81-03-051
212-56-015	REP-P	81-03-051	212-56-015	REP-P	81-03-051
212-56-020	REP-P	81-03-051	212-56-020	REP-P	81-03-051
212-56-025	REP-P	81-03-051	212-56-025	REP-P	81-03-051
212-56-030	REP-P	81-03-051	212-56-030	REP-P	81-03-051

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
212-56-035	REP-P	81-03-051	212-61-040	REP-P	81-03-051	212-65-080	NEW-P	81-03-051
212-56-040	REP-P	81-03-051	212-61-045	REP-P	81-03-051	212-65-085	NEW-P	81-03-051
212-56-045	REP-P	81-03-051	212-61-050	REP-P	81-03-051	212-65-090	NEW-P	81-03-051
212-56-050	REP-P	81-03-051	212-61-055	REP-P	81-03-051	212-65-095	NEW-P	81-03-051
212-56-055	REP-P	81-03-051	212-61-060	REP-P	81-03-051	212-65-100	NEW-P	81-03-051
212-56-060	REP-P	81-03-051	212-61-065	REP-P	81-03-051	220-20-010	AMD	81-02-053
212-56-065	REP-P	81-03-051	212-62-001	REP-P	81-03-051	220-20-012	AMD	81-02-053
212-57-001	REP-P	81-03-051	212-62-005	REP-P	81-03-051	220-28-00400L	NEW-E	81-02-052
212-57-005	REP-P	81-03-051	212-62-010	REP-P	81-03-051	220-28-008F0M	REP-E	81-02-037
212-57-010	REP-P	81-03-051	212-62-015	REP-P	81-03-051	220-28-012F0G	NEW-E	81-02-052
212-57-015	REP-P	81-03-051	212-62-020	REP-P	81-03-051	220-28-01300U	NEW-E	81-03-035
212-57-020	REP-P	81-03-051	212-62-025	REP-P	81-03-051	220-28-013G0H	NEW-E	81-03-035
212-57-025	REP-P	81-03-051	212-62-030	REP-P	81-03-051	220-32-02200E	NEW-E	81-03-044
212-57-030	REP-P	81-03-051	212-62-035	REP-P	81-03-051	220-32-04000J	NEW-E	81-03-044
212-57-035	REP-P	81-03-051	212-62-040	REP-P	81-03-051	220-32-04200D	NEW-E	81-03-043
212-57-040	REP-P	81-03-051	212-62-045	REP-P	81-03-051	220-32-05700H	NEW-E	81-03-044
212-57-045	REP-P	81-03-051	212-62-050	REP-P	81-03-051	220-44-030	AMD	81-02-053
212-57-050	REP-P	81-03-051	212-62-055	REP-P	81-03-051	220-44-040	AMD	81-02-053
212-57-055	REP-P	81-03-051	212-62-060	REP-P	81-03-051	220-48-080	AMD	81-02-053
212-57-060	REP-P	81-03-051	212-62-065	REP-P	81-03-051	220-48-09001	NEW	81-02-053
212-57-065	REP-P	81-03-051	212-62-070	REP-P	81-03-051	220-48-091	AMD	81-02-053
212-57-070	REP-P	81-03-051	212-63-001	REP-P	81-03-051	220-48-09100C	NEW-E	81-03-031
212-58-001	REP-P	81-03-051	212-63-005	REP-P	81-03-051	220-48-092	AMD	81-02-053
212-58-005	REP-P	81-03-051	212-63-010	REP-P	81-03-051	220-48-096	AMD	81-02-053
212-58-010	REP-P	81-03-051	212-63-015	REP-P	81-03-051	220-48-098	AMD	81-02-053
212-58-015	REP-P	81-03-051	212-63-020	REP-P	81-03-051	220-48-100	AMD	81-02-053
212-58-020	REP-P	81-03-051	212-63-025	REP-P	81-03-051	220-49-02000B	REP-E	81-03-030
212-58-025	REP-P	81-03-051	212-63-030	REP-P	81-03-051	220-49-02000C	NEW-E	81-03-030
212-58-030	REP-P	81-03-051	212-63-035	REP-P	81-03-051	220-49-022	AMD	81-02-053
212-58-035	REP-P	81-03-051	212-63-040	REP-P	81-03-051	220-49-023	AMD	81-02-053
212-58-040	REP-P	81-03-051	212-63-045	REP-P	81-03-051	220-69-23402	NEW	81-03-032
212-58-045	REP-P	81-03-051	212-63-050	REP-P	81-03-051	220-69-23501	NEW	81-03-032
212-58-050	REP-P	81-03-051	212-63-055	REP-P	81-03-051	220-69-241	AMD	81-03-032
212-58-055	REP-P	81-03-051	212-63-060	REP-P	81-03-051	230-04-190	AMD	81-03-045
212-58-060	REP-P	81-03-051	212-63-065	REP-P	81-03-051	230-04-200	AMD	81-03-045
212-58-065	REP-P	81-03-051	212-63-070	REP-P	81-03-051	232-32-126	REP-E	81-02-021
212-58-070	REP-P	81-03-051	212-64-001	AMD-P	81-03-051	232-32-127	NEW-E	81-02-021
212-59-001	REP-P	81-03-051	212-64-005	AMD-P	81-03-051	232-32-128	NEW-E	81-03-009
212-59-005	REP-P	81-03-051	212-64-010	REP-P	81-03-051	232-32-129	NEW-E	81-03-010
212-59-010	REP-P	81-03-051	212-64-015	AMD-P	81-03-051	232-32-130	NEW-E	81-03-033
212-59-015	REP-P	81-03-051	212-64-020	AMD-P	81-03-051	248-14	AMD-P	81-03-004
212-59-020	REP-P	81-03-051	212-64-025	AMD-P	81-03-051	248-14-285	AMD	81-03-005
212-59-025	REP-P	81-03-051	212-64-030	AMD-P	81-03-051	248-18	AMD-P	81-03-038
212-59-030	REP-P	81-03-051	212-64-033	NEW-P	81-03-051	248-19	AMD-P	81-03-039
212-59-035	REP-P	81-03-051	212-64-035	AMD-P	81-03-051	248-96-020	AMD-P	81-02-042
212-59-040	REP-P	81-03-051	212-64-037	NEW-P	81-03-051	261-20	AMD-P	81-02-036
212-59-045	REP-P	81-03-051	212-64-039	NEW-P	81-03-051	261-20-010	NEW-P	81-02-035
212-59-050	REP-P	81-03-051	212-64-040	AMD-P	81-03-051	261-20-020	NEW-P	81-02-035
212-59-055	REP-P	81-03-051	212-64-043	NEW-P	81-03-051	261-20-030	NEW-P	81-02-035
212-59-060	REP-P	81-03-051	212-64-045	AMD-P	81-03-051	261-20-040	NEW-P	81-02-035
212-59-065	REP-P	81-03-051	212-64-050	AMD-P	81-03-051	261-20-050	NEW-P	81-02-035
212-60-001	REP-P	81-03-051	212-64-055	AMD-P	81-03-051	261-20-060	NEW-P	81-02-035
212-60-005	REP-P	81-03-051	212-64-060	AMD-P	81-03-051	261-20-065	NEW-P	81-02-035
212-60-010	REP-P	81-03-051	212-64-065	AMD-P	81-03-051	261-20-070	NEW-P	81-02-035
212-60-015	REP-P	81-03-051	212-64-067	NEW-P	81-03-051	261-20-080	NEW-P	81-02-035
212-60-020	REP-P	81-03-051	212-64-068	NEW-P	81-03-051	275-20-030	AMD-P	81-02-023
212-60-025	REP-P	81-03-051	212-64-069	NEW-P	81-03-051	275-93-040	AMD	81-03-076
212-60-030	REP-P	81-03-051	212-64-070	AMD-P	81-03-051	284-15-010	NEW	81-03-082
212-60-035	REP-P	81-03-051	212-65-001	NEW-P	81-03-051	284-15-020	NEW	81-03-082
212-60-040	REP-P	81-03-051	212-65-005	NEW-P	81-03-051	284-15-030	NEW	81-03-082
212-60-045	REP-P	81-03-051	212-65-010	NEW-P	81-03-051	284-15-040	NEW	81-03-082
212-60-050	REP-P	81-03-051	212-65-015	NEW-P	81-03-051	284-15-050	NEW	81-03-082
212-60-055	REP-P	81-03-051	212-65-020	NEW-P	81-03-051	289-13-070	AMD	81-03-029
212-60-060	REP-P	81-03-051	212-65-025	NEW-P	81-03-051	289-13-075	NEW	81-03-029
212-60-065	REP-P	81-03-051	212-65-030	NEW-P	81-03-051	289-13-110	AMD	81-03-029
212-60-070	REP-P	81-03-051	212-65-035	NEW-P	81-03-051	289-13-170	AMD	81-03-029
212-61-001	REP-P	81-03-051	212-65-040	NEW-P	81-03-051	296-27-160	NEW-P	81-03-071
212-61-005	REP-P	81-03-051	212-65-045	NEW-P	81-03-051	296-27-16001	NEW-P	81-03-071
212-61-010	REP-P	81-03-051	212-65-050	NEW-P	81-03-051	296-27-16003	NEW-P	81-03-071
212-61-015	REP-P	81-03-051	212-65-055	NEW-P	81-03-051	296-27-16005	NEW-P	81-03-071
212-61-020	REP-P	81-03-051	212-65-060	NEW-P	81-03-051	296-27-16007	NEW-P	81-03-071
212-61-025	REP-P	81-03-051	212-65-065	NEW-P	81-03-051	296-27-16009	NEW-P	81-03-071
212-61-030	REP-P	81-03-051	212-65-070	NEW-P	81-03-051	296-27-16011	NEW-P	81-03-071
212-61-035	REP-P	81-03-051	212-65-075	NEW-P	81-03-051	296-27-16013	NEW-P	81-03-071

