

# Washington State Register

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**MAY 6, 1981**

**OLYMPIA, WASHINGTON**

**ISSUE 81-09**



*Proofed by TD/CT ok  
5/22/81*

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including 81-09 -- was merged  
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## CITATION

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

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

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

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

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

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

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

### 5. EFFECTIVE DATE OF RULES

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

**1981**  
**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

Issue No.	Distribution Date	First Agency Action Date <sup>2</sup>	Closing Dates <sup>1</sup>		
			OTS <sup>3</sup> OR 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
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

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

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

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

**WSR 81-09-001**  
**PROPOSED RULES**  
**COLUMBIA BASIN COLLEGE**  
 [Filed April 3, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Columbia Basin College No. 19, intends to adopt, amend, or repeal rules concerning firearms and weapons, regulations governing, adopting WAC 132S-12-055;

and that the adoption, amendment, or repeal of such rules will take place at 7 p.m., Monday, June 8, 1981, in the Board Room, Columbia Basin College.

The authority under which these rules are proposed is chapter 28B.10 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to June 2, 1981, and/or orally at 7 p.m., Monday, June 8, 1981, Board Room, CBC.

Dated: March 17, 1981

By: F. L. Esvelt  
 Secretary

**STATEMENT OF PURPOSE**

Regulations governing firearms and weapons on campus.

Purpose: To govern firearms and weapons on campus.

Statutory Authority: Chapter 28B.10 RCW.

Summary of rule: Carrying, exhibiting, displaying or drawing weapons capable of producing bodily harm and/or property damage prohibited on or in college property.

Agency personnel responsible for drafting, implementation and enforcement:

Dr. Fred L. Esvelt, President

Columbia Basin College

2600 North 20th

Pasco, WA 99301

509-547-0511 ext. 201

Scan 546-1201

Columbia Basin College - Public.

Board of Trustees will take action on adoption of proposed policy on Monday, June 2, 1981 at 7 p.m. Code Reviser so notified by Form CR-4, April 3, 1981, WSR 81-09-001.

**NEW SECTION**

**WAC 132S-12-055 REGULATIONS GOVERNING FIREARMS AND WEAPONS ON OR IN COLLEGE FACILITIES (1)** It shall be the policy of this college that carrying, exhibiting, displaying or drawing any weapon, such as a dagger, sword, knife or any other cutting or stabbing instrument or club or any other weapons apparently capable of producing bodily harm and/or property damage is prohibited on or in college facilities or college leased facilities.

(2) Explosives, incendiary devices or any weapon facsimile are prohibited on or in college facilities or leased college facilities.

(3) It shall be the policy of the college that carrying of firearms on college facilities is prohibited except and unless the firearm is registered with the campus security department for a specified period of time.

(4) The aforementioned regulations shall not apply to equipment or materials owned, used or maintained by the college; nor will they apply to law enforcement officers.

(5) Violations of these rules may be grounds for immediate suspension pending a hearing in accordance with WAC 132S-12-160.

**WSR 81-09-002**  
**NOTICE OF PUBLIC MEETINGS**  
**URBAN ARTERIAL BOARD**  
 [Memorandum—April 3, 1981]

Beginning at 9:30 a.m., Thursday, April 16, 1981.

Minutes from UAB Meeting on February 18, 1981.

Report of Chairman:

Status Report on 1981 Legislation.

Expenditure Report for First Quarter 1981.

Apportionment of Urban Arterial Trust Funds between urban regions deposited into the account within the first quarter of 1981.

Allocation of Urban Arterial Trust Funds to authorized projects for the first quarter of 1981.

Review estimated cash requirements for the period through March 1982.

Review proposed changes to UAB Design Standards.

Report on increases of Urban Arterial Trust Funds approved by the Chairman.

Report on completed urban arterial project audits.

**WSR 81-09-003**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1728—Filed April 6, 1981]

I, Michael Schwisow, deputy director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to assessments, to increase the assessment on all varieties of raspberries from 1/4¢ to 1/2¢ per affected unit (pound), amending WAC 16-561-040.

This action is taken pursuant to Notice No. WSR 80-18-038 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 chapter 15.65 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 1, 1981.

By Michael Schwisow  
 Deputy Director

**AMENDATORY SECTION** (Amending Order 1478,  
filed 7/29/76)

**WAC 16-561-040 ASSESSMENTS AND COL-  
LECTIONS.** (1) Assessments.

(a) The annual assessment on all varieties of raspber-  
ries shall be ((1/4)) one-half cent per affected unit  
(pound).

(b) For the purpose of collecting assessments, the  
board may:

(i) Require handlers to collect producer assessments  
from producers whose production they handle, and remit  
the same to the board; or

(ii) Require the person subject to the assessment to  
give adequate assurance or security for its payment.

(c) Subsequent to the first sale, no affected units shall  
be transported, carried, shipped, sold, marketed, or  
otherwise handled or disposed of until every due and  
payable assessment herein provided for has been paid  
and the receipt issued. The foregoing shall include all  
affected units shipped or sold, both inside and outside  
the state.

(2) Collections. Any moneys collected or received by  
the board pursuant to the provisions of the order during  
or with respect to any season or year, may be refunded  
on a prorata basis at the close of such season or year or  
at the close of such longer period as the board deter-  
mines to be reasonably adapted to effectuate the de-  
clared policies of this act and the purposes of such  
marketing agreement or order, to all persons from whom  
such moneys were collected or received or may be car-  
ried over into and used with respect to the next succeed-  
ing season, year, or period whenever the board finds that  
the same will tend to effectuate such policies and  
purposes.

(3) Penalties. Any due and payable assessment herein  
levied in such specified amount as may be determined by  
the board pursuant to the provisions of the act and the  
order, shall constitute a personal debt of every person so  
assessed or who otherwise owes the same, and the same  
shall be due and payable to the board when payment is  
called for by it. In the event any person fails to pay the  
board the full amount of such assessment or such other  
sum on or before the date due, the board may, and is  
hereby authorized to, add to such unpaid assessment or  
sum an amount not exceeding ten percent of the same to  
defray the cost of enforcing the collecting of the same.  
In the event of failure of such person or persons to pay  
any such due and payable assessment or other such sum,  
the board may bring a civil action against such person or  
persons in a state court of competent jurisdiction for the  
collection thereof, together with the above specified ten  
percent thereon, and such action shall be tried and  
judgment rendered as in any other cause of action for  
debt due and payable.

**WSR 81-09-004**

**PROPOSED RULES**

**DEPARTMENT OF NATURAL RESOURCES**  
**(Board of Natural Resources)**

[Filed April 6, 1981]

Notice is hereby given in accordance with the provi-  
sions of RCW 34.04.025 and 79.01.216, that the Board  
of Natural Resources, Department of Natural Resourc-  
es, intends to adopt, amend, or repeal rules concerning  
the rate of interest to be charged for real estate  
contracts;

and that the adoption, amendment, or repeal of such  
rules will take place at 10:00 a.m., Tuesday, June 2,  
1981, in the Office of the Commissioner of Public Lands,  
2nd Floor, Public Lands Building, Olympia,  
Washington.

The authority under which these rules are proposed is  
RCW 79.01.216.

Interested persons may submit data, views, or argu-  
ments to this agency in writing to be received by this  
agency prior to June 2, 1981, and/or orally at 10:00  
a.m., Tuesday, June 2, 1981, Office of the Commissioner  
of Public Lands, 2nd Floor, Public Lands Building,  
Olympia, Washington.

Dated: April 6, 1981

By: Brian J. Boyle

Commissioner of Public Lands

Secretary, Board of Natural Resources

**STATEMENT OF PURPOSE**

**Purpose and Implementation:** The purpose  
of this rule is to meet an emergency created  
by recent legal interpretations of the state  
usury statutes which limit interest rates on  
installment sales contracts to twelve percent  
per annum. The prior rule directed the De-  
partment of Natural Resources to charge a  
rate of interest which might violate the state  
usury laws. Several sales are pending which  
need to be brought into congruence with this  
law change.

**Adopting Agency:** Board of Natural Re-  
sources, Department of Natural Resources.  
**Statutory Authority:** RCW 79.01.216.

**Summary of Rule and Reasons Therefore:**  
RCW 79.01.216 directs that the interest  
rate to be charged on real estate contracts  
authorized by the Board of Natural Re-  
sources shall be set by rule or regulation of  
the Board of Natural Resources. A recent  
Attorney General's Opinion indicates that  
the state usury laws presently limit the rate  
of interest on installment sale contracts to  
twelve percent per annum. The legal opinion  
indicates that a real estate contract may be  
considered the legal equivalent of an install-  
ment sale contract in the retail merchandis-  
ing field. The existing regulation directs the  
Department of Natural Resources to ascer-  
tain the average rate of interest charged in  
the general area by reference to mortgage

lending institution rates. These rates generally exceed twelve percent and may be usurious. The Board of Natural Resources has directed several sales of state property on real estate contracts which are pending board approval assuming that a legal rate of interest may be established. The adoption of this permanent rule will satisfy that requirement.

Agency Personnel Involved:  
Arden Olson, Manager  
Commercial Leasing Section  
Lands Division  
Department of Natural Resources  
Public Lands Building  
Olympia, Washington 98504  
Telephone: (206) 753-5354

Proponents or Opponents: The proposed permanent rule was initiated by Arden Olson of the Department of Natural Resources and drafted by Mr. J. Lawrence Coniff, Assistant Attorney General, into its present form. No opponents are known.

Agency Comments: This permanent rule is needed to provide for a legal rate of interest for pending sales of state-owned property as previously authorized by the Board of Natural Resources. Recent changes in the law make the existing regulation legally questionable. The proposed amendment is designed to eliminate the legal objection that the interest rate to be charged on such real estate contracts may be usurious. This rule was promulgated on an emergency basis by the Board of Natural Resources on March 3, 1981. This action makes permanent that emergency rule.

AMENDATORY SECTION (Amending Order 346, filed 8/11/80)

WAC 332-100-050 RATE OF INTEREST FOR CONTRACTS. The interest rate to be charged on all contracts requiring the same pursuant to RCW 79.01.216 shall be ((the average rate of interest charged in the general area of the property to be sold by the six largest lending institutions in such area for conventional mortgages on the first day of the last full quarter preceding approval of a contract by the Board of Natural Resources. Said rate shall not be less than six percent:)) at a comparable rate of interest as charged in the general area of the property to be sold by reference to current sales. Such determination of contract interest rates shall be made thirty days prior to Board action on the proposed sale. Interest rates for contracts established pursuant to this section shall be consistent with usury laws that may now or hereafter apply to land sale contracts.

**WSR 81-09-005**  
**PROPOSED RULES**  
**COMMISSION FOR**  
**VOCATIONAL EDUCATION**  
[Filed April 7, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.05.050, that the Commission for Vocational Education intends to adopt,

amend, or repeal rules concerning WAC 490-600-030 Definitions; and WAC 490-600-071 Minimum cancellation and refund policy, of the rules promulgated pursuant to the Educational Services Registration Act, chapter 28B.05 RCW;

that such agency will at 9:30 a.m., Thursday, June 18, 1981, in the Walla Walla Community College, 500 Tausick Way, Walla Walla, 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, June 18, 1981, in the Walla Walla Community College, 500 Tausick Way, Walla Walla.

The authority under which these rules are proposed is RCW 28B.05.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 16, 1981, and/or orally at 9:30 a.m., Thursday, June 18, 1981, Walla Walla Community College, 500 Tausick Way, Walla Walla.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-05-032 filed with the code reviser's office on February 18, 1981.

Dated: April 2, 1981  
By: Homer J. Halverson  
Executive Director

**WSR 81-09-006**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 81-20—Filed April 7, 1981]

I, Rolland A. Schmitten, director of the state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Rolland A. Schmitten, 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 troll size restrictions in Areas 4B and 5 allow a harvest of chinook salmon.

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

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

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

APPROVED AND ADOPTED April 7, 1981.

By Rolland A. Schmitten  
Director

NEW SECTION

**WAC 220-28-00400M TROLL SALMON RESTRICTION.** *Effective immediately through April 30, 1981, it is unlawful for Treaty Indian fishermen to take, fish for or possess for commercial purposes chinook salmon less than 22 inches in length taken with troll gear from Puget Sound Salmon Management and Catch Reporting Areas 4B and 5.*

**WSR 81-09-007**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 81-21—Filed April 7, 1981]

I, Rolland A. Schmitt, director of the state Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use and subsistence fishing.

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 this order allows a fishery for harvestable chinook salmon.

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

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

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

APPROVED AND ADOPTED April 7, 1981.