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
296-27-16015	NEW-P 81-03-071	308-92-110	REP 81-02-030	356-34	AMD-P 81-03-018
296-27-16017	NEW-P 81-03-071	308-92-120	REP 81-02-030	356-34-180	AMD-P 81-03-019
296-27-16021	NEW-P 81-03-071	308-92-130	REP 81-02-030	356-34-220	AMD-P 81-03-019
296-27-16023	NEW-P 81-03-071	308-92-140	REP 81-02-030	360-13-020	AMD-P 81-02-033
296-27-16025	NEW-P 81-03-071	308-92-150	REP 81-02-030	360-13-030	AMD-P 81-02-033
296-37-510	AMD-E 81-02-029	308-92-160	REP 81-02-030	360-13-045	AMD-P 81-02-033
296-37-550	AMD-E 81-02-029	308-92-170	REP 81-02-030	360-13-055	AMD-P 81-02-033
296-79	AMD-P 81-03-006	308-92-180	REP 81-02-030	360-13-065	REP-P 81-02-033
296-79-140	AMD 81-03-007	308-92-190	REP 81-02-030	360-13-066	NEW-P 81-02-033
296-79-170	AMD 81-03-007	308-92-200	REP 81-02-030	365-42-010	REP-P 81-03-050
296-79-180	AMD 81-03-007	308-124D-015	NEW-P 81-02-054	365-42-020	REP-P 81-03-050
296-79-220	AMD 81-03-007	308-300-020	AMD-W 81-03-027	365-42-030	REP-P 81-03-050
296-79-29029	AMD 81-03-007	308-300-030	AMD-W 81-03-027	365-42-100	REP-P 81-03-050
296-79-300	AMD 81-03-007	308-300-040	AMD-W 81-03-027	365-42-110	REP-P 81-03-050
296-116-185	AMD-P 81-03-072	308-300-050	AMD-W 81-03-027	365-42-200	REP-P 81-03-050
296-116-300	AMD-P 81-03-072	308-300-070	AMD-W 81-03-027	365-42-210	REP-P 81-03-050
308-04-001	NEW-E 81-03-046	308-300-080	AMD-W 81-03-027	365-42-220	REP-P 81-03-050
308-16-211	AMD 81-03-015	308-300-100	AMD-W 81-03-027	365-42-230	REP-P 81-03-050
308-16-212	AMD 81-03-015	308-300-110	AMD-W 81-03-027	365-42-240	REP-P 81-03-050
308-16-215	AMD 81-03-015	308-300-120	AMD-W 81-03-027	365-42-300	REP-P 81-03-050
308-16-216	AMD 81-03-015	308-300-130	AMD-W 81-03-027	365-42-310	REP-P 81-03-050
308-16-217	AMD 81-03-015	308-300-150	AMD-W 81-03-027	365-42-320	REP-P 81-03-050
308-16-218	NEW 81-03-015	308-300-160	AMD-W 81-03-027	365-42-330	REP-P 81-03-050
308-24-305	AMD 81-03-016	308-300-220	AMD 81-02-038	365-42-340	REP-P 81-03-050
308-24-320	AMD 81-03-016	322-02-010	NEW-P 81-03-084	365-42-350	REP-P 81-03-050
308-24-403	AMD 81-03-016	322-02-020	NEW-P 81-03-084	365-42-360	REP-P 81-03-050
308-24-404	AMD 81-03-016	322-02-030	NEW-P 81-03-084	365-42-370	REP-P 81-03-050
308-24-430	AMD 81-03-016	322-10-010	NEW-P 81-03-084	365-42-380	REP-P 81-03-050
308-33-011	AMD 81-02-031	322-10-020	NEW-P 81-03-084	365-42-390	REP-P 81-03-050
308-33-015	REP 81-02-031	322-10-030	NEW-P 81-03-084	365-42-410	REP-P 81-03-050
308-33-020	AMD 81-02-031	322-10-040	NEW-P 81-03-084	365-42-420	REP-P 81-03-050
308-33-030	AMD 81-02-031	322-10-050	NEW-P 81-03-084	365-42-430	REP-P 81-03-050
308-37-100	NEW-P 81-02-032	322-10-060	NEW-P 81-03-084	365-42-440	REP-P 81-03-050
308-37-110	NEW-P 81-02-032	322-10-070	NEW-P 81-03-084	365-42-510	REP-P 81-03-050
308-37-120	NEW-P 81-02-032	322-10-080	NEW-P 81-03-084	365-42-610	REP-P 81-03-050
308-37-130	NEW-P 81-02-032	322-10-090	NEW-P 81-03-084	365-42-710	REP-P 81-03-050
308-37-140	NEW-P 81-02-032	322-10-100	NEW-P 81-03-084	388-08-007	REP-P 81-02-022
308-38-100	NEW-P 81-02-032	322-10-110	NEW-P 81-03-084	388-08-007	REP-P 81-03-026
308-38-110	NEW-P 81-02-032	322-12-010	REP-P 81-03-084	388-15-217	NEW 81-03-075
308-38-120	NEW-P 81-02-032	322-12-020	REP-P 81-03-084	388-24-070	AMD-P 81-03-011
308-38-130	NEW-P 81-02-032	322-12-030	REP-P 81-03-084	388-48	REP-P 81-02-022
308-38-140	NEW-P 81-02-032	322-12-040	REP-P 81-03-084	388-48	REP-P 81-03-026
308-38-150	NEW-P 81-02-032	322-12-060	REP-P 81-03-084	388-54-785	AMD-E 81-03-024
308-38-160	NEW-P 81-02-032	322-12-070	REP-P 81-03-084	388-54-785	AMD-P 81-03-025
308-39-100	NEW-P 81-02-032	322-12-080	REP-P 81-03-084	388-82-020	AMD-P 81-03-057
308-39-110	NEW-P 81-02-032	322-12-090	REP-P 81-03-084	388-82-020	AMD-E 81-03-058
308-39-120	NEW-P 81-02-032	322-12-100	REP-P 81-03-084	388-83-045	AMD-P 81-03-057
308-52-020	REP 81-03-079	322-12-110	REP-P 81-03-084	388-83-045	AMD-E 81-03-058
308-52-040	AMD 81-03-079	322-12-120	REP-P 81-03-084	388-85-015	AMD-P 81-03-057
308-52-110	REP 81-03-079	322-12-140	REP-P 81-03-084	388-85-015	AMD-E 81-03-058
308-52-120	AMD 81-03-079	322-12-150	REP-P 81-03-084	388-86-120	AMD-P 81-03-057
308-52-132	NEW 81-03-078	322-12-160	REP-P 81-03-084	388-86-120	AMD-E 81-03-058
308-52-137	REP 81-03-078	322-22-010	NEW-P 81-03-084	388-320	AMD-P 81-02-022
308-52-138	AMD 81-03-078	322-22-020	NEW-P 81-03-084	388-320	AMD-P 81-03-026
308-52-139	AMD 81-03-078	332-22-010	NEW 81-03-059	390-20-144	NEW 81-03-001
308-52-140	AMD 81-03-078	332-22-020	NEW 81-03-059	391-08-230	NEW 81-02-034
308-52-141	AMD 81-03-078	332-22-030	NEW 81-03-059	391-25-110	NEW 81-02-034
308-52-144	REP 81-03-078	332-22-040	NEW 81-03-059	391-25-190	NEW 81-02-034
308-52-201	NEW 81-03-078	332-22-050	NEW 81-03-059	391-45-552	NEW 81-02-034
308-52-205	NEW 81-03-078	332-22-060	NEW 81-03-059	391-55-335	NEW 81-02-034
308-52-211	NEW 81-03-078	332-22-070	NEW 81-03-059	391-55-345	NEW 81-02-034
308-52-215	NEW 81-03-078	332-22-080	NEW 81-03-059	391-95-130	NEW 81-02-034
308-52-221	NEW 81-03-078	332-22-090	NEW 81-03-059	391-95-310	NEW 81-02-034
308-52-250	REP 81-03-079	332-22-100	NEW 81-03-059	410-20-010	NEW 81-02-030
308-52-255	NEW 81-03-079	332-22-110	NEW 81-03-059	410-20-020	NEW 81-02-030
308-92-010	REP 81-02-030	332-22-120	NEW 81-03-059	410-20-030	NEW 81-02-030
308-92-020	REP 81-02-030	332-22-130	NEW 81-03-059	410-20-040	NEW 81-02-030
308-92-030	REP 81-02-030	332-22-140	NEW 81-03-059	410-20-050	NEW 81-02-030
308-92-040	REP 81-02-030	332-22-150	NEW 81-03-059	410-20-060	NEW 81-02-030
308-92-050	REP 81-02-030	356-18-050	AMD 81-03-017	410-20-070	NEW 81-02-030
308-92-060	REP 81-02-030	356-18-110	AMD-P 81-03-019	415-104-800	NEW-E 81-03-028
308-92-070	REP 81-02-030	356-18-150	AMD-P 81-03-019	415-104-810	NEW-E 81-03-028
308-92-080	REP 81-02-030	356-26-060	AMD 81-03-017	415-104-820	NEW-E 81-03-028
308-92-100	REP 81-02-030	356-30-080	AMD 81-03-064	446-50-010	AMD 81-03-008