By Rolland A. Schmitt  
 Director

NEW SECTION

**WAC 220-32-05900A KLICKITAT RIVER—SUBSISTENCE.** *Notwithstanding the provisions of WAC 220-32-059, effective immediately through May 31, 1981, those individuals possessing treaty fishing rights pursuant to the Yakima treaty may take, fish for or possess salmon for subsistence purposes with dip net gear from 12:00 noon Thursday, to 12:00 noon Monday in that portion of the Klickitat River between the swinging bridge, approximately one and one-half miles upstream, and a monument located in Section 25, Township 3N, Range 12E, a distance of 25 feet downstream from the entrance to the upper Klickitat Falls Fishway No. 5.*

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

NEW SECTION

**WAC 220-57-31500B KLICKITAT RIVER** *Notwithstanding the provisions of WAC 220-57-315, effective April 9 through June 1, 1981, it is lawful to take, fish for or possess salmon for personal use from Thursday through Sunday in that portion of the Klickitat River from the Fisher Hill Bridge downstream to the Highway 14 Bridge.*  
**BAG LIMIT: A**

**WSR 81-09-008**  
**PROPOSED RULES**  
**INSURANCE COMMISSIONER**  
 [Filed April 8, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Insurance Commissioner intends to adopt, amend, or repeal rules concerning the establishment of standard coordination of benefit provisions, and uniform guidelines for their interpretation and administration for group and blanket disability insurance policies and for group agreements issued by health care service contractors and health maintenance organizations. (Final wording of the proposed rules may be changed prior to adoption);

that such agency will at 10 a.m., Friday, May 29, 1981, in the Conference Room, State Modular Building, Airdustrial Park, Airdustrial Way and Armstrong Street S.W., Olympia, WA, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Wednesday, June 17, 1981, in the Insurance Commissioner's Office, Airdustrial Park, Olympia, Washington.

The authority under which these rules are proposed is RCW 48.02.060, 48.44.050 and 48.46.200 to effectuate RCW 48.21.200(2) and 48.46.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 12, 1981, and/or orally at 10 a.m., Friday, May 29, 1981, in the Conference Room, State Modular Building, Airdustrial Park, Airdustrial Way and Armstrong Street S.W., Olympia, WA.

Dated: April 8, 1981  
 By: Robert E. Johnson  
 Deputy Commissioner

**STATEMENT OF PURPOSE**

The proposed rules, WAC 284-51-010 through 284-51-170, will constitute a new regulation and a new chapter to the Washington Administrative Code, under the title: Standards for Coordination of Benefits. The regulation's purpose is to establish standard coordination of benefit provisions and uniform guidelines for their interpretation and administration, for group and blanket disability insurance policies, health care service contractor group agreements and health maintenance organization group agreements, where the hospital, medical,



dental, optical or surgical benefits may be reduced because of other existing coverages. The rules are adopted pursuant to the mandate of RCW 48.21.200(2).

The rules establish guidelines to be applied with respect to group contracts that contain provisions for the reduction of benefits otherwise payable thereunder on the basis of other existing group coverages. The rules specify the benefits which may be subject to such a provision and the effect of such a provision on the benefits provided, establish the order of benefit determination, set forth claim administration procedures to expedite claim payments under such a provision, and spell out procedures by which persons insured under such policies are to be made aware of such provisions.

The fundamental purpose of the regulation and the statute directing its adoption is to allow health insurers to prevent duplication of benefits under several policies or contracts, and avoid overinsurance. Overinsurance can result in a "profit" to the insured and can cause providers of medical care to increase their charges, resulting in overutilization or excessive charges, which ultimately may lead to increasing the cost of hospital, surgical, and medical care and of insurance coverage for such care.

The Insurance Commissioner's personnel responsible for drafting the proposed regulation are Ted Krumland, Senior Life and Health Officer (telephone number 206 753-7310); A. G. Vande Wiele, Deputy Commissioner (telephone number 206-753-7381); and Robert E. Johnson, Deputy Commissioner (telephone number 206 753-2406); each of whom has his office in the Insurance Commissioner's Office, Modular Building, Airdustrial Park, Olympia, Washington.

Implementation and enforcement will be the responsibility of Storm Johnsen, Actuary, Insurance Commissioner's Office, Modular Building, Airdustrial Park, Olympia, Washington, whose phone number is (206) 753-7305, with respect to insurance carriers; and of A. G. Vande Wiele (identified above) with respect to health care service contractors and health maintenance organizations. Additional enforcement responsibilities will fall upon the Insurance Complaints Advisors in the various offices of the Insurance Commissioner.

The proponent of the regulation is the Office of the Insurance Commissioner, in accord with the mandate of RCW 48.21.200.

The rules proposed are patterned after the model guidelines adopted by the National Association of Insurance Commissioners in

1971, as amended in 1980. Because contracts from various states are involved in coordinating benefits, it is desirable that this state's regulations be substantially uniform with those of other states.

The rules are not the result of federal law or federal or state court decisions.

#### Chapter 284-51

### STANDARDS FOR COORDINATION OF BENEFITS

#### WAC

284-51-010	Purpose and Scope.
284-51-020	Required Provisions for Coordination of Benefits.
284-51-030	Benefits Subject to Coordination.
284-51-040	"Plan" Defined.
284-51-050	Allowable Expense.
284-51-060	Claim Determination Period.
284-51-070	Order of Benefit Determination.
284-51-080	Determination of Length of Coverage.
284-51-090	Coordination Procedures.
284-51-100	Time Limit.
284-51-110	Small Claim Waivers.
284-51-120	Facility of Payment.
284-51-130	Right of Recovery.
284-51-140	Disclosure of Coordination.
284-51-150	Conformity of Contracts.
284-51-160	Effective Date.
284-51-170	Appendix A, Form for "Effect on Benefits" Provision.

#### NEW SECTION

**WAC 284-51-010 PURPOSE AND SCOPE.** (1) This regulation, WAC 284-51-010 through 284-51-170, is adopted pursuant to RCW 48.21.200 to establish standard coordination of benefit provisions, and uniform guidelines for their interpretation and administration, for group and blanket disability insurance policies, health care service contractor group agreements and health maintenance organization group agreements (all of which are hereinafter referred to as "group contracts"), whose hospital, medical, dental, optical or surgical benefits may be reduced because of other existing coverages. This regulation applies to group contracts delivered or issued for delivery in Washington State. Except where the context otherwise requires, the definitions given in the Washington Insurance Code, Title 48 RCW, govern the construction of this regulation.

(2) This regulation does not require the use of coordination of benefit provisions in group or blanket policies.

(3) For purposes of this regulation, the word "insurer" includes health care service contractors and health maintenance organizations.

(4) Pursuant to RCW 48.21.200(1) and WAC 284-44-040(9), no group disability insurance policy which provides benefits for hospital, medical or surgical expenses and no group health care service contract may contain any provision permitting a reduction or refusal to pay benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any individual disability insurance policy (including "franchise plan" insurance) or any individual health care service contract.

#### NEW SECTION

**WAC 284-51-020 REQUIRED PROVISIONS FOR COORDINATION OF BENEFITS.** A group contract which provides for coordination of hospital, medical, dental, optical or surgical benefits shall contain the provisions set forth in WAC 284-51-030 through 284-51-130, and 284-51-170, or provisions which are not less favorable to the insured or the insured's beneficiary. Such provisions shall be preceded individually by the caption appearing in such sections or, at the option of the insurer, by such appropriate individual or group captions or subcaptions as the Commissioner may approve. Such provisions collectively constitute the "coordination of benefits provision," which is referred to therein as "this provision."

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

**NEW SECTION**

**WAC 284-51-030 BENEFITS SUBJECT TO COORDINATION.** (1) A group contract which provides for coordination of all benefits thereunder shall contain a provision as follows: "BENEFITS SUBJECT TO THIS PROVISION: All of the benefits provided under this policy are subject to this provision."

(2) If one or more of the policy benefits are to be exempt from reduction under the coordination provision, appropriate changes shall be made in the wording set forth in subsection (1). For example: "Only the Major Medical Expense Benefits provided under this policy are subject to this provision."

**NEW SECTION**

**WAC 284-51-040 "PLAN" DEFINED.** (1) A group contract which provides for coordination of benefits shall contain a provision stating what benefits from that policy and other sources are to be recognized under the coordination provision. Each such source shall be defined as a "Plan."

(2) The definition of a "Plan" may include such sources of benefits or services as:

(a) Group or blanket disability insurance policies and health care service contractor and health maintenance organization group agreements, issued by insurers, health care service contractors and health maintenance organizations;

(b) Labor-management trustee plans, labor organization plans, employer organization plans or employee benefit organization plans;

(c) Governmental programs; and

(d) Coverage required or provided by any statute.

(3) This provision shall include the following wording or its equivalent: "The term 'plan' shall be construed separately with respect to each policy, agreement or other arrangement for benefits or services, and separately with respect to the respective portions of any such policy, agreement or other arrangement which do and which do not reserve the right to take the benefits or services of other policies, agreements or other arrangements into consideration in determining its benefits."

(4) If not all of the group contract's benefits are subject to coordination, this provision shall include the following wording or its equivalent: "'This Plan' means that portion of this policy which provides the benefits that are subject to this provision." Any benefits provided under the group contract that are not subject to this provision constitute another Plan.

(5) The definition of a "Plan" may not include individual or family disability insurance policies permitted by chapter 48.20 RCW; non-group health care service contractor agreements permitted under chapter 48.44 RCW; non-group health maintenance organization agreements permitted under chapter 48.46 RCW.

(6) The definition of a "Plan" may not include group hospital indemnity benefits (that is, benefits paid on other than an expense incurred basis) of \$200 per day or less. It may, however, include reimbursement-type benefits where the insured has the right to elect indemnity-type benefits in lieu of the reimbursement benefits at the time of claim. The amount of group hospital indemnity benefits which exceeds \$200 per day may be included in the definition of "Plan."

(7) The definition of a "Plan" may not include coverage on pre-school, grammar school, high school and college students for accidents only, including athletic injuries, either on a 24-hour basis or a "to and from school" basis.

(8) The definition of a "Plan" may include automobile insurance policies required by statute to provide medical benefits.

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

**NEW SECTION**

**WAC 284-51-050 ALLOWABLE EXPENSE.** (1) A group contract which provides for coordination of benefits shall contain a provision stating what expenses are to be recognized under the coordination provision, as follows: "ALLOWABLE EXPENSE: 'Allowable Expense' means any necessary, reasonable and customary item of expense at least a portion of which is covered under at least one of the Plans covering the person for whom claim is made. When a Plan provides benefits in the form of services rather than cash payments, the reasonable cash value of each service rendered shall be considered as both an Allowable Expense and a benefit paid."

(2) The inclusion of Medicare or similar governmental benefits in the definition of a Plan will not require the definition of Allowable Expense to recognize governmental benefits other than hospital, medical and surgical benefits.

**NEW SECTION**

**WAC 284-51-060 CLAIM DETERMINATION PERIOD.** (1) A group contract which provides for coordination of benefits shall contain a provision stating the period to be used in applying the coordination provision, as follows: "CLAIM DETERMINATION PERIOD: 'Claim Determination Period' means . . . ." An appropriate period of time shall be inserted in the blank such as "calendar year," "contract year" or "Benefit Period as defined elsewhere in this policy."

(2) The blank space will normally be filled by inserting "calendar year" or "contract year," because such periods of time are appropriate for Comprehensive and Major Medical plans which apply their deductible on a yearly basis. A "calendar" or "contract" year is also well suited for Basic Benefits plans where the various benefits have different "successive disability" rules. "Benefit Period" would be used for those Comprehensive and Major Medical plans which apply their deductible on a Benefit Period basis and the Benefit Period is not a calendar or contract year.

**NEW SECTION**

**WAC 284-51-070 ORDER OF BENEFIT DETERMINATION.**

(1) When a claim under a plan with a coordination of benefits provision involves another plan which also has a coordination of benefits provision, the following rules will be applied by the carriers involved to decide the order in which the benefits payable under the respective plans will be determined:

(a) The benefits of a plan which covers the person on whose expenses claim is based other than as a dependent, shall be determined before the benefits of a plan which covers such person as a dependent.

(b) The benefits of a plan which covers the person on whose expense claim is based as a dependent of a male person shall be determined before the benefits of a plan which covers such person as a dependent of a female person, except that in the case of a person for whom claim is made as a dependent child,

(i) when the parents are separated or divorced and the parent with custody of the child has not remarried, the benefits of a plan which covers the child as a dependent of the parent with custody of the child will be determined before the benefits of a plan which covers the child as a dependent of the parent without custody; or

(ii) when parents are divorced and the parent with custody of the child has remarried, the benefits of a plan which covers the child as a dependent of the parent with custody shall be determined before the benefits of a plan which covers that child as a dependent of the stepparent, and the benefits of a plan which covers that child as a dependent of the stepparent will be determined before the benefits of a plan which covers that child as a dependent of the parent without custody; or

(iii) notwithstanding items (i) and (ii), if there is a court decree which would otherwise establish financial responsibility for the medical, dental or other health care expenses with respect to the child, the benefits of a plan which covers the child as a dependent of the parent with such financial responsibility shall be determined before the benefits of any other plan which covers the child as a dependent child.

(c) When rules (a) and (b) do not establish an order of benefit determination, the benefits of a plan which has covered the person on whose expenses claim is based for the longer period of time shall be determined before the benefits of a plan which has covered such person the shorter period of time.

(2) If the policy provides more than one benefit, the policy shall contain a provision stating how the reduction in benefits by the coordination provision affects each benefit under the policy. Suggested language for such provision is included in Appendix A, WAC 284-51-170.

(3) A group contract which provides for coordination of benefits shall contain a provision entitled "EFFECT ON BENEFITS," stating the manner in which benefits are reduced by coordination, which provision shall be substantially as set forth in Appendix A, WAC 284-51-170.

NEW SECTION

**WAC 284-51-080 DETERMINATION OF LENGTH OF COVERAGE.** For the purpose of determining length of coverage under subsection (1)(c) of WAC 284-51-070, the following rules shall apply:

(1) In determining the length of time a person in a given group has been covered under a given plan, two successive plans covering the group shall be considered one continuous plan if the person was eligible for the coverage under the second plan within 24 hours after the first plan terminated. A change in the amount or scope of benefits provided by a plan, a change in the carrier insuring the plan or a change from one type of plan to another does not of itself constitute the start of a new plan for purposes of subsection (1)(c) of WAC 284-51-070.

(2) If a person's effective date of coverage under a plan is subsequent to the date the carrier first contracted to provide the plan for the group concerned, the carrier shall assume for purposes of subsection (1)(c) of WAC 284-51-070, in the absence of specific information to the contrary, that the person's length of time covered under the plan is measured from his effective date of coverage. If a person's effective date of coverage under a plan is the same as the date the carrier first contracted to provide the plan for the group concerned, the carrier shall request the group to furnish the date the person first became covered under the earliest of any prior plans the group may have had. If such date is not furnished, the date the person first became a member of the group shall be used as the date from which to determine the length of time his coverage under the plan has been in force.

NEW SECTION

**WAC 284-51-090 COORDINATION PROCEDURES.** Insurers shall use the following claims administration procedures to expedite the claim payments where coordination of benefits is involved:

(1) There shall be continuing education of claim personnel. Accurate and prompt completion of such forms as the Health Insurance Council's Duplicate Coverage Inquiry Form (DUP-1) by the inquiring carrier and the responding carrier should be stressed. This education effort should also be encouraged through local claim associations.

(2) Claim personnel shall make every reasonable effort, including use of the telephone, to speed up exchange of coordination of benefits information.

(3) Insurers shall consider building a local data file with at least basic information on group health plans for major employers in the local area.

NEW SECTION

**WAC 284-51-100 TIME LIMIT.** No insurer shall unreasonably delay payment of a claim by reason of the application of a coordination of benefits provision. Each insurer shall establish a time limit after which payment should be made. When payment of a claim is necessarily delayed for reasons other than the application of a coordination of benefits provision, investigation of other plan coverage shall be conducted concurrently, so as to create no further delay in the ultimate payment of benefits. If an insurer is required by the time limit to make payment as the primary plan because it then has insufficient information to make it a secondary plan, it may exercise its rights under its "Right of Recovery" provision to recover any excess payments made thereby.

NEW SECTION

**WAC 284-51-110 SMALL CLAIM WAIVERS.** In appropriate cases, insurers are encouraged to waive the investigation of possible other plan coverage on claims less than \$50, but if additional liability is incurred which raises the claim above \$50, the entire liability may be included in the coordination of benefits computation.

NEW SECTION

**WAC 284-51-120 FACILITY OF PAYMENT.** A group contract which provides for coordination of benefits shall contain a provision substantially as follows: "FACILITY OF PAYMENT: Whenever payments which should have been made under this Plan in accordance with this provision have been made under any other Plan, the insurer shall have the right, exercisable alone and in its sole discretion, to pay over to any Plan making such other payments any amounts it shall determine to be warranted in order to satisfy the intent of this provision, and amounts so paid shall be considered benefits paid under this Plan

and, to the extent of such payments, the insurer shall be fully discharged from liability under this Plan."

NEW SECTION

**WAC 284-51-130 RIGHT OF RECOVERY.** A group contract which provides for coordination of benefits shall contain a provision substantially as follows: "RIGHT OF RECOVERY: Whenever payments have been made by the insurer with respect to Allowable Expenses in total amount, at any time, in excess of the maximum amount of payment necessary at that time to satisfy the intent of this provision, the insurer shall have the right to recover such payments, to the extent of such excess, from one or more of the following, as the insurer shall determine: any persons to or for or with respect to whom such payments were made, any other insurers, any service plans or any other organizations or other Plans."

NEW SECTION

**WAC 284-51-140 DISCLOSURE OF COORDINATION.** (1) Each certificate of coverage under a group contract which provides for coordination of benefits must contain, at least in summary form, a description of the coordination provision.

(2) Each certificate of coverage shall contain a statement substantially as follows: "If you have other coverage besides ours, we recommend that you submit your claim to us and to each other carrier at the same time. In that way, the proper coordinated benefits may be most quickly determined and paid."

(3) In addition, each insurer shall urge its group clients to take reasonable steps so that those insured by the group policy are exposed to reasonably concise explanations, with as little technical terminology as is consistent with accuracy, of the purpose and operation of the coordination of benefits provision. Such educational effort may, for example, take the form of articles in company magazines or newspapers, speeches before labor organizations or other employee groups, brochures in pay envelopes, notices on bulletin boards and materials used by employers in counseling employees.

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

NEW SECTION

**WAC 284-51-150 CONFORMITY OF CONTRACTS.** The prohibition of coordination provisions' reducing total benefits below 100 percent of Allowable Expenses became effective for group contracts as of September 8, 1975, pursuant to RCW 48.21.200. Any group contract in effect as of the effective date of this regulation, including any group contract containing an "excess" or "non-duplication" provision, which is not in compliance with this regulation, shall be brought into compliance no later than on the next anniversary date, renewal date or the expiration date of the applicable collectively bargained contract, if any, whichever date is latest.

NEW SECTION

**WAC 284-51-160 EFFECTIVE DATE.** This regulation, WAC 284-51-010 through 284-51-180, shall take effect September 1, 1981.

**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 284-51-170 APPENDIX A, FORM FOR "EFFECT ON BENEFITS" PROVISION.** EFFECT ON BENEFITS: (1) This provision shall apply in determining the benefits for a person covered under this Plan for a particular Claim Determination Period if, for the Allowable Expenses incurred as to such person during such period, the sum of:

(a) The benefits that would be payable under this Plan in the absence of this provision, and

(b) The benefits that would be payable under all other plans in the absence therein of provisions of similar purpose to this provision would exceed such Allowable Expenses.

(2) As to any Claim Determination Period with respect to which this provision is applicable, the benefits that would be payable under this

Plan in the absence of this provision for the Allowable Expenses incurred as to such person during such Claim Determination Period shall be reduced to the extent necessary so that the sum of such reduced benefits and all the benefits payable for such Allowable Expenses under all other Plans, except as provided in item (3) of this section, shall not exceed the total of such Allowable Expenses. Benefits payable under another plan include the benefits that would have been payable had claim been duly made therefor.

(3) If

(a) another Plan which is involved in item (2) of this section and which contains a provision coordinating its benefits with those of this Plan would, according to its rules, determine its benefits after the benefits of this Plan have been determined, and

(b) the rules set forth in item (4) of this section would require this Plan to determine its benefits before such other Plan then the benefits of such other Plan will be ignored for the purposes of determining the benefits under this Plan.

(4) For the purpose of item (3) of this section, the rules establishing the order of benefit determination are:

(a) The benefits of a Plan which covers the person on whose expenses claim is based other than as a dependent shall be determined before the benefits of a Plan which covers such persons as a dependent.

(b) The benefits of a Plan which covers the person on whose expenses claim is based as a dependent of a male person shall be determined before the benefits of a Plan which covers such person as a dependent of a female person, except that in the case of a person for whom claim is made as a dependent child,

(i) when the parents are separated or divorced and the parent with custody of the child has not remarried, the benefits of a Plan which covers the child as a dependent of the parent with custody of the child will be determined before the benefits of a Plan which covers the child as a dependent of the parent without custody; and

(ii) when the parents are divorced and the parent with custody of the child has remarried, the benefits of a Plan which covers the child as a dependent of the parent with custody shall be determined before the benefits of a Plan which covers that child as a dependent of the stepparent, and the benefits of a Plan which covers that child as a dependent of the stepparent will be determined before the benefits of a Plan which covers that child as a dependent of the parent without custody.

Notwithstanding items (i) and (ii) above, if there is a court decree which would otherwise establish financial responsibility for the medical, dental or other health care expenses with respect to the child, the benefits of a Plan which covers the child as a dependent of the parent with such financial responsibility shall be determined before the benefits of any other Plan which covers the child as a dependent child.

(c) When rules (a) and (b) do not establish an order of benefit determination, the benefits of a Plan which has covered the person on whose expenses claim is based for the longer period of time shall be determined before the benefits of a Plan which has covered such person the shorter period of time.

(5) (Note: This item (5) may be omitted if the Plan provides only one benefit. If the contract provides more than one benefit, it shall contain a provision stating how the reduction in benefits by the coordination provision affects each benefit under the contract. The following wording is illustrative of a policy in which all benefits are affected.)

When this provision operates to reduce the total amount of benefits otherwise payable as to a person covered under this Plan during any Claim Determination Period, each benefit that would be payable in the absence of this provision shall be reduced proportionately, and such reduced amount shall be charged against any applicable benefit limit of this Plan.

### WSR 81-09-009

#### ADOPTED RULES

### UTILITIES AND TRANSPORTATION COMMISSION

[Order R-161, Cause No. U-81-13—Filed April 8, 1981]

In the matter of amending WAC 480-90-231, 480-90-241 and 480-90-246, all relating to prohibitions and exemptions for outdoor gas lighting.

This action is taken pursuant to Notice No. WSR 81-06-062 filed with the Code Reviser on March 4, 1981. The rule changes hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and 80.04.160 and is intended administratively to implement these statutes.

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), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 81-06-062 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, April 8, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioner A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to April 3, 1981. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, April 8, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Written comments were received from Washington Natural Gas Company. Washington Natural supports the commission's proposed amendments to WAC 480-90-231, 480-90-241 and 480-90-246. In supporting WAC 480-90-231 it stated the proposal broadens the existing basis upon which the commission may grant an exemption and is not only in accordance with the federal rules, but represents a reasonable standard. In supporting the amendment to WAC 480-90-241 it pointed out that this change removes the requirement of the applicant to prove significant hardship or cost justification in addition to demonstrating that the exemption is necessary to prevent an increase in the likelihood of injury or occurrence of crime. Its support for the amendment to WAC 480-90-246 is that the existing rule requires too detailed a justification to be supplied by a petitioner and this defect is now cured. No other written comments were submitted. Oral submissions were made to the commission April 8, 1981, by the staff of the commission in support of the amendments. No other oral comments were submitted. The comments have been given consideration by the commission.

The amendments to WAC 480-90-231, 480-90-241 and 480-90-246 affect no economic value and have no direct economic impact.

In reviewing the entire record herein, it has been determined that WAC 480-90-231, 480-90-241 and 480-90-246 should be amended to read as set forth in Appendix A, attached hereto and made a part hereof by reference.

WAC 480-90-231 as amended will allow an exemption from the prohibition in WAC 480-90-201 and/or 480-90-216 based on commercial outdoor lighting of a traditional nature rather than proof that commercial

lighting was of historical significance. WAC 480-90-241 as amended will allow an exemption from the prohibition in WAC 480-90-216 on the basis that it is essential to prevent an increase in the likelihood of bodily injury or damage to property or occurrence of crime. WAC 480-90-246 as amended will allow an exemption from the prohibition in WAC 480-90-216 on the basis that compliance with WAC 480-90-216 would entail substantial expense and such expense would outweigh benefits to be derived from compliance, and WAC 480-90-246 as amended will apply not only to local distribution companies, but also to an individual user.

#### ORDER

WHEREFORE, IT IS HEREBY ORDERED That WAC 480-90-231, 480-90-241 and 480-90-246 be amended, 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, and effective this 8th day of April, 1981.