Table of WAC Sections Affected

WAC #		WSR #
446-50-020	AMD	81-03-008
446-50-080	AMD	81-03-008
463-30-080	AMD-P	81-03-055
463-46-055	AMD-P	81-03-055
468-87-010	NEW-P	81-03-050
468-87-020	NEW-P	81-03-050
468-87-030	NEW-P	81-03-050
468-87-100	NEW-P	81-03-050
468-87-110	NEW-P	81-03-050
468-87-200	NEW-P	81-03-050
468-87-210	NEW-P	81-03-050
468-87-220	NEW-P	81-03-050
468-87-230	NEW-P	81-03-050
468-87-240	NEW-P	81-03-050
468-87-300	NEW-P	81-03-050
468-87-310	NEW-P	81-03-050
468-87-320	NEW-P	81-03-050
468-87-330	NEW-P	81-03-050
468-87-340	NEW-P	81-03-050
468-87-350	NEW-P	81-03-050
468-87-360	NEW-P	81-03-050
468-87-370	NEW-P	81-03-050
468-87-380	NEW-P	81-03-050
468-87-390	NEW-P	81-03-050
468-87-410	NEW-P	81-03-050
468-87-420	NEW-P	81-03-050
468-87-430	NEW-P	81-03-050
468-87-440	NEW-P	81-03-050
468-87-510	NEW-P	81-03-050
468-87-610	NEW-P	81-03-050
468-87-710	NEW-P	81-03-050
480-04-030	AMD-P	81-03-073
480-04-100	AMD-P	81-03-073
480-12-180	AMD	81-02-044
480-12-190	AMD	81-02-044
480-12-250	AMD-P	81-03-074
480-100-041	AMD-P	81-02-043
480-100-041	AMD	81-03-060
480-100-043	NEW-P	81-02-043
480-100-043	NEW	81-03-060
480-100-056	AMD-P	81-02-043
480-100-056	AMD	81-03-060
480-100-071	AMD-P	81-02-043
480-100-071	AMD	81-03-060
490-28A-013	AMD-P	81-03-052