Washington Utilities and Transportation Commission

Robert W. Bratton, Chairman

A. J. Benedetti, Commissioner

#### APPENDIX A

AMENDATORY SECTION (Amending Order R-133, Cause No. U-79-45, filed 11/7/79)

WAC 480-90-231 EXEMPTIONS—PROHIBITED SERVICE—COMMERCIAL LIGHTING OF ((HISTORICAL SIGNIFICANCE)) A TRADITIONAL NATURE. Any interested person using natural gas for outdoor lighting which is used for commercial purposes and which is of a traditional nature and conforms with the cultural or architectural style of the area in which it is located, may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 ((on the basis that the outdoor lighting is of historical significance or is of a traditional nature and conforms with the cultural or architectural style of the area. Petitioner shall certify that the specifically identified natural gas outdoor lighting fixture(s) directly contributes to the quality of significance of the specifically identified property or district and an exemption will be granted upon a finding that the specifically identified property or district:

(1) Is listed on the National Register of Historic Places maintained by the Heritage Conservation and Recreation Service, Department of Interior, or is officially determined eligible for listing by the Secretary of Interior, pursuant to the National Historic Preservation

Act (16 U.S.C. § 470 as amended), applicable regulations (36 C.F.R., Parts 60 and 63), and Executive Order No. 11593; or

(2) Is in a district whose state or local statutes are certified as providing adequate protection of historic places by the Secretary of the Department of Interior, pursuant to the Tax Reform Act of 1976 (26 U.S.C. § 191, § 280B), and applicable regulations; or

(3) Is recognized by the local governing body as being of a traditional nature and having cultural or architectural significance).

(1) In the case of a petition for an exemption from the general prohibition on installation of natural gas outdoor lighting fixtures, WAC 480-90-201, an exemption shall be granted only to replace a natural gas outdoor lighting fixture(s) which had been installed prior to November 9, 1978. Such replacement shall include:

(a) Replacement of an existing natural gas light; or

(b) Replacement of a natural gas light which does not presently exist but which existed at some previous time upon the specified property.

A petition pursuant to WAC 480-90-201 or 480-90-216 shall certify that the specifically identified natural gas outdoor lighting fixture(s) is used for commercial purposes and is of a traditional nature and conforms with the cultural or architectural style of the area in which such light is located, presently exists or will be used to replace a natural gas lighting fixture of traditional nature.

(2) The filing of a petition for exemption shall result in a stay from the prohibition set forth in WAC 480-90-201 provided the petitioner has certified that the specifically identified natural gas outdoor lighting fixture(s) used for commercial purposes:

(a) Is of a traditional nature and conforms with the cultural or architectural style of the area in which such light(s) is located, and

(b) Presently exists or will be used to replace a natural gas lighting fixture of a traditional nature.

AMENDATORY SECTION (Amending Order R-133, Cause No. U-79-45, filed 11/7/79)

WAC 480-90-241 EXEMPTIONS—PROHIBITED SERVICE—SAFETY OF PERSONS AND PROPERTY. A local distribution company or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis of ((the)) a necessity to protect the safety of persons and property if ((such natural gas was being supplied on November 9, 1978. Petitioner shall certify that)) it is demonstrated that such exemption for the natural gas fixture(s) is essential:

(1)((a) Compliance with the prohibition would significantly increase the chance)) To prevent an increase in the likelihood of bodily injury or damage to property; ((or

(b) Compliance with the prohibition would significantly increase the chance)) (2) To prevent an increase in the likelihood of the occurrence of crime in the location served by the light; or

((c) The lighting is necessary)) (3) Because other existing lighting in the location does not provide lighting

adequate to ((ensure)) insure conformance with American National Standards Institute (ANSI) Standard No. D 12.1. "The American National Standard Practice ((or)) For Roadway Lighting((;))" ((and

~~(2)(a) Would impose a substantial hardship on a person other than a local distribution company, a pipeline company, or a company that manufactures or supplies natural gas outdoor lighting fixtures, in terms of personal income or savings; or~~

~~(b) Would not be justified by the savings likely to be accrued over the useful life of the substitute lighting facility)).~~

**AMENDATORY SECTION** (Amending Order R-133, Cause No. U-79-45, filed 11/7/79)

**WAC 480-90-246 EXEMPTIONS—PROHIBITED SERVICE—SUBSTANTIAL EXPENSE AND NOT COST JUSTIFIED.** A local distribution company, an individual user or an interested person may petition the commission for an exemption from the prohibition set forth in WAC 480-90-216 on the basis ~~((of substantial expense which))~~ that compliance with the prohibition entails substantial expense and would not be cost justified, if ~~((such))~~ the natural gas use at issue was being supplied on November 9, 1978. Petitioner shall certify that compliance with the prohibition set forth in WAC 480-90-216 would ~~((substantially and negatively affect the profit margin, return on investment, or rates of a local distribution company and an exemption shall be granted upon a finding to this effect))~~ entail substantial expense and that such expense would outweigh the benefits to be derived from compliance.

**WSR 81-09-010**  
**PROPOSED RULES**  
**OFFICE OF**  
**FINANCIAL MANAGEMENT**  
 [Filed April 8, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 43.03.050 and 43.03.060, that the Office of Financial Management intends to adopt, amend, or repeal rules concerning:

Amd	WAC 82-28-050	Per diem allowance in lieu of actual expenses.
Amd	WAC 82-28-06001	Special allowances for higher than usual subsistence and lodging cost areas.
Amd	WAC 82-28-080	Reimbursement for use of privately-owned automobiles;

and that the adoption, amendment, or repeal of such rules will take place at 9 a.m., Monday, April 27, 1981, in the House Office Building, Room 105, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.03.050 and 43.03.060.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-06-073 filed with the code reviser's office on March 4, 1981.

Dated: April 8, 1981

By: Joe Thaller  
 Director

**WSR 81-09-011**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
 [Order 354—Filed April 9, 1981]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to the adoption of an emergency rule postponing the "closed season" for industrial fire tool requirements to May 15, 1981, for all of Washington. Extending the winter burning permit rules to May 15, 1981, also for all of Washington.

I, Brian J. Boyle, 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 postponing the "closed season" for industrial requirements until May 15, 1981, for all of Washington. Extending winter burning permit rules to May 15, 1981, also for all of Washington, due to adequate amounts of rainfall and the reduction of risk to life and property from burning.

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

This rule is promulgated pursuant to RCW 76.04.150 and 76.04.252 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 8, 1981.

By Brian J. Boyle  
 Commissioner of Public Lands

**AMENDATORY SECTION** (Amending Order 169 Filed 8/7/73)

**WAC 332-24-090 SMALL OUTDOOR FIRES FOR RECREATION AND YARD DEBRIS DISPOSAL - REQUIREMENTS - FAILURE TO COMPLY:**  
 (1) The fire must not include rubber products, plastics, asphalt, garbage, dead animals, petroleum products, paints or any similar materials that emit dense smoke or create offensive odors when burned.

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

(3) A serviceable shovel and, at least, five gallons of water must be within the immediate vicinity of the fire during the period March 15 through October 15 in Western Washington and April 15 through June 30 in Eastern Washington.

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

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

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

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

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

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

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

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

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

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

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

#### NEW SECTION

WAC 332-26-501 CLOSED SEASON. The period May 15 to October 15 shall be known as the closed season for 1981.

**WSR 81-09-012**

**ADOPTED RULES**

**BOARD OF HEALTH**

[Order 210—Filed April 9, 1981—Eff. May 20, 1981]

Be it resolved by the Washington State Board of Health, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to certificate of need, amending chapter 248-19 WAC.

This action is taken pursuant to Notice Nos. WSR 80-15-094, 80-18-041, 81-01-075, 81-03-039 and 81-04-013 filed with the code reviser on 10/22/80, 12/3/80, 12/17/80, 1/15/81 and 1/28/81. Such rules shall take effect at a later date, such date being May 20, 1981.

This rule is promulgated pursuant to RCW 70.38.135 which directs that the Washington State Board of Health has the authority to implement the provisions of chapter 70.38 RCW.

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

APPROVED AND ADOPTED March 11, 1981.

By John B. Conway

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Chairman

Irma Goertzen

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Ronald L. Jacobus

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John A. Beare, MD

Secretary AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-200 PURPOSE OF CHAPTER 248-19 WAC. The following rules and regulations are adopted pursuant to chapter ~~((161, Laws of 1979 extraordinary session (46th Legislative Session) [chapter 70.38 RCW], the State Health Planning and Resources Development Act,))~~ 70.38 RCW for the purpose of establishing a certificate of need program which is consistent with the provisions of ~~((Public Law 93-641, the National Health Planning and Resources Development Act of 1974 and the provisions of the State Health Planning and Resources Development Act))~~ Title XV of the Public Health Service Act as amended by the Health Planning and Resources Development Amendments of 1979 (Public Law 96-79).

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-210 PURPOSE OF CERTIFICATE OF NEED PROGRAM. The purpose of the certificate of need program is to ensure the obligation of capital expenditures, the development and offering of ((new)) institutional health services, and the acquisition of major medical equipment are consistent with the public policy of the state of Washington, set forth in ~~((section 1, chapter 161, Laws of 1979 extraordinary session (46th Legislative Session) [RCW 70.38.015]))~~ RCW 70.38.015.

"(1) That planning for promoting, maintaining, and assuring a high level of health for all citizens of the state, and for the provision of health services, health



manpower, health facilities, and other resources is essential to the health, safety, and welfare of the people of the state. Such planning is necessary on both a state-wide and regional basis and must maintain responsiveness to changing health and social needs and conditions. The marshaling of all health resources to assure the quality and availability of health services to every person must be the goal of such planning, which must likewise assure optimum efficiency, effectiveness, equity, coordination, and economy in development and implementation to reach that goal . . . . .;

(2) That the development and offering of new institutional health services should be accomplished in a manner which is orderly, timely, economical, and consistent with the effective development of necessary and adequate means of providing quality health care for persons to be served by such facilities without unnecessary duplication or fragmentation of such facilities;

(3) That the development of health resources, including the construction, modernization, and conversion of health facilities, should be accomplished in a planned, orderly fashion, consistent with identified priorities; ~~((and))~~

(4) That the development and maintenance of adequate health care information and statistics essential to effective health planning and resources development be accomplished; and

(5) That the strengthening of competitive forces in the health services industry, wherever competition and consumer choice can constructively serve to advance the purposes of quality assurance, cost effectiveness, and access, should be implemented."

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-220 DEFINITIONS. For the purposes of ~~((these regulations))~~ chapter 248-19 WAC, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Acute care facilities" means hospitals and ambulatory surgical facilities.

(2) "Affected persons" means the ~~((person whose proposal is being reviewed))~~ applicant, the health systems agency for the health service area in which the proposed ~~((new institutional health service))~~ project is to be ~~((offered or developed))~~ located, health systems agencies serving contiguous health ~~((systems))~~ service areas, health care facilities and health maintenance organizations located in the health service area in which the project is proposed to be located which provide ~~((institutional health))~~ services similar to the services under review, health care facilities and health maintenance organizations, which, prior to receipt by the department of the proposal being reviewed, have formally indicated an intention to provide similar services in the future, third-party payers who reimburse health care facilities for services in the health service area in which the project is proposed to be located, any agency which establishes rates for health care facilities or health maintenance organizations ~~((in the state, and those members of the public who are to be served by the proposed new~~

institutional health services)) located in the health service area in which the project is proposed to be located, any person residing within the geographic area served or to be served by the applicant, and any person who regularly uses health care facilities within that geographic area.

(3) "Ambulatory care facility" means any place, building, institution or distinct part thereof which is not a health care facility as defined in this section and which is operated for the purpose of providing health services to individuals without providing such services with board and room on a continuous twenty-four hour basis. The term "ambulatory care facility" includes the offices of private physicians, whether for individual or group practice.

(4) "Ambulatory surgical facility" means a facility, not a part of a hospital, which provides surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice.

~~((4))~~ (5) "Applicant," except as used in WAC 248-19-390, means any person ~~((or any individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity that))~~ who proposes to ~~((offer or develop a new institutional health service))~~ engage in any undertaking which is subject to review under the provisions of ~~((the State Health Planning and Resources Development Act and Public Law 93-641, or to undertake expenditures in preparation for such offering or development of such a service))~~ chapter 70.38 RCW and Title XV of the Public Health Service Act as amended by Public Law 96-79.

"Applicant," as used in WAC 248-19-390, means any person or individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity that engages in any undertaking which is subject to review under the provisions of chapter 70.38 RCW and Title XV of the Public Health Service Act as amended by Public Law 96-79.

~~((5))~~ (6) "Annual implementation plan" means a description of objectives which will achieve goals of the health systems plan and specific priorities among the objectives. The annual implementation plan is for a one-year period and must be reviewed and amended as necessary on an annual basis.

~~((6))~~ (7) "Board" means the Washington state board of health.

~~((7))~~ (8) "Capital expenditure" means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had been made by purchase, such acquisition shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a health



care facility, which if acquired directly by such facility, would be subject to review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review.