Subject/Agency Index

ADULT CORRECTIONS		BLIND, COMMISSION FOR THE—cont.	
Departmental organization	81-03-041	vendor responsibility	81-03-049
Furloughs, residents	81-03-076	BOARDING HOMES	
Work release, home placement, supervision	81-01-076	Congregate care program	81-01-077
	81-01-088	BOATS	
ADVERTISING		Pilotage	
Liquor licensees		rates	
novelty items	81-01-035	Grays Harbor	81-03-072
Optometrists	81-01-108	Puget Sound	81-03-072
AGENCIES		BOILER RULES, BOARD OF	
Rules		1980 code adoption	81-01-114
oversight of	81-01-084	BUILDING CODE ADVISORY BOARD	
AGRICULTURE, DEPARTMENT OF		Public meeting notice	81-02-048
Brucellosis		BUSINESS AND PROFESSIONS	
official calfhood vaccination		Trade name registration	81-02-038
payment to veterinarian, authorization	81-01-041	BUSINESS LICENSE CENTER	
reactors, sale of	81-01-071	Master license system	81-03-027
Herbicides		CEMETERY BOARD	
Benton county	81-02-047	Dedication, removal of	81-02-055
	81-03-067	Endowment care funds	
	81-03-070	real estate income	
Franklin county	81-02-045	depreciation	81-02-055
	81-03-065	Hybrid units	81-02-055
	81-03-068	CENTRALIA COLLEGE	
Walla Walla county	81-02-046	Emergency shutdown,	
	81-03-066	employees, notice, responsibility	81-03-036
	81-03-069	Public meeting notice	81-01-083
Livestock, special sales permits	81-01-113	Unused sick leave, compensation	81-03-037
AIR		CHILDREN	
Volatile organic compound emission sources,		Support enforcement	81-01-112
standards, controls	81-03-003	CHIROPRACTORS	
ALCOHOLISM		College approval	81-01-106
Hospitals		Scope of practice	81-01-066
licensing standards	81-02-004	CITIES AND TOWNS	
Treatment facilities	81-02-004	Jails	
ASIAN-AMERICAN AFFAIRS COMMISSION		custodial care standards	81-01-118
Public meeting notice	81-01-122	state funding	
ATHLETIC COMMISSION		reimbursement standards	81-03-029
Boxing and wrestling		Pension, retirement benefit increases,	
license fees	81-01-116	initiative no. 62 impact, state	
ATTORNEY GENERAL'S OPINIONS		reimbursement responsibility	81-01-121
Industrial insurance appeals, board of,		CIVIL SERVICE	
executive conflict of interest law,		Colleges and universities	
applicability of	81-02-026	suspended operations	81-01-105
Law enforcement officers'		State	
and fire fighters' retirement		public employment relations commission	
amendments, proposed, constitutionality	81-03-013	practice and procedure	81-02-034
probationary employees, eligibility	81-02-027	Temporary employment, exempt service	81-03-064
Pension, retirement increases,		CLARK COLLEGE	
Initiative No. 62 impact,		Public meeting notice	81-02-028
state reimbursement responsibility	81-01-121	COLLEGES AND UNIVERSITIES	
Public transportation		Civil service	
county systems		suspended operation	81-01-105
rate reductions, senior citizens,		Education services registration	
students	81-02-024	exemptions	81-01-086
AUTO TRANSPORTATION COMPANIES		sectarian religious ownership, exemption	81-01-086
Classification for accounting		COMMUNITY COLLEGES	
and reporting purposes	81-01-032	Board	
	81-01-074	organization and operations	81-01-079
	81-03-074	public meeting notice	81-01-078
BARBERS		CONSERVATION COMMISSION	
Licensing		Public meeting notice	81-01-103
examinations	81-03-015	CONTINUING EDUCATION	
BELLEVUE COMMUNITY COLLEGE		Optometrists	81-01-107
Public meeting notice	81-02-001	Physician assistant	81-03-078
Student code		CORPORATIONS	
drug use	81-03-077	Trade name registration	81-02-038
BLIND, COMMISSION FOR THE			
Vending facility program			
agreement, form	81-03-049		
information, access	81-03-048		
set aside funds	81-03-049		

Subject/Agency Index

COSMETOLOGISTS			
Demonstrations, student hours, out of state applicants, water supply	81-03-016		
COUNTIES			
Board of equalization hearings examiners	81-01-020		
Jails			
custodial care standards	81-01-118		
state funding reimbursement standards	81-03-029		
Pension, retirement benefit increases, initiative no. 62 impact, state reimbursement responsibility	81-01-121		
State levy, apportionment to	81-01-026		
Public transportation authorities rate reductions, senior citizens, students	81-02-024		
DATA PROCESSING AUTHORITY			
Operations and methods description	81-03-034		
Public disclosure act compliance	81-03-034		
DENTAL DISCIPLINARY BOARD			
Anesthetic administration, guidelines	81-02-032		
Delegation of duties	81-02-032		
Drug records	81-02-032		
Injury reports	81-02-032		
License display	81-02-032		
Patient records	81-02-032		
DISCLOSURE			
Lobbyists			
expenditures monthly report	81-03-001		
registration	81-03-001		
Snohomish county community colleges student records, disclosure	81-01-104		
Social and health services, department of, records	81-02-022 81-03-026		
DISCRIMINATION			
Affirmative action, state government	81-03-042		
DISTRICT COURTS			
Appeals from	81-01-046		
DIVING			
Safety standards	81-02-029		
EASTERN WASHINGTON UNIVERSITY			
Student association, constitution	81-03-012		
ECOLOGICAL COMMISSION			
Public meeting notice	81-02-049		
ECOLOGY, DEPARTMENT OF			
Air pollution			
new sources review	81-03-002		
volatile organic compound sources, emission standards, controls	81-03-003		
Shoreline management			
Gig Harbor	81-01-038		
Kent	81-01-039		
Mercer Island	81-01-037		
Seattle	81-02-050		
Skagit county	81-01-040		
Spokane county	81-02-050		
Tacoma	81-03-080		
Yakima county	81-02-051		
EDUCATION, STATE BOARD OF			
Educational service districts			
board election rules	81-01-022		
Public meeting notice	81-01-023 81-03-056		
EDUCATIONAL SERVICE DISTRICTS			
Board elections	81-01-022		
ELECTIONS			
Educational service district boards	81-01-022		
ELECTRIC COMPANIES			
Advertising	81-02-043 81-03-060		
ELECTRIC COMPANIES—cont.			
Discontinuance of service	81-02-043 81-03-060		
Information to consumers	81-02-043 81-03-060		
Refusal of service	81-02-043 81-03-060		
ELECTRICIANS			
Tree trimming, safety	81-01-069		
Wires and equipment installation	81-01-115		
ELEVATORS			
Handicapped	81-01-034		
EMPLOYMENT AGENCIES			
Fees deregulation	81-02-031		
ENERGY			
Low-income energy assistance program state plan	81-01-006		
ENERGY FACILITY SITE EVALUATION COUNCIL			
Contested case proceedings commencement environmental impact statement procedures	81-03-055 81-03-055		
EQUIPMENT, COMMISSION ON			
Quartz halogen headlamps	81-01-009		
Tire chains, two-vehicle combinations	81-01-080 81-01-081		
EVERETT COMMUNITY COLLEGE			
Student records, disclosure	81-01-104		
EVERGREEN STATE COLLEGE, THE			
Public meeting notice	81-01-057		
EXECUTIVE ORDERS			
Administrative rules, oversight of	81-01-084		
Adult correction, departmental organization	81-03-041		
Affirmative action	81-03-042		
Distant waters fisheries advisory committee	81-02-016		
Employment, monthly staffing limitation	81-03-054		
Mt. St. Helens state assistance, citizens, local governments	81-03-040		
Rural community development council	81-01-004		
EXEMPTIONS			
Property tax nonprofit organizations senior citizens and disabled persons	81-01-021 81-01-070		
FARMS			
Brucellosis official calfhood vaccination definition	81-01-072 81-01-073		
payments to veterinarians, authorized reactors, sale of	81-01-041 81-01-071		
Herbicides			
Benton county	81-02-047 81-03-067		
Franklin county	81-03-070 81-02-045 81-03-065		
Walla Walla county	81-02-046 81-03-066 81-03-069 81-01-113		
Livestock, special sales permits			
FEES			
Boxing and wrestling licenses	81-01-116		
Employment agencies, deregulation	81-02-031		
Gambling licenses	81-03-045		
Horse racing occupation permit	81-01-060		
Workers' compensation claims health care services	81-01-096 81-01-100		
FIRE FIGHTERS			
Disability retirement system			