~~((8))~~ (9) "Certificate of need" means a written authorization by the secretary for a person to implement a proposal for one or more ~~((particular new institutional health services))~~ undertakings.

~~((9))~~ (10) "Certificate of need unit" means that organizational unit of the department which is responsible for the management of the certificate of need program.

~~((10))~~ (11) "Commencement of construction" means whichever of the following occurs first: Giving notice to proceed with construction to a contractor for a construction project; beginning site preparation or development ~~(, excavation and)~~; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension or expansion of an existing building.

~~((11))~~ (12) "Construction" means the erection, building, alteration, remodeling, modernization, improvement, extension or expansion of a physical plant of a health care facility or the conversion of a building or portion thereof to a health care facility.

~~((12))~~ (13) "Council" means the state health coordinating council established under the provisions of ~~((Public Law 93-641))~~ chapter 70.38 RCW and ~~((the State Health Planning and Resources Development Act))~~ Title XV of the Public Health Service Act as amended by Public Law 96-79.

~~((13))~~ "Defined population" means the population that is or may reasonably be expected to be served by an existing or proposed health care facility. "Defined population" shall also include persons who prefer to receive the services of a particular recognized school or theory of medical care. "Defined population" shall not be limited to a geographical area.)

(14) "Days," except when called "working days," means calendar days which are counted by beginning with the day after the date of the act, event or occurrence from which the designated period of time begins to run. If the last day of the period so counted should fall on a Saturday, Sunday or legal holiday observed by the state of Washington, a designated period shall run until the end of the first working day which follows the Saturday, Sunday or legal holiday.

"Working days" exclude all Saturdays and Sundays, January 1, February 12, the third Monday in February, the last Monday of May, July 4, the first Monday in September, November 11, the fourth Thursday in November, the day immediately following Thanksgiving day and December 25. Working days are counted by beginning with the first working day after the date of the act, event or occurrence from which a designated period of time begins to run.

(15) "Department" means the Washington state department of social and health services.

~~((15))~~ "Development" or "to develop," when used in connection with health services means undertaking those activities which upon their completion will result in the

~~offering of a new institutional health service or the incurring of a financial obligation in relation to the offering of such a service: PROVIDED, HOWEVER, That this term shall not be interpreted to include long-range planning or site acquisition or activities involved in preparation to offer or develop including community needs assessment and feasibility or marketing studies.)~~

(16) "Expenditure minimum" means one hundred fifty thousand dollars for the twelve-month period beginning with October 1979, and for each twelve-month period thereafter the figure in effect for the preceding twelve-month period adjusted to reflect the change in the preceding twelve-month period, in an index established by rules and regulations by the department for the purpose of making such adjustment.

(17) "Health care facility" means hospitals, psychiatric hospitals, tuberculosis hospitals, nursing homes, both skilled nursing facilities and intermediate care facilities, kidney disease treatment centers including freestanding hemodialysis units, ambulatory surgical facilities, rehabilitation facilities, and home health agencies, and includes such facilities when owned and operated by the state or a political subdivision or instrumentality of the state and such other facilities as required by Title XV of the Public Health Service Act as amended by Public Law 93-641 and implementing regulations, but does not include Christian Science ~~((sanitoriums))~~ sanatoriums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts.

~~((17))~~ (18) "Health maintenance organization" means ~~((any entity defined under RCW 48.46.020(i) and any other))~~ a public or private organization, organized under the laws of ~~((any))~~ the state, which:

(a) Is a qualified health maintenance organization under Title XIII, Section 1310(d) of the Public Health Service Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

~~((b))~~ (ii) Is compensated (except for copayments) for the provision of the basic health care services listed in ~~((the preceding (a) of this definition))~~ (b)(i) of this subsection to enrolled participants ~~((on a predetermined))~~ by a payment which is paid on a periodic ~~((rate))~~ basis without regard to the date the health care services are provided and which is fixed without regard to the frequency, extent, or kind of health service actually provided; and

~~((c))~~ (iii) Provides physicians' services primarily ~~((it))~~ (A) directly through physicians who are either employees or partners of such organization, or ~~((it))~~ (B) through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

~~((The term "health maintenance organization" for which assistance may be provided under Title XIII means a health maintenance organization which is qualified under section 1310(d) of the Public Health Service Act or a health maintenance organization which the~~

~~secretary of the United States department of health, education and welfare determines, upon the basis of an application and the submission of any information and assurances which he finds necessary, may be eligible for assistance under Title XIII of the Public Health Service Act.~~

~~((18)) (19) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse(;) and mental health services.~~

~~((19)) (20) "Health systems agency" means a public regional planning body or a private nonprofit corporation which is organized and operated in a manner that is consistent with the laws of the state of Washington and Public Law 93-641 and which is capable of performing each of the functions described in ((section 8 of the State Health Planning and Resources Development Act)) RCW 70.38.085 and is capable as determined by the secretary of the United States department of health((, education and welfare)) and human services, upon recommendation of the governor or the council, of performing each of the functions described in the federal law, ((Public Law 93-641)) Title XV of the Public Health Service Act as amended by Public Law 96-79.~~

~~"Appropriate health systems agency" means the health systems agency for the health service area in which a particular project is to be located.~~

~~((20)) (21) "Health systems plan" means a plan established by a health systems agency which is a detailed statement of goals and resources required to reach those goals as described in ((Public Law 93-641. Goals describe a healthful environment and health systems in the health service area which, when developed, will assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable cost, for all residents of the area; are responsive to the unique needs and resources of the health service area; and take into account national guidelines for health planning policy and state-wide health needs and priorities. The health systems plan is for a period longer than one year and must be reviewed and amended as necessary on an annual basis)) the federal law, Title XV of the Public Health Service Act as amended by Public Law 96-79.~~

~~((21)) (22) "Home health agency" means ((a public agency or private organization or subdivision of such an agency or organization which is primarily engaged in providing nursing services and other therapeutic services (e.g., physical therapy, occupational therapy, nutritionist's services, and social services), within a defined geographic area, on a part-time, intermittent or visiting basis to ill or disabled persons in residences which are their homes)) any entity which is or is to be certified as a provider of home health services in the Medicaid or Medicare program.~~

~~((22)) (23) "Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW or any state owned and operated institution which is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis,~~

~~treatment and care of injured, disabled, or sick persons, or rehabilitation services of injured, disabled, or sick persons. Such term includes tuberculosis hospitals but does not include psychiatric hospitals.~~

~~((23)) (24) "Hospital commission" means the Washington state hospital commission established pursuant to chapter 70.39 RCW.~~

~~((24)) (25) "Inpatient" means a person who receives health care services with board and room in a health care facility on a continuous twenty-four hour a day basis.~~

~~(26) "Institutional health services" means health services provided in or through health care facilities and entailing annual direct operating costs of at least seventy-five thousand dollars for the twelve-month period beginning with October 1979, and for each twelve-month period thereafter the figure in effect for the preceding twelve-month period adjusted to reflect the change in the preceding twelve-month period in an index established by rules and regulations by the department.~~

~~((25)) (27) "Intermediate care facility" means any institution or distinct part thereof which is certified as an intermediate care facility for participation in the Medicaid (Title XIX of the Social Security Act) program.~~

~~((26)) (28) "Kidney disease treatment center" means any place, institution, building or agency or a distinct part thereof which is equipped and operated to provide services, which include dialysis services, to persons who have end stage renal disease.~~

~~((27)) (29) "Long-range health facility plan" means a document prepared by each hospital which contains a description of its plans for substantial changes in its facilities and services for three years.~~

~~(30) "Major medical equipment" means a single unit of medical equipment or a single system of components which is used for the provision of medical and other health services and which costs in excess of one hundred fifty thousand dollars, except that such term does not include dental equipment or medical equipment acquired by or on behalf of a clinical laboratory to provide clinical laboratory services if the clinical laboratory is independent of a physician's office and a hospital and it has been determined under Title XVIII of the Social Security Act to meet the requirements of paragraphs (10) and (11) of section 1861(s) of such act. If the equipment is acquired for less than fair market value, the term "cost" includes the fair market value.~~

~~((28)) (31) "May" means permissive or discretionary.~~

~~((29) "New institutional health services" means one or more of the following:~~

~~(a) The construction, development, or other establishment of a new health care facility including a health care facility owned, operated or otherwise utilized by a health maintenance organization;~~

~~(b) Any expenditure by or on behalf of a health care facility, including a health care facility owned, operated or otherwise utilized by a health maintenance organization, in excess of one hundred and fifty thousand dollars which under generally accepted accounting principles consistently applied is a capital expenditure, excluding: (i) Expenditures for site acquisition, (ii) acquisition of~~

existing acute care health facilities and health maintenance organizations, and (iii) expenditures solely for the termination or reduction of beds or of a health service;

(c) Any acquisition, except of a site or an existing acute care facility, by or on behalf of a health care facility (including a health care facility owned, operated or otherwise utilized by a health maintenance organization) under lease or comparable arrangement, or through donation, which would be subject to certificate of need review if the acquisition were by purchase;

(d) A change in bed capacity of a licensed health care facility, including a health care facility owned, operated or otherwise utilized by a health maintenance organization, which increases the total number of licensed beds or redistributes beds among facility and service categories of acute care, skilled nursing, intermediate care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months;

(e) In a health care facility which is not required to be licensed, a change in bed capacity which increases the total number of beds, distributes beds among various categories or relocates such beds from one physical facility or site to another by more than ten beds or more than ten percent of total bed capacity as defined by the department, whichever is less, over a two-year period;

(f) Any health services which are offered in or through a health care facility, including a health care facility owned, operated or otherwise utilized by a health maintenance organization, which were not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time such services would be offered;

(g) Any expenditure by or on behalf of a health care facility, including a health care facility owned, operated or otherwise utilized by a health maintenance organization, in excess of one hundred and fifty thousand dollars made in preparation for the offering or development of a new institutional health service and any arrangement or commitment made for financing the offering, or development of the new institutional health service (expenditures in preparation for the offering of a new institutional health service shall include expenditures for architectural designs, plans, working drawings and specifications but shall exclude expenditures for feasibility surveys for health maintenance organizations and expenditures for the construction, development or other establishment of a facility or services by a health maintenance organization which are not provided in or through a health care facility owned, operated or otherwise utilized by the health maintenance organization); and

(h) Radiological diagnostic health services which are offered in, at, through, by or on behalf of a health care facility, including a health care facility owned, operated or otherwise utilized by a health maintenance organization, which are provided by fixed or mobile computed tomographic scanning equipment except where these services are an addition to or replacement of the same service offered in, at, through, by or on behalf of the health care facility. "Radiological diagnostic services," as used in this section shall be interpreted to include services offered in space leased or made available to any

person by the health care facility. The service provided by a computed tomographic head scanner shall not be considered the same service as that provided by a computed tomographic body scanner. The service provided by a computed tomographic fixed scanner shall not be considered the same service as that provided by a computed tomographic mobile scanner.

~~((30))~~ (32) "Nursing home" means any home, place, institution, building or agency or distinct part thereof which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. The term "nursing home" includes any such entity which is owned and operated by the state or which is licensed or required to be licensed under the provisions of chapter 18.51 RCW and any other intermediate care facility or skilled nursing facility as these terms are defined in this section ((of definitions)). The term "nursing home" does not include: General hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics or both; psychiatric hospitals as defined in this section; private establishments, other than private psychiatric hospitals, licensed or required to be licensed under the provisions of chapter 71.12 RCW; boarding homes licensed under the provisions of chapter 18.20 RCW; or any place or institution which is operated to provide only board, room and laundry to persons not in need of medical or nursing treatment or supervision.

~~((31))~~ (33) "Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility ((or a health maintenance organization)):

(a) An enforceable contract has been entered into by a health care facility ((or health maintenance organization)) or by a person proposing such capital expenditure on behalf of the health care facility ((or health maintenance organization)) for the construction, acquisition, lease or financing of a capital asset; or

(b) A formal internal commitment of funds by a health care facility ((or health maintenance organization)) for a force account expenditure which constitutes a capital expenditure((-)); or

(c) In the case of donated property, the date on which the gift is completed in accordance with state law.

~~((32))~~ (34) "Offer," when used in connection with health services, means the health facility ((or health maintenance organization)) provides or holds itself out as capable of providing or as having the means for the provision of one or more specific health services.

~~((33))~~ (35) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies),

the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

~~((34))~~ (36) "Persons directly affected" means the following: The person whose certificate of need application is being reviewed; members of the public who are to be served by the proposed new institutional health services; health care facilities and health maintenance organizations located in the health service area in which the service is proposed to be offered or developed which provide services similar to the proposed services under review; health care facilities and health maintenance organizations which, prior to receipt of the certificate of need application by the department, have formally indicated to the department an intention to provide such similar services in the future; and any agency which establishes rates for health care facilities or health maintenance organizations located in the health service area in which the new institutional health service is proposed to be offered or developed.

~~(35))~~ (36) "Predevelopment expenditures" means capital expenditures ((for the development of site, architectural, structural, mechanical or electrical drawings and specifications. Predevelopment expenditures exclude expenditures for the following: Calling or advertising for construction bids, awarding of a construction contract, incurring an obligation for construction materials or labor, and site preparation or other activities involved in the commencement of construction)), the total of which exceeds the expenditure minimum, which are made for architectural designs, plans, drawings or specifications in preparation for the acquisition or construction of physical plant facilities. "Predevelopment expenditures" exclude any obligation of a capital expenditure for the acquisition or construction of physical plant facilities and any activity which may be considered the "commencement of construction" as this term is defined in this section.

~~((36))~~ (37) "Project" means any and all ((new institutional health services)) undertakings which may be or are proposed in a single certificate of need application or for which a single certificate of need is issued.

~~((37))~~ (38) "Psychiatric hospital" means any institution or distinct part thereof which is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons and which is licensed or required to be licensed under the provisions of chapter 71.12 RCW ((and any institution which)) or is owned and operated by the state or by a political subdivision or instrumentality of the state ((and is primarily engaged in providing to inpatients, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons)).

(39) "Rehabilitation facility" means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other health services which are provided under competent professional supervision.

~~((38))~~ (40) "Secretary" means the secretary of the Washington state department of social and health services or his designee.

~~((39))~~ (41) "Shall" means compliance is mandatory.

~~((40))~~ (42) "Skilled nursing facility" means any institution or distinct part thereof which is certified as a skilled nursing facility for participation in the Medicare (Title XVIII) or Medicaid (Title XIX) program.

~~((41))~~ (43) "State health plan" means a document, described in ((Public Law 93-64)) Title XV of the Public Health Service Act, developed by the department((;)) and ((approved by)) the ((state health coordinating)) council ((which recommends priorities for changes in the health system of the state to achieve the desired health status of the citizens of the state and describes the relationship of these priorities to national health priorities and to the priorities of the health systems agencies of the state as set forth in their health systems plans)) in accordance with RCW 70.38.065.

~~((42))~~ (44) "State Health Planning and Resources Development Act" means chapter ((161, Laws of 1979 extraordinary session (46th Legislative Session)) chapter 70.38 RCW)) 70.38 RCW.

(45) "Undertaking" means any action which, according to the provisions of chapter 248-19 WAC, is subject to the requirements for a certificate of need or an exemption from the requirements for a certificate of need.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-230 APPLICABILITY OF CHAPTER 248-19 WAC. (1) ((All new institutional health services offered or developed within the state by any person shall be subject to review under the certificate of need program and)) The following undertakings shall be subject to the provisions of chapter 248-19 WAC, with the exceptions provided for in this section.<sup>1</sup>

((2) For the purposes of chapter 248-19 WAC "new institutional health services" shall include any and all of the following:))

(a) The construction, development, or other establishment of a new health care facility ((including a health care facility owned, operated or otherwise utilized by a health maintenance organization;)).

(b) ((Any)) Capital expenditure by or on behalf of a health care facility((, including a health care facility owned, operated or otherwise utilized by a health maintenance organization, in excess of one hundred and fifty thousand dollars which under generally accepted accounting principles consistently applied is a capital expenditure, excluding: (i) Expenditures for site acquisition, (ii) acquisition of existing acute care health facilities and health maintenance organizations, and (iii) expenditures solely for the termination or reduction of beds or of a health service;)) which (i) Is associated with the addition of a substantial health service not provided by or on behalf of the facility within the previous twelve months or which is associated with the termination of a substantial health service provided in or through the facility, or

(ii) Which exceeds the expenditure minimum as defined by WAC 248-19-220(16). The costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort and consulting and other services which under generally accepted accounting principles are not properly chargeable as an expense of operation and maintenance) essential to the acquisition, improvement, expansion, or replacement of any plant or equipment with respect to which such expenditure is made shall be included in determining the amount of the expenditure. Functional programming and general long range planning activities, including marketing surveys and feasibility studies, are not to be included when determining whether an expenditure exceeds the expenditure minimum.

(c) ((Any acquisition, except of a site or an existing acute care facility, by or on behalf of a health care facility (including a health care facility owned, operated or otherwise utilized by a health maintenance organization) under lease or comparable arrangement, or through donation, which would be subject to certificate of need review if the acquisition were by purchase;

(d)) A change in bed capacity of a licensed health care facility((; including a health care facility owned, operated or otherwise utilized by a health maintenance organization;)) which increases the total number of licensed beds or redistributes beds among facility and service categories of acute care, skilled nursing, intermediate care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months(;;).

(((- In)) (d) The obligation of any capital expenditure by or on behalf of a health care facility which is not required to be licensed(;;) for a change in bed capacity which increases the total number of beds, ((distributes)) or redistributes beds among various categories, ((or relocates such beds from one physical facility or site to another)) by more than ten beds or more than ten percent of total bed capacity as defined by the department, whichever is less, over a two-year period(;;).

(e) Acquisition of major medical equipment:

(i) If the equipment will be owned by or located in an inpatient health care facility; or

(ii) If the equipment is not to be owned by or located in a health care facility and the department finds, consistent with WAC 248-19-403, that: (A) The equipment will be used to provide services for inpatients of a hospital on other than a temporary basis in the case of a natural disaster, a major accident, or equipment failure; or (B) the person acquiring such equipment did not notify the department of the intent to acquire such equipment at least thirty days before entering into contractual arrangements' for such acquisition.

(f) The acquisition of an existing health care facility which the department has determined, in accordance with the provisions of subsection (2) of this section, is subject to review;

(g) Any new institutional health services which are offered ((in or through)) by or on behalf of a health care facility((; including a health care facility owned, operated or otherwise utilized by a health maintenance organization;)) and which were not offered on a regular basis

by((; in;)) or ((through)) on behalf of such health care facility within the twelve-month period prior to the time such services would be offered(;;).

(((-g)) (h) Any expenditure by or on behalf of a health care facility((; including a health care facility owned, operated or otherwise utilized by a health maintenance organization;)) in excess of ((one hundred and fifty thousand dollars)) the expenditure minimum made in preparation for ((the offering or development of a new institutional health service)) any undertaking under this subsection and any arrangement or commitment made for financing ((the offering or development of the new institutional health service (-)) such undertaking. Expenditures ((in)) of preparation ((for the offering of a new institutional health service)) shall include expenditures for architectural designs, plans, working drawings and specifications ((but shall exclude expenditures for feasibility surveys for health maintenance organizations and expenditures for the construction, development or other establishment of a facility or services by a health maintenance organization which are not provided in or through a health care facility owned, operated or otherwise utilized by the health maintenance organization); and

(h) Radiological diagnostic health services which are offered in, at, through, by or on behalf of a health care facility, including a health care facility owned, operated or otherwise utilized by a health maintenance organization, which are provided by fixed or mobile computed tomographic scanning equipment except where these services are an addition to or replacement of the same service offered in, at, through, by or on behalf of the health care facility. "Radiological diagnostic services," as used in this section shall be interpreted to include services offered in space leased or made available to any person by the health care facility. The service provided by a computed tomographic head scanner shall not be considered the same service as that provided by a computed tomographic body scanner. The service provided by a computed tomographic fixed scanner shall not be considered the same service as that provided by a computed tomographic mobile scanner).

(i) The obligation of any capital expenditure by or on behalf of a health care facility which decreases the total number of licensed beds or relocates beds from one physical facility or site to another by ten beds or ten percent whichever is less in any two year period.

(j) Any acquisition by donation, lease, transfer or comparable arrangement, by or on behalf of a health care facility, if the acquisition would otherwise be reviewable under chapter 248-19 WAC if made by purchase.

(2) At least thirty days before any person acquires or enters into a contract' to acquire an existing health care facility, the person shall provide written notification to the department and the appropriate health systems agency, and in the case of a hospital, the hospital commission, of the person's intent to acquire the facility.

(a) Written notification of intent, to be considered valid, shall be made in a form and manner acceptable to the secretary and shall include:

(i) The name and address of the health care facility to be acquired;

(ii) The name and address of the person who intends to acquire the health care facility;

(iii) A description of the means by which the health care facility would be acquired, including the total capital expenditures associated with the acquisition, and the intended date of incurring the contractual obligation to acquire the health care facility;

(iv) The name and address of the person from whom the facility is to be acquired; and

(v) A description of any changes in institutional health services or bed capacity proposed by the person who would acquire the health care facility.

(b) A certificate of need shall be required for the obligation of a capital expenditure to acquire by purchase, or under lease or comparable arrangement, an existing health care facility if

(i) A written notification of intent to acquire an existing health care facility is not provided in accordance with WAC 248-19-230(2), or

(ii) The department finds within fifteen working days after receipt of a written notification to acquire a health care facility that the services or bed capacity of the facility will be changed in being acquired.

(c) Within fifteen working days after receipt of a written notification of intent, the department shall send written notice to the person intending to acquire the health care facility, indicating:

(i) Whether the written notification constitutes a valid notification, as prescribed in subdivision (a) of this subsection and, if such notification is valid,

(ii) Whether such acquisition is subject to certificate of need review.

(d) If the department fails to make a determination within thirty days after receipt of a valid notice, the health care facility may be acquired without a certificate of need.

(3) With respect to ambulatory care facilities and inpatient health care facilities which are controlled (directly or indirectly) by a health maintenance organization or combination of health maintenance organizations, the provisions of chapter 248-19 WAC shall apply only to the offering of inpatient institutional health services, the acquisition of major medical equipment and the obligation of capital expenditures for the offering of inpatient institutional health services, and then only to the extent that such offering, acquisition or obligation is not exempt under the provisions of WAC 248-19-405.

(4) The extension, on more than an infrequent basis, of a home health agency's services to a population residing in a county not previously regularly included in the service area of that home health agency during the preceding twelve months constitutes extension of home health services beyond its defined geographic area and shall be considered the development or establishment of a new home health agency.

((3)) (5) No person shall ((offer or develop a new institutional health service, or undertake a capital expenditure in preparation for such offering or development,)) engage in any undertaking which is subject to

certificate of need review under the provisions of this chapter unless a certificate of need authorizing such ((new institutional health services)) undertaking has been issued and remains valid or an exemption has been granted in accordance with the provisions of this chapter.

((4)) (6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

((5)) (7) The department may issue certificates of need permitting predevelopment expenditures only, without authorizing ((the development or offering of new institutional health services)) any subsequent undertaking with respect to which such ((pre-development)) predevelopment expenditures are made.

((6)) (8) A certificate of need application ((which was submitted and declared complete)), the review of which had begun but upon which final action had not been taken prior to January 1, ((1980)) 1981, shall be reviewed and final action taken based on chapter 70.38 RCW and chapter 248-19 WAC as in effect prior to January 1, ((1980)) 1981.

((7)) (9) Certificates of need issued prior to January 1, ((1980)) 1981, shall not be terminated and the periods of validity of such certificates of need shall not be modified under the provisions of chapter 248-19 WAC which become effective January 1, ((1980)) 1981.

((8) The review process and the requirement for a certificate of need shall be waived for new institutional health services in a project which is in accord with the following requirements:

(a) The project shall not have been subject to certificate of need review prior to January 1, 1980 and shall meet one of the following conditions:

(i) The project has been reviewed under the provisions of Section 1122 of the Social Security Act and found to be in conformance with the standards, criteria and plans described in 42 CFR 100.104(a)(2) prior to January 1, 1980; or

(ii) An application for review of the project under the provisions of Section 1122 of the Social Security Act has been submitted and declared complete but final action upon the application has not been taken prior to January 1, 1980; or

(iii) An obligation, as defined in WAC 248-19-220, has been incurred prior to January 1, 1980 for the project, which is not subject to review under the provisions of Section 1122 of the Social Security Act.

(b) The)) (10) A project for which certificate of need review was waived under the provisions of WAC 248-19-230(8) as in effect January 1, 1980, to January 1, 1981, shall ((be)) have been completed by January 1, 1981, or, in the case of a construction project, commencement of construction shall have occurred by January 1982. If this requirement is not met, the ((new institutional health service(s) included in the)) project shall become subject to the requirements for a certificate of need.

(11) A proposed change in a project associated with a capital expenditure for which a certificate of need has been issued shall be subject to certificate of need review if the change is proposed within one year after the date



the activity for which the capital expenditure was approved has been undertaken.

(a) Projects subject to review under this subsection include proposed changes in projects originally subject to review according to the provisions of subsection (1)(b), (c), (d), or (i) of this section.

(b) No capital expenditure need be associated with a proposed change in a project subject to review under this subsection.