Subject/Agency Index

FIRE FIGHTERS—cont.			
amendments, constitutionality	81-03-013		
elective state officials, continued membership	81-03-028		
Probationary employees, membership in retirement system	81-02-027		
FIRE MARSHAL			
Day care, treatment, group care facilities, fire protection standards	81-03-051		
Maternity homes, fire protection standards	81-03-051		
Transient accommodations, fire and life safety	81-03-081		
FIRES			
Protection standards			
day care, group care facilities	81-03-051		
maternity homes	81-03-051		
transient accommodations	81-03-081		
Smoke detection devices in dwellings	81-01-068		
FISHERIES, DEPARTMENT OF			
Commercial fishing			
bottomfish, coastal or ocean waters, lawful gear	81-01-090		
herring			
areas 21A, 21B	81-01-051		
	81-01-091		
	81-03-030		
Bellingham bay area	81-01-095		
Columbia river, closed period	81-03-043		
Hoko river	81-01-008		
lawful and unlawful acts	81-02-053		
Nooksack river			
salmon protection	81-02-019		
Pacific cod, set net, seasons	81-03-031		
Pacific ocean perch	81-02-018		
reports			
aquaculture production	81-03-032		
hard shell clam production	81-03-032		
salmon			
Dungeness river, chinook protection	81-01-050		
	81-02-009		
	81-01-008		
Elwha river	81-03-035		
Nisqually river			
Puget Sound			
area 4B	81-02-052		
area 5	81-01-024		
	81-02-052		
area 6A	81-01-094		
area 6B, net gear	81-01-050		
area 6D	81-01-102		
area 7	81-01-094		
area 7A	81-01-094		
area 7B	81-01-094		
area 7C	81-01-024		
area 8A, purse seine, gill nets	81-01-008		
area 9, net gear	81-01-050		
	81-02-009		
area 10	81-01-050		
	81-02-009		
area 10A	81-01-050		
area 10C	81-01-050		
	81-01-094		
area 11	81-01-050		
	81-02-009		
area 11A	81-01-050		
	81-01-094		
area 12	81-01-008		
area 12A	81-02-009		
area 12B	81-01-008		
area 12C	81-02-009		
area 12D	81-02-009		
area 13	81-01-050		
	81-02-009		
	81-03-035		
area 13A	81-02-009		
area 13B	81-01-050		
	81-02-009		
Puyallup river	81-01-092		
FISHERIES, DEPARTMENT OF—cont.			
Pysht bay	81-01-024		
Samish river	81-01-094		
Sekiu river	81-01-008		
Skagit river	81-01-008		
	81-02-037		
	81-02-052		
Skokomish river	81-01-033		
Stillaquamish river	81-01-008		
Strait of Juan de Fuca tributaries	81-01-092		
	81-01-102		
sturgeon			
Columbia river	81-03-044		
Fisheries moratorium			
advisory review boards	81-01-042		
Personal-use fishing			
annual update	81-01-117		
Elliott Bay pier	81-02-010		
Steelhead			
gill nets, purse seines, closures	81-01-007		
FISHING			
Distant waters fisheries advisory committee	81-02-016		
Steelhead			
Chehalis, Nisqually rivers, areas 2A, 2D, gill nets and seines, treaty Indian closure	81-03-033		
gill net, purse seine, closed areas	81-02-021		
Hoh river, treaty Indians, closure	81-03-009		
Hoko, Pysht, Queets, Quinault rivers, Lake Washington system, treaty Indians, closure	81-03-010		
FOREST PRACTICES BOARD			
Public meeting notice	81-02-040		
FORESTS			
Timber tax			
stumpage values	81-02-007		
	81-02-008		
FORT STEILACOOM COMMUNITY COLLEGE			
Faculty, dismissal	81-03-023		
Reduction in force	81-03-022		
GAMBLING COMMISSION			
Charitable and nonprofit organizations			
licenses			
validity, period of	81-03-045		
Deputy director, authority of	81-01-063		
License fees	81-03-045		
GAME, DEPARTMENT OF			
Fishing			
steelhead			
Chehalis, Nisqually rivers, areas 2A, 2D, gill net and seines, treaty Indians	81-03-033		
gill nets, purse seine, closures	81-01-007		
	81-02-021		
	81-03-009		
Hoh river, treaty Indians, closure			
Hoko, Pysht, Queets, Quinault rivers, Lake Washington system, treaty Indians, closure	81-03-010		
Public meeting notice	81-02-003		
GEOGRAPHIC NAMES, BOARD OF			
Public meeting notice	81-02-013		
GOVERNOR, OFFICE OF THE			
Administrative rules, oversight of	81-01-084		
Adult corrections, departmental organization	81-03-041		
Affirmative action	81-03-042		
Distant waters fisheries advisory committee	81-02-016		
Employment, monthly staffing limitation	81-03-054		
Mt. St. Helens			
state assistance to citizens, local governments	81-03-040		
Rural community development council	81-01-004		
GREEN RIVER COMMUNITY COLLEGE			
Public meeting notice	81-02-025		
HANDICAPPED			
Affirmative action, state government	81-03-042		

Subject/Agency Index

HANDICAPPED—cont.		HOSPITALS—cont.	
Chore services for disabled adults	81-03-075	Certificate of need	81-01-075
Elevators, safety rules	81-01-034	Definitions	81-03-039
Property tax exemption	81-01-070	Exemptions and interpretations	81-03-038
Transportation, capital assistance, nonprofit organizations	81-03-050	Licensing, practice and procedure	81-01-001
Wheelchair lifts	81-01-034	New construction requirements	81-03-038
HAZARDOUS MATERIALS		Psychiatric, licensing standards	81-02-004
Transportation of technical advisory committee transportation requirements	81-01-025 81-03-008	HOTELS—MOTELS	
HEALTH, BOARD OF		Fire and life safety	81-03-081
Certificates of need		HUMAN RIGHTS COMMISSION	
health care facilities	81-01-075	Public meeting notice	81-01-052
Hospitals		INDIANS	
alcoholism, licensing standards	81-02-004	Steelhead fishing	
certificates of need	81-01-075	Chehalis, Nisqually rivers, areas 2A, 2D, gill nets and seines	81-03-033
definitions	81-03-039	Hoh river	81-03-009
exemptions and interpretations	81-03-038	Hoko, Pysht, Queets, Quinault rivers, Lake Washington system	81-03-010
new construction requirements	81-03-038	INDUSTRIAL INSURANCE	
psychiatric, licensing standards	81-02-004	Appeals board	
Practice and procedure		executive conflict of interest law, applicability	81-02-026
licensing of hospitals	81-01-001	INSTITUTIONS	
Sewage disposal systems		Furloughs, residents, correctional institutions	81-03-076
on-site systems		Residential schools	
subdivision, definition	81-02-042	rate schedules	81-02-020 81-02-023
HEARING EXAMINER		INSURANCE COMMISSIONER/FIRE MARSHAL	
Boards of equalization, duties, appointment of	81-01-020	Fire protection standards	
HERBICIDES		day care, day treatment centers	81-03-051
Benton county	81-02-047 81-03-067 81-03-070	group care facilities	81-03-051
Franklin county	81-02-045 81-03-065 81-03-068	maternity homes	81-03-051
Walla Walla county	81-02-046 81-03-066 81-03-069	mini day care centers	81-03-051
HIGHER EDUCATION PERSONNEL BOARD		transient accommodations	81-03-081
Suspended operation	81-01-105	Smoke detection devices in dwelling units	81-01-068
HIGHWAYS		Surplus line insurance	81-01-065 81-02-011 81-03-082
Tire chains, two-vehicle combinations	81-01-080 81-01-081	INTERAGENCY COMMITTEE FOR OUTDOOR REC- REATION	
HORSE RACING COMMISSION		Public meeting notice	81-01-010
Definitions		JAIL COMMISSION	
jurisdiction	81-01-060	Custodial care standards	81-01-118
first aid	81-01-060	Funding procedures, requirements	81-03-029
punishment	81-01-060	JOCKEYS	
occupational permit fee	81-01-060	Conflict of interest	81-01-059
horse identification	81-01-060	JUSTICE COURTS	
entry	81-01-060	Appeal rules	81-01-046
whips, use of	81-01-060	Traffic infraction rules	81-01-045
claims, incumbrances, use of	81-01-060	LABOR AND INDUSTRIES, DEPARTMENT OF	
hypodermics	81-01-060	Commercial diving	
firearms	81-01-060	safety standards	81-02-029
searches	81-01-060	Electrical wire and equipment installation	81-01-115
Jockeys		Inspections, health and safety, method, manner, frequency	81-02-002 81-03-071
conflict of interest	81-01-059	Safety	
Medication	81-01-061 81-01-062	electrical workers, tree trimming	81-01-069
Veterinarians' reports	81-01-061 81-01-062	elevators, handicapped	81-01-034
HOSPITAL COMMISSION		pulp, paper, and paperboard, standards	81-03-006 81-03-007 81-01-034
Accounting and financial reporting manual, update	81-02-036	wheelchair lifts	
uniform system, established	81-02-035	Workers' compensation fee schedules, health care service vendors	81-01-096 81-01-100 81-01-119 81-01-120
HOSPITALS		risk class 66-1, medical aid rate	
Accounting and financial reporting manual, update	81-02-036	LAW ENFORCEMENT OFFICERS	
uniform system, established	81-02-035	Disability retirement system amendments, constitutionality	81-03-013