(c) A proposed change in a project shall include any change in the licensed bed capacity of a facility, and the addition or termination of an institutional health service.

(12) Administrative review.

(a) The secretary shall have the authority to review and take action on the basis of information submitted on an abbreviated application form acceptable to the secretary the following categories of expenditures:

(i) The acquisition of land;

(ii) Capital costs associated with the refinancing of existing debt;

(iii) The obligation of any capital expenditure by or on behalf of a health care facility which decreases the total number of licensed beds or relocates licensed beds from one physical facility or site to another by ten beds or ten percent whichever is less in any two year period; and

(iv) A proposed change in a project reviewed in accordance with WAC 248-19-230(11).

(b) Such review shall be completed within ten working days after receipt of an application.

**NOTE:**

<sup>1</sup>Where a hospital is part of a larger institution, such as a university, the components of the larger institution (e.g., a component conducting medical research) not related to the hospital will not be considered part of the hospital, whether or not the hospital is a distinct legal entity. Similarly, when there is a legal entity, the primary activity of which is operating a hospital, but which also operates a distinct research component, the research component will not be considered part of the hospital. In these cases, the component conducting medical research that is distinct from the hospital and that neither provides inpatient services nor uses revenues derived from patient charges at the hospital to finance its operations will not be considered part of the hospital.

Further, expenditures by a component of a larger institution, such as a university, which is distinct from a separate health care facility component, such as the university's hospital, will not be viewed as being "by a health care facility." Thus, a capital expenditure by a university medical school that is a distinct component of the university will not be considered to be "by" the hospital of the university. In finding that the medical school is distinct, the department must find at least that the revenues derived from patient charges at the hospital of the university are not used for operating expenses of the medical school.

If a capital expenditure exceeds the expenditure minimum, for it to be required to be subject to review, the department must find that it is "on behalf of" a health care facility. Such an expenditure is also required to be subject to review if it is for the acquisition of major medical equipment and meets the conditions set forth in WAC 248-19-230(1)(e). The same analysis would apply to a distinct research component of a legal entity, the primary activity of which is operating a hospital.

<sup>2</sup>A person may enter into a contractual arrangement at an earlier date, provided such contractual arrangement is contingent upon a determination by the department that a certificate of need is not needed or upon issuance of a certificate of need.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-240 APPLICABILITY DETERMINATION. (1) Any person ((needing)) wanting to know whether ((a particular project the person plans to undertake)) an action the person is considering is subject to certificate of need requirements((;)) (chapter 248-19 WAC((;))) should submit a written request ((in a form acceptable to the secretary)) to the certificate of need unit ((of the department)) requesting a formal determination of applicability of the certificate of need requirements to the ((project)) action.

(a) A copy of a written request for determination of applicability shall be sent simultaneously to the appropriate health systems agency ((for the health service area in which the project is to be located or take place)) and, in the case of a hospital project, to the hospital commission.

(b) The written request shall be in a form prescribed by the department and contain an explicit description of the ((particular project, including)) action. The description shall include the nature and extent of any construction, changes in services and the estimated total costs of the ((project)) action.

(2) The department may request such additional written information as is reasonably necessary to making an applicability determination on the ((particular project)) action.

(3) ((The department shall consult with the health systems agency and, when appropriate, the hospital commission in making an applicability determination.

(4)) The department shall respond in writing to a request for an applicability determination within thirty days of receipt of all the information needed for such determination. In the written response, the department shall ((set forth)) state the reasons for its determination that the ((project)) action is or is not subject to certificate of need requirements.

((5)) (4) Information or advice given by the department as to whether ((a project)) an action is subject to certificate of need requirements shall not be considered an applicability determination unless it is in written form in response to a written request submitted in accordance with provisions of this section.

((6)) (5) A written applicability determination on ((a particular project)) an action in response to a written request and based on written information shall be binding upon the department: PROVIDED, The nature, extent or cost of the ((project)) action does not significantly change.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-250 SANCTIONS FOR VIOLATIONS. The department may take or cause to be taken any action against a person who has failed to comply with certificate of need regulations which is provided for in ((chapter 161, Laws of 1979 extraordinary session (46th Legislative Session)[chapter 70.38 RCW], the State Health Planning and Resources Development Act. Section 12 of this act provides:)) RCW 70.38.125.

~~((4) The secretary of the department, in the case of a new health facility, shall not issue any license, and the insurance commissioner, in the case of a new health maintenance organization, shall not issue any certificate of registration, unless and until a prior certificate of need shall have been issued by the department for the offering or development of such new health facility or new health maintenance organization respectively.~~

~~(5) Any person who offers or develops a new institutional health service without first being granted a certificate of need by the secretary of the department shall be liable to the state in an amount not to exceed one hundred dollars a day for each day of such unauthorized offering or development. Such amounts of money shall be recoverable in an action brought by the attorney general on behalf of the state in the superior court of any county in which the unauthorized offering or development occurred. Any amounts of money so recovered by the attorney general shall be deposited in the state general fund.~~

~~(6) The department may bring any action to enjoin a violation or the threatened violation of the provisions of this chapter or any rules and regulations adopted pursuant to this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.<sup>2</sup>)~~

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-260 PERIODIC REPORTS ON DEVELOPMENT OF PROPOSALS. (1) During April of each year, each health care facility and ~~((each health maintenance organization))~~ any other person developing proposals subject to certificate of need review shall submit to the department a report ((regarding any development of a proposal for a new institutional health service)) which ((is under consideration)) describes each such undertaking. Such report shall be submitted in a form prescribed by the department.

(2) If the appropriate health systems agency ((for the health service area in which a health care facility or health maintenance organization is located)) requires submission of reports, on at least an annual basis, regarding ~~((development of proposals on at least an annual basis))~~ undertakings which are under consideration, the department shall accept a copy of each such report sent to the health systems agency in lieu of the report required under ~~((WAC 248-19-260(1)))~~ subsection (1) of this section.

(3) Submission to the department of a long-range plan which includes all ~~((new institutional health services))~~ undertakings which are under consideration by a health care facility or ((health maintenance organization)) other person shall be accepted as meeting ((this)) the requirement of this section for a periodic report ((on the development of proposals for new institutional health services)).

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-270 LETTER OF INTENT. Any person planning to develop a construction project ~~((or a new health service))~~ shall submit a letter of intent to the department at the earliest possible opportunity in the course of planning such construction project ~~((or new health service)).~~

(1) The letter of intent shall inform the department of the nature and scope of the project, clearly describing the size and extent of any new or expanded services which will be included.

(2) A copy of the letter of intent shall be sent to the health systems agency for the health service area in which the project is to be located and, in the case of a hospital project, to the hospital commission.

(3) The letter of intent submitted in accordance with the provisions of this section does not constitute "notice of intent" with respect to the acquisition of existing health care facilities, as required by WAC 248-19-230(2) or to the acquisition of major medical equipment, as required by WAC 248-19-403.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-280 SUBMISSION AND WITHDRAWAL OF APPLICATIONS. (1) General.

(a) A person proposing ((a new institutional health service)) an undertaking which is subject to review shall, prior to the date on which the certificate of need review of such ((service)) undertaking begins, submit a complete certificate of need application in such form and manner and containing such information as the department, after consultation with health systems agencies and the hospital commission, has prescribed and published as necessary to such a certificate of need application.

~~((a))~~ (i) The information, which the department prescribes and publishes as required for a certificate of need application, shall be limited to the information which is necessary for the department to perform a certificate of need review and, shall vary in accordance with and be appropriate to the ((purpose for which a particular review is being conducted)) category of review or the type of proposed project: PROVIDED, HOWEVER, That the required information shall include that which is necessary to determining whether the proposed project meets applicable criteria.

~~((b))~~ (ii) Information regarding a certificate of need application which is submitted by an applicant after the department has given "notification of the beginning of review" in the manner prescribed by WAC 248-19-310 shall be submitted in writing to the department, the health systems agency, and for hospital projects, to the hospital commission.

~~((c))~~ (iii) Except as provided in WAC 248-19-325 no information regarding a certificate of need application, which is submitted by an applicant after ((a health systems agency or the hospital commission makes a final decision and recommendation for submission to the department;)) the conclusion of a public hearing conducted



under the provisions of WAC 248-19-320 or the date on which the appropriate health systems agency takes final action on the application, whichever occurs first, shall be considered by the department in reviewing and taking action on a certificate of need application. An exception to this rule shall be made when, during its final review period, the department finds an unresolved pivotal issue requires submission of further information by an applicant and the applicant agrees to an extension of the review period in order to resolve this issue as provided for in WAC 248-19-330(2)(b), 248-19-340(2)(c), and 248-19-350(4). The department shall furnish copies of its request to the applicant for such additional information to the appropriate health systems agency and, for a hospital project, to the hospital commission. The department shall give public notice of such request for additional information through the same newspaper in which the "notification of beginning of review" for the project was published. The notice shall identify the project, the nature of the unresolved issue and the information requested of the applicant and shall state the period of time allowed for receipt of written comments from interested persons.

~~((2))~~ (b) A person submitting a certificate of need application shall simultaneously submit copies of such application to the certificate of need unit of the department, the appropriate health systems agency (~~for the health service area in which the proposed project is to be located~~) and, in the case of a hospital project, to the hospital commission.

~~((a))~~ (i) The original and ~~((one copy))~~ two copies of the application shall be submitted to the certificate of need unit of the department.

~~((b))~~ (ii) At least three and such additional copies of the application as may be required by the health systems agency (~~(, for the health service area in which the proposed project is to be located,)~~) shall be submitted to the appropriate health systems agency.

~~((c))~~ (iii) For a hospital project, one copy shall be submitted to the hospital commission.

~~((3))~~ Within a fifteen calendar day screening period, the department, the appropriate health systems agency and, for a hospital project, the hospital commission shall each screen the application to determine whether the information provided in the application is complete and as explicit as is necessary for a certificate of need review. This screening period shall begin on the first day after which the department, the health systems agency and, when appropriate, the hospital commission have each received copies of the application.

~~((4))~~ (c) On or before the last day of the applicable screening period for a certificate of need application, as prescribed in subsections (2) and (3) of this section, the department shall send a written notice to the person who submitted the application stating whether or not the application has been declared complete. If ~~((the))~~ an application has been found to be incomplete, the notice from the department shall specifically identify the portions of the application in which the information provided has been found to be insufficient or indefinite and

request the supplemental information needed to complete the application. ~~((This))~~ The notice from the department shall incorporate the findings as to insufficient or indefinite application information which have been transmitted to the department by the health systems agency and the hospital commission.

~~((5))~~ (d) The department shall not ~~((require))~~ request any supplemental information of a type which has not been prescribed and published as being necessary to a certificate of need application for the type of project being proposed.

~~((6))~~ The department shall return an incomplete certificate of need application to the person who submitted the application if the department has not received a response to a request for the supplemental information needed to complete the application within forty-five calendar days after such request was sent.

~~((7))~~ (e) A response to the department's request for information to supplement an incomplete application(;) shall be written and submitted to the same agencies and in the same numbers as required for an application under the ~~((preceding WAC 248-19-280(2)))~~ provisions of subsection (1)(b) of this section.

~~((8))~~ A person who submits a response to the department's request for supplemental information to complete a certificate of need application within forty-five days after the request was sent by the department shall have the right to exercise one of the following options:

(a) Submission of a written request that the incomplete application be reviewed without supplemental information;

(b) Submission of written supplemental information with a written request that review of the certificate of need application begin without the department's notification of the applicant as to whether the supplemental information is adequate to complete the application; or

(c) Submission of written supplemental information and a written request that such information be screened and the applicant be given opportunity to submit further supplemental information if the application is still incomplete.

(9) After receipt of a request for review of a certificate of need application, submitted in accordance with the preceding WAC 248-19-280(8)(a) or (b), the department shall give notification of the beginning of review in the manner prescribed for a complete application in WAC 248-19-310.

(10) If a person requests the screening of supplemental information in accordance with WAC 248-19-280(8)(c), such screening shall be carried out in the same number of days and in the same manner as required for an application under the preceding WAC 248-19-280(3) and (4). The process of submitting and screening supplemental information may be repeated until the department declares the certificate of need application complete, the applicant requests that review of the incomplete application begin, or the one hundred twentieth day after the beginning of the first screening period for the application, whichever occurs first. The department shall return an application to the applicant if it is still incomplete on the one hundred twentieth day after the beginning of the first screening period and the

applicant has not requested review of such incomplete application.