Subject/Agency Index

LAW ENFORCEMENT OFFICERS—cont.		MOTOR VEHICLES—cont.	
elective state officials, continued membership	81-03-028	Quartz halogen headlamps	81-01-009
Probationary employees, retirement system membership	81-02-027	Tire chains, two-vehicle combinations	81-01-080 81-01-081
LEASES		MOUNT ST. HELENS	
State lands, procedures and criteria	81-03-059	State assistance, citizens, local governments	81-03-040
LICENSES		NARCOTICS	
Boxing and wrestling, fees	81-01-116	Physician assistant, emergency administration	81-03-078
Gambling fees	81-03-045	NATURAL GAS UTILITIES	
Hospitals		Advertising costs, recovery of	81-01-101
practice and procedure	81-01-001	Discontinuance of service	81-01-101
Motor vehicles, reciprocity	81-02-030	NATURAL RESOURCES, DEPARTMENT OF	
Physicians and surgeons		Board	
application, approval	81-03-079	public meeting notice	81-01-049
LICENSING, DEPARTMENT OF		Land leasing, procedures and criteria	81-03-059
Barbers		NONPROFIT ORGANIZATIONS	
examinations	81-03-015	Property tax exemption	81-01-021
Cosmetologists		Transportation, elderly, handicapped, capital assistance	81-03-050
demonstrations	81-03-016	NOXIOUS WEED CONTROL BOARD	
out of state applicants	81-03-016	Proposed list	81-02-041
student hours	81-03-016	NURSING HOMES	
water supply	81-03-016	Accounting and reimbursement system	
Director, appointment notice, form ratification	81-03-046	allowable costs	81-01-108
Employment agencies		requirements, development of, consultant's product	81-02-006 81-01-015
fee deregulations	81-02-031	Administrator	81-02-033
Master license system	81-03-027	Drug facilities	81-02-033
Real estate brokers		Emergency, supplemental dose kits	81-01-002
commissions, negotiability	81-02-054	Operating requirements	81-01-014 81-03-004 81-03-005
Trade name registration		Patients	
corporations, limited partnerships	81-02-038	nonreusable medical supplies, billings for	81-01-012
LIQUOR CONTROL BOARD		Pharmaceutical services	81-02-033
Advertising		OPTOMETRY, BOARD OF	
novelty items	81-01-035	Contact lenses, price advertising	81-01-107
LIVESTOCK		Continuing education	81-01-107
Special sales permits	81-01-113	Space leasing relationship	81-01-107
LOBBYING		PARENT-CHILD	
Expenditures		Aid to dependent children	
monthly report	81-03-001	absent parent, deprivation, determination	81-03-011
Registration	81-03-001	Support enforcement	81-01-112
LOWER COLUMBIA COLLEGE		PARKS AND RECREATION COMMISSION	
College operating policies	81-01-005 81-01-031	Public meeting notice	81-01-098
MEDICAL EXAMINERS, BOARD OF		PARTNERSHIPS	
Physician assistant		Limited	
classification	81-03-078	trade name registration	81-02-038
continuing education	81-03-078	PENSIONS (See RETIREMENT AND PENSIONS)	
prescriptive authority, narcotics	81-03-078	PERSONNEL, DEPARTMENT OF	
supervision	81-03-078	Certification, general methods	81-01-055 81-03-017
Physicians and surgeons		Definitions	81-01-055 81-03-019
license application, approval	81-03-079	Disciplinary action, basis	81-01-056 81-03-018
MENTALLY ILL, MENTALLY RETARDED		Discovery	81-01-055 81-03-019
Hospitals		Human resource development	81-01-054
licensing standards	81-02-004	Leave, child care	81-01-055 81-03-019
MEXICAN-AMERICAN AFFAIRS, COMMISSION		Salaries	
ON		reduction-in-force register appointments	81-01-054
General provisions	81-03-084	Sick leave	
Practice and procedure	81-03-084	credit, accrual, conversion	81-01-055 81-03-017
Public meeting notice	81-01-123 81-03-083	State personnel board	81-01-058
Public records	81-03-084	Subpoenas, service	81-01-055 81-03-019
MOTOR FREIGHT CARRIERS		Suspension, reduction, demotion	81-03-018
Classification for accounting and reporting purposes	81-01-032 81-01-074 81-03-074	Temporary employment, exempt service	81-03-064
Drivers' hours of service	81-02-044		
Equipment safety	81-02-044		
MOTOR VEHICLES			
License reciprocity	81-02-030		

Subject/Agency Index

PERSONNEL, DEPARTMENT OF—cont.		PUBLIC ASSISTANCE—cont.	
Transfer between classes	81-01-054	Medical assistance	
Vacation leave allowance	81-01-055	reduction of program availability	81-03-057
PHARMACY, BOARD OF		81-03-058	81-01-110
Nursing homes		Overpayment, departmental error	
emergency kits, dose kits,		Social services	
drug facilities, pharmaceutical services	81-02-033	eligibility	81-01-087
PHYSICIAN ASSISTANT		Support enforcement	81-01-111
Classification	81-03-078	PUBLIC DISCLOSURE COMMISSION	
Continuing education	81-03-078	Lobbyists	
Prescriptive authority, narcotics	81-03-078	registration	81-03-001
Supervision	81-03-078	reporting	81-03-001
PHYSICIANS AND SURGEONS		Public meeting notice	81-03-062
License, application, approval of	81-03-079	PUBLIC EMPLOYMENT RELATIONS COMMISSION	
PILOTAGE COMMISSIONERS, BOARD OF		Practice and procedure	81-02-034
Rates		PUBLIC LANDS	
Grays Harbor district	81-03-072	Leases, procedures	81-03-059
Puget Sound district	81-03-072	PUBLIC MEETING NOTICES	
PLANNING AND COMMUNITY AFFAIRS AGENCY		Asian-American affairs, commission on	81-01-122
Economic opportunity division		Bellevue community college	81-02-001
public meeting notice	81-01-006	Building code advisory council	81-02-048
Elderly and handicapped transportation,		Centralia college	81-01-083
capital assistance, nonprofit organizations	81-03-050	Clark college	81-02-028
Low-income energy assistance program		Community college education,	
state plan, availability	81-01-006	state board for	81-01-078
POLLUTION		Conservation commission	81-01-103
Air		Ecological commission	81-02-049
new source review	81-03-002	Economic opportunity division	
Volatile organic compounds (VOC), emission		advisory council	81-01-006
sources, standards and controls	81-03-003	Education, state board of	81-01-023
POLLUTION CONTROL HEARINGS BOARD			81-03-056
Public meeting notice	81-02-040	Evergreen State College, The	81-01-057
POSTSECONDARY EDUCATION, COUNCIL FOR		Forest practices board	81-02-040
Educational services registration		Game commission	81-02-003
exemptions	81-01-086	Geographic names, board on	81-02-013
sectarian religious grounds	81-01-086	Green river community college	81-02-025
PRESCRIPTIONS		Human rights commission	81-01-052
Physician assistant, narcotics	81-03-078	Interagency committee for outdoor recreation	81-01-010
PROPERTY, REAL		Lower Columbia college	81-01-031
Indicated real property ratio, computation	81-01-027	Mexican-American affairs, commission on	81-01-123
	81-01-028		81-03-083
Single family dwellings, improvements to,		Natural resources, board of	81-01-049
property tax exemption	81-01-019	Parks and recreation commission	81-01-098
Tax		Personnel board	81-01-058
exemption		Pollution control hearings board	81-02-040
nonprofit organizations	81-01-021	Public disclosure commission	81-03-062
freeport exemption	81-01-036	Real estate commission	81-02-012
deferrals of	81-01-067	Reciprocity commission	81-02-017
leasehold estates	81-01-036	Seattle community college district	81-03-020
PUBLIC ASSISTANCE		Shorelines hearings board	81-02-040
Abbreviations, update	81-01-013	Skagit valley college	81-01-053
Aid to dependent children		Traffic safety commission	81-02-014
absent parent deprivation, determination	81-03-011	University of Washington	81-01-085
child care expenses	81-01-017		81-02-015
Chore services for disabled adults	81-01-109	Urban arterial board	81-02-039
	81-03-075	Vocational education, advisory council on	81-03-063
Congregate care		Walla Walla community college	81-03-021
contracted bed requirement	81-01-077	Washington state university	81-01-097
Food stamps		Wenatchee valley college	81-03-053
income		Yakima valley college	81-03-053
exclusions	81-01-003	PUBLIC RECORDS	
	81-01-018	Mexican-American affairs, commission on	81-03-084
requirements	81-02-005	Social and health services, department of	
monthly allotments	81-03-024	accessibility	81-02-022
	81-03-025		81-03-026
Grant programs, appeal procedure	81-01-016	PUBLIC TRANSPORTATION SYSTEMS	
Medical care services	81-01-029	County public transportation authority	
	81-01-030	rate reductions, senior citizens, students	81-02-024
	81-01-089	Elderly and handicapped, capital assistance	81-03-050
		Retail sales tax	
		collection schedule	
		rate increase	81-01-099

Subject/Agency Index

PULP, PAPER, AND PAPERBOARD		RULES OF COURT—cont.	
Safety standards	81-03-006	appeal of decisions of	
	81-03-007	courts of limited jurisdiction	81-01-046
RADIOACTIVE MATERIALS		remand of criminal case,	
Radiation controls	81-01-011	copy of mandate (RAP 12.5(d))	81-01-048
RATES		General rules	81-01-047
Pilotage		Justice court, appeals from	81-01-046
Grays Harbor	81-03-072	Justice court traffic infraction rules	81-01-045
Puget Sound	81-03-072	Superior court civil rules	
REAL ESTATE		default, setting aside,	
Brokers		venue (CR 55(c), 82)	81-01-044
commissions, negotiability	81-02-054	temporary restraining order	
Single family dwellings, improvements to,		(CR 65(b) and (c))	81-01-043
property tax exemption	81-01-020	RURAL COMMUNITY DEVELOPMENT COUNCIL	
Taxation		Created	81-01-004
exemption		SAFETY	
nonprofit organization	81-01-021	Commercial diving	81-02-029
single family residence, improvements	81-01-019	Electrical workers, tree trimming	81-01-069
indicated real property ratio, computation	81-01-027	Elevators, handicapped	81-01-034
	81-01-028	Fire protection standards	
special assessments/property tax,		day care, treatment centers	81-03-051
deferral of	81-01-067	group care facilities	81-03-053
REAL ESTATE COMMISSION		maternity homes	81-03-053
Public meeting notice	81-02-012	transient accommodations	81-03-081
RECIPROCITY COMMISSION		Hazardous materials	
Meeting dates	81-02-017	transportation requirements	81-01-025
Out-of-state vehicles, operation	81-02-030	Inspections	
REGISTERED SANITARIANS, BOARD OF		method, manner, frequency	81-02-002
Registration, application, examination	81-01-082		81-03-071
REPORTS		Pulp, paper, and paperboard, standards	81-03-006
Horse racing			81-03-007
veterinarians'	81-01-061	Radiation controls	81-01-011
	81-01-062	Smoke detection devices in dwellings	81-01-068
RETIREMENT AND PENSIONS		Wheelchair lifts	81-01-034
Benefit increases, local taxing districts		SALARY, WAGES	
initiative no. 62 increases,		State employees	
state reimbursement responsibility	81-01-121	reduction-in-force register appointments	81-01-054
Law enforcement officers'		SCHOOLS	
and fire fighters' retirement		Educational services registration act	
amendments, constitutionality	81-03-013	exemption, religious ownership	81-01-086
elective state officials,		exemptions	81-01-086
continued membership	81-03-028	Residential schools, rates	81-02-020
probationary employees, membership	81-02-027		81-02-023
State patrol		SEATTLE COMMUNITY COLLEGE DISTRICT	
disability retirement board		Public meeting notice	81-03-020
composition of	81-01-064	SENIOR CITIZENS	
REVENUE, DEPARTMENT OF		Property tax exemption	81-01-070
Board of equalization,		Public transportation,	
duties, hearing examiners	81-01-020	county systems, rate deductions	81-02-024
Indicated real property ratio, computation	81-01-027	Transportation, capital assistance,	
	81-01-028	nonprofit organizations	81-03-050
Property tax		SEWERS	
deferral of		On-site disposal systems	
exemption	81-01-065	subdivision, definition	81-02-042
average inventory, transient trader,		SHORELINE MANAGEMENT	
freeport exemption	81-01-036	Grant county	81-01-038
leasehold estates	81-01-036	Kent	81-01-039
nonprofit organization	81-01-021	Mercer Island	81-01-037
senior citizens and disabled persons	81-01-070	Seattle	81-02-050
Retail sales tax collection schedules		Skagit county	81-01-040
public transportation rate increases	81-01-099	Spokane county	81-02-050
Single family dwellings, improvements,		Tacoma	81-03-080
property tax exemption	81-01-019	Yakima county	81-02-051
Special assessments		SHORELINES HEARINGS BOARD	
deferral of	81-01-067	Public meeting notice	81-02-040
State levy, apportionment to counties	81-01-026	SICK LEAVE	
Tax freeze act of 1967	81-01-036	Centralia college	
Timber tax		compensation for unused sick leave	81-03-037
stumpage values	81-02-007	SKAGIT COUNTY	
	81-02-008	Shoreline management program	81-01-040
RULES OF COURT		SKAGIT VALLEY COLLEGE	
Appellate procedure		Public meeting notice	81-01-053

Subject/Agency Index

SNOHOMISH COUNTY COMMUNITY COLLEGES

Student records, disclosure 81-01-104

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Adult corrections
departmental organization 81-03-041
hearing committee, hearing officer 81-03-076
work release, home placement, supervision 81-01-076
81-01-088

Aid to dependent children
absent parent, deprivation,
determination of 81-03-011
child care expenses 81-01-017

Chore services for disabled adults
81-01-109
81-03-075

Medical assistance
reduction of program 81-03-057
81-03-058

Medical care services
81-01-029
81-01-030
81-01-089

Nursing homes
accounting and reimbursement system
allowable costs 81-01-108
requirements,
development of, consultant's product 81-02-006
administrator 81-01-014
operation requirements 81-01-002
81-01-014
81-03-004
81-03-005

patients
nonreusable medical supplies,
billing for 81-01-012

Public assistance
abbreviations, update 81-01-013
congregate care
contracted bed requirement 81-01-077

food stamps
income
exclusions 81-01-003
81-01-018
81-02-005
81-03-024
81-03-025
81-01-016
81-01-110
81-01-011

grant programs, appeal process
overpayment, departmental error

Radiation control
Records
public access 81-02-022
81-03-026

Residential schools
rate schedules 81-02-020
81-02-023

Social services
eligibility 81-01-087
Support enforcement 81-01-111

SPOKANE COMMUNITY COLLEGE DISTRICT NO.

17
Liquor consumption 81-01-093

SPOKANE COUNTY

Shoreline management 81-02-050

STATE

Affirmative action 81-03-042
Agencies
employment, monthly staffing limitation 81-03-054
rules
oversight of 81-01-084

Employees
certification, general methods 81-01-055
81-03-017
81-03-054
employment, monthly staffing limitation
human resource development activities,
agency evaluation 81-01-054
insurance

STATE—cont.

automobile and homeowners insurance,
company selection criteria 81-03-014
medical plan options
between open enrollments 81-03-014
salaries
reduction—in-force appointments 81-01-054
sick leave
part time employees, accrual 81-01-055
81-03-017
suspension, reduction, demotion 81-01-056
81-03-018

temporary employment, exempt service 81-03-064
transfer between classes 81-01-054
Lands, leasing procedure and criteria 81-03-059
Personnel board 81-01-058

STATE EMPLOYEES INSURANCE BOARD

Automobile and homeowners insurance
company selection criteria 81-03-014
Medical plan options between open enrollments 81-03-014

STATE PATROL

Disability retirement board
composition of 81-01-064
Hazardous materials
transportation requirements 81-01-025
81-03-008

STUDENTS

Public transportation,
county systems, reduced rates 81-02-024
Snohomish county community colleges
student records, disclosure 81-01-104

SUPERIOR COURTS

Civil rules
default, setting aside, venue 81-01-044
temporary restraining order 81-01-043

SUPREME COURT

Rules of court
appellate court
appeals of decisions of
courts of limited jurisdiction 81-01-046
remand of criminal case,
copy of remand, to be provided 81-01-048
81-01-047
general rules
justice court, appeals from 81-01-046
justice court traffic infraction rules 81-01-045
Superior court civil rules
default, setting aside, venue (CR 55(c), 82) 81-01-044
temporary restraining order
(CR 65(b) and (c)) 81-01-043

TACOMA, CITY OF

Shoreline program 81-03-080

TACOMA COMMUNITY COLLEGE

Tenure, rights and procedure 81-03-047
81-03-061

TAXATION

Board of equalization,
duties, hearing examiners 81-01-020
Indicated real property ratio, computation 81-01-027
81-01-028

Property tax
deferral of 81-01-067
exemption

average inventory, transient trader,
freoport exemption 81-01-036
leasehold estates 81-01-036
nonprofit organizations 81-01-021
senior citizens and disabled persons 81-01-070
tax freeze act of 1967 81-01-036

Retail sales tax
collection schedules
public transportation rate increase 81-01-099

Single family dwellings, improvements,
exemption 81-01-019
Special assessments

Subject/Agency Index

TAXATION—cont.		WASHINGTON STATE UNIVERSITY	
deferral of	81-01-067	Public meeting notice	81-01-097
State levy, apportionment to counties	81-01-026	WEEDS	
Timber tax		Noxious weeds, proposed list	81-02-041
stumpage values	81-02-007 81-02-008	WENATCHEE VALLEY COLLEGE	
TENURE		Public meeting notice	81-03-053
Tacoma community college	81-03-047 81-03-061	WORKERS' COMPENSATION	
TRADE NAMES		Fee schedules, health care service vendors	81-01-096
Registration, corporations,		risk class 66-1, medical aid rate	81-01-100
limited partnerships	81-02-038		81-01-119
TRAFFIC SAFETY COMMISSION		YAKIMA VALLEY COLLEGE	
Public meeting notice	81-02-014	Public meeting notice	81-03-053
TRANSPORTATION, DEPARTMENT OF			
Elderly or handicapped transportation,			
capital assistance	81-03-050		
UNIVERSITY OF WASHINGTON			
Public meeting notice	81-01-085 81-02-015		
URBAN ARTERIAL BOARD			
Public meeting notice	81-02-039		
UTILITIES AND TRANSPORTATION COMMISSION			
Auto transportation companies			
classification for accounting purposes	81-01-032 81-01-074		
Common carriers			
drivers' hours of service	81-02-044		
equipment safety	81-02-044		
Copying costs, public documents	81-03-073		
Electric companies			
advertising	81-02-043 81-03-060		
discontinuance of service	81-02-043 81-03-060		
information to consumers	81-02-043 81-03-060		
refusal of service	81-02-043 81-03-060		
Field office addresses	81-03-073		
Motor carriers			
classification for accounting			
and reporting purposes	81-01-032 81-01-074 81-03-074		
drivers hours of service	81-02-044		
equipment safety	81-02-044		
Natural gas utilities			
advertising cost recovery	81-01-101		
discontinuance of service	81-01-101		
VENDING EQUIPMENT			
Program administration	81-03-048 81-03-049		
VETERINARIANS			
Brucellosis			
official calfhood vaccination, defined	81-01-072 81-01-073		
vaccination, payment, authorized	81-01-041		
Horse racing			
reports	81-01-061 81-01-062		
VOCATIONAL EDUCATION, ADVISORY COUNCIL ON			
Public meeting notice	81-03-063		
VOCATIONAL EDUCATION, COMMISSION FOR			
Personnel qualification standards	81-03-052		
WALLA WALLA COMMUNITY COLLEGE			
Public meeting notice	81-03-021		
WASHINGTON ADMINISTRATIVE CODE			
Rules			
oversight of	81-01-084		