~~(11) A certificate of need application shall be withdrawn from the certificate of need review process if the department receives a written request for withdrawal of the application from the person who submitted the application at any time before final action on such application has been taken by the secretary.~~

~~(12) A new submission of a certificate of need application shall be required for a certificate of need review of any new institutional health service for which the department has returned an incomplete application in accordance with the preceding WAC 248-19-280(6) or (10), or for which a certificate of need application has been withdrawn in accordance with the preceding WAC 248-19-280(11).~~

~~(13) If an applicant amends an application during the review process, the department after consultation with the appropriate health systems agency and, in the case of a hospital project, the hospital commission will determine whether or not the amendment constitutes a new application.)~~

(2) Emergency, expedited and regular reviews.

(a) The department, the appropriate health systems agency, and the hospital commission for a hospital project, shall within a fifteen-day period, screen the application to determine whether the information provided in the application is complete and as explicit as is necessary for a certificate of need review. This screening period shall begin on the first day after which the department, the health systems agency and, for hospital projects, the hospital commission, have each received copies of the application.

(b) The department shall return an incomplete certificate of need application to the person who submitted the application if the department has not received a response to a request for the supplemental information sent in accordance with subsection (1)(c) of this section within forty-five days after such request was sent.

(c) A person who submits a response to the department's request for supplemental information to complete a certificate of need application within forty-five days after the request was sent by the department, in accordance with subsection (1)(c) of this section, shall have the right to exercise one of the following options:

(i) Submission of written supplemental information and a written request that such information be screened and the applicant be given opportunity to submit further supplemental information if the application is still incomplete;

(ii) Submission of written supplemental information with a written request that review of the certificate of need application begin without the department notifying the applicant as to whether the supplemental information is adequate to complete the application; or

(iii) Submission of a written request that the incomplete application be reviewed without supplemental information.

(d) After receipt of a request for review of a certificate of need application, submitted in accordance with subsection (2)(c) (ii) or (iii) of this section, the department shall give notification of the beginning of review in

the manner prescribed for a complete application in WAC 248-19-310.

(e) If a person requests the screening of supplemental information in accordance with subsection (2)(c)(i) of this section, such screening shall be carried out in the same number of days and in the same manner as required for an application in accordance with the provisions of subsection (1)(c) and (2)(a) of this section. The process of submitting and screening supplemental information may be repeated until the department declares the certificate of need application complete, the applicant requests that review of the incomplete application begin, or the one hundred twentieth day after the beginning of the first screening period for the application, whichever occurs first. The department shall return an application to the applicant if it is still incomplete on the one hundred twentieth day after the beginning of the first screening period and the applicant has not requested review of such incomplete application.

(3) Amendment of certificate of need applications.

(a) Applications for emergency review. If an applicant amends an application during the screening period, the department, after consultation with the appropriate health systems agency and, in the case of a hospital project, the hospital commission shall determine whether the amended application constitutes a new application. An application which is amended during the review period shall be considered a new application.

(b) Application for expedited or regular review.

(i) If an applicant amends an application during the screening or review period, the department, after consultation with the appropriate health systems agency and, in the case of a hospital project, the hospital commission shall determine whether the amended application constitutes a new application.

(ii) To provide any affected person the opportunity for a public hearing on an amended application, the department may extend the expedited review period as necessary to conduct such public hearing and complete the review process.

(4) Submission of an amendment to an application. An amendment to an application shall be submitted to the same agencies and in the same numbers as required for an application under the provisions of subsection (1)(b) of this section.

(5) Withdrawal of applications. A certificate of need application shall be withdrawn from the certificate of need process if the department receives a written request for withdrawal of the application from the person who submitted the application at any time before final action on such application has been taken by the secretary.

(6) Resubmission of applications withdrawn or returned as incomplete. A submission of a new certificate of need application shall be required for a certificate of need review of any undertaking for which the department has returned an incomplete application in accordance with subsection (2)(b) of this section, or for which a certificate of need application has been withdrawn in accordance with subsection (5) of this section. The content of the application should be updated as necessary before resubmission.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)WAC 248-19-300 CATEGORIES OF REVIEW.

(1) In the review of any certificate of need application, one of the following review processes shall be used: Regular review, emergency review or expedited review.

(2) Determination of review process.

The department, after ~~((consulting))~~ any necessary consultation with the appropriate health systems agency and, if a hospital project, the hospital commission, shall determine which review process will be used in the review of a given certificate of need application.

(a) ~~((Regular review:~~

~~The regular process shall be used in the review of a certificate of need application unless the department has determined, after receipt of a written consent from the appropriate health systems agency, that an expedited or emergency review process will be used in the review of such application.~~

~~(b))~~ Emergency review.

(i) Beginning January 1, 1981, an emergency review may, with the written consent of the appropriate health systems agency, be conducted when an immediate capital expenditure is required in order for a health care facility to maintain or restore basic and essential patient services.

(ii) The department may, after consulting with the appropriate health systems agency and, for a hospital project, the hospital commission, determine that an application submitted for emergency review does not qualify for such review. Such a determination and notification to the applicant shall be made within five days after receipt of the application. When the department makes a determination that an application is not subject to emergency review procedures, the application ((may, with the written consent of the appropriate health systems agency, be reviewed according to the expedited review process)) will be reviewed under another review process which is appropriate for the type of undertaking proposed. The department will notify the applicant of the other process under which the application will be reviewed.

~~((c))~~ (b) Expedited review.

(i) Beginning January 1, 1981, an expedited review shall be conducted on a certificate of need application for ((a hospital's project when)) the following:

(A) All projects which do not involve health services or the addition, replacement, expansion or alteration of facilities for health services.

(B) Projects proposed for the correction of deficiencies as described in WAC 248-19-415.

(C) The replacement of equipment having similar functional capability and which does not result in the offering or development of any new health services.

(D) Installation, replacement, or improvement of energy conservation and mechanical and electrical systems.

(E) Demonstration or research projects related to new technology: PROVIDED, That such projects do not involve a change in bed capacity, or the provision of a new institutional health service.

(F) Acquisition of an existing health care facility.

(G) Projects which are limited to predevelopment expenditures.

(ii) An expedited review shall be conducted on a certificate of need application for a hospital's project when:

(A) The hospital has developed a long-range facility plan in accordance with the provisions of ((section 14 of the State Health Planning and Resources Development Act)) RCW 70.38.145;

(B) When an application has been found to be consistent with the applicant's long-range health facility plan and the applicable health systems plan, annual implementation plan and state health plan; and

(C) When there has not been a significant change, since the long-range health facility plan was approved, in existing health facilities of the same type or in the need for such health facilities and services((; and)).

~~((D) The appropriate health systems agency has given the department a written consent to an expedited review of the project.~~

~~(ii) An expedited review may, with the written consent of the appropriate health systems agency, be conducted for a project, the type, scope and location of which has been specifically described and provided for in a current health systems plan, annual implementation plan or state health plan:~~

~~(iii) An expedited review may, with the written consent of the appropriate health systems agency, be conducted for a project which is for the correction of fire, safety or health deficiencies cited by appropriate licensing or accrediting authorities or physical plant alterations which would eliminate functional obsolescence: PROVIDED, That such project does not involve the replacement or addition of inpatient rooms, additions to or partial or complete replacement of the facilities, or the expansion or addition of health services;~~

~~(iv) An expedited review may, with the written consent of the appropriate health systems agency, be conducted for any of the following types of projects: PROVIDED, That such a project appears to have a minimal impact on the health care system:~~

~~(A) Replacement of equipment having similar functional capability and not resulting in the offering or development of any new health services;~~

~~(B) Purchase, lease, donation or substantial acquisition by comparable arrangement of a nonacute care health care facility;~~

~~(C) Construction of nonclinical improvements outside a health care facility such as parking facilities, landscaping, lighting and similar projects;~~

~~(D) A project which is limited to predevelopment expenditures and does not involve the development or offering of new institutional health services with respect to which such predevelopment expenditures are to be made;~~

~~(E) New institutional health services involving capital costs of less than one hundred and fifty thousand dollars and projected annual operating costs of less than one hundred and fifty thousand dollars per year for the first three years of operation;~~

~~(F) Projects involving an increase in licensed bed capacity of 10 percent or 10 beds whichever is less; and~~

(G) Replacement or improvement of nonpatient systems (e.g., air conditioning, energy conservation, administrative systems):

(v) Prior to January 1, 1984, an expedited review of a hospital project may be conducted when:

(A) The hospital has developed a long-range plan in accordance with a common form for such plan developed by the department in cooperation with the health systems agency and the hospital commission;

(B) The certificate of need application for the project has been found to be consistent with the hospital's long-range health facility plan and the applicable health systems plan, annual implementation plan and state health plan;

(C) There has not been a significant change, since the long-range health facility plan was approved, in existing health facilities of the same type or in the need for such health facilities and services; and

(D) The appropriate health systems agency has given the department a written consent to an expedited review of the project.

(3) Preapplication determination of expedited review: Any person planning to submit a certificate of need application for a particular project may, prior to the preparation of such application, obtain a determination as to whether the project will be given an expedited review by submission of a written request for such determination to the department.

(a) A written request for a determination as to whether an application for a particular project will qualify for an expedited review shall be submitted in a form and manner and contain such information as the department may, after consultation with the health systems agencies and the hospital commission, prescribe and publish as necessary to such a determination. The person submitting the request for the determination shall simultaneously submit a copy of the request to the appropriate health systems agency and, in the case of a hospital project, to the hospital commission.

(b) The department shall consult with the appropriate health systems agency and, in the case of a hospital project, the hospital commission before determining that an application for a proposed project will be given an expedited review.

(c) The department shall respond in writing to a request for a determination as to whether a project will be given an expedited review within thirty calendar days of the first day on which the department, the appropriate health systems agency and, if a hospital project, the hospital commission has each received the written request. The department shall not make a determination that a project will be given an expedited review without the written consent of the appropriate health systems agency.

(d) A written determination by the department that an application will be given an expedited review shall be binding upon the department, the health systems agency and, if a hospital project, the hospital commission: **PROVIDED**, The nature, location, or extent of the project does not significantly change and there is not a significant increase in the estimated cost of the project.

(4) Review processes for regular, expedited and emergency certificate of need applications shall be in accordance with WAC 248-19-330, 248-19-340 and 248-19-350.)

(iii) That until January 1, 1983, or until such time as the department has developed a common form for hospital long range plans, whichever is earlier, an expedited review may, with the written consent of the appropriate health systems agency, be conducted for a project, the type, scope and location of which has been specifically described and provided for in a current health systems plan, annual implementation plan or state health plan, or when:

(A) The hospital has developed a long range plan whose form is acceptable to the appropriate health systems agency and the department.

(B) The appropriate health systems agency has reviewed the plan in conjunction with potentially competing plans and the health systems agency has approved the hospital's long range plans.

(C) The certificate of need application for the project has been found to be consistent with the hospital's health systems agency approved long range health facility plan and the applicable health systems plan, annual implementation plan and state health plan.

(D) There has not been a significant change, since the long range health facility plan was approved, in existing health facilities of the same type or in the need for such health facilities and services; and there has not been a significant change in financial feasibility.

(E) The appropriate health systems agency has given the department a written consent to an expedited review of the project.

(c) Regular review process. The regular review process shall be used for any application unless the department has determined that the emergency or expedited review process will be used in the review of such application.

**AMENDATORY SECTION** (Amending Order 188, filed 11/30/79)

**WAC 248-19-310 NOTIFICATION OF BEGINNING OF REVIEW.** (1) Notice required. The department shall provide written ((notice)) notification of the beginning of the review of a certificate of need application and notification of the beginning of the review of a proposed withdrawal of a certificate of need to ((persons directly)) affected persons (other than persons residing within the geographic area served or to be served by the applicant, any persons who regularly use health care facilities within that geographic area, and third-party payers who reimburse health care facilities for services in the health service area in which the project is proposed to be located) and ((notice to the public to be served by the proposed project of the beginning of the review of a certificate of need application. Such notice shall be given within twenty calendar days after receipt of a complete application unless the department has determined the certificate of need application is to be reviewed under an emergency review process)) any other person who has submitted a written request that the person's name be on the mailing list for such notice.

Notification of the beginning of the review of a certificate of need application shall be provided to persons residing within the geographic area served or to be served by the applicant, to any person who regularly uses health care facilities within that geographic area, and third-party payers who reimburse health care facilities for services in the health service area in which the project is proposed to be located, through a newspaper of general circulation in the health service area of the project.

(2) Specific notice requirements.

(a) The department shall give "notification of the beginning of review" of an application after the department, the appropriate health systems agency and, for a hospital project, the hospital commission have each received a complete application or the applicant's request, submitted in accordance with WAC 248-19-280(2)(c) that review of the application begin. Such notice shall be given according to the following requirements.

(i) Emergency review. When an application is being reviewed under the emergency review process, required notices shall be given within five working days following the receipt of a complete application or the applicant's written request that review of the application begin.

(ii) Expedited and regular review. When an application is being reviewed under the expedited or regular review process, required notices shall be given within five working days of a declaration that the application is complete or the applicant's request that review of the application begin.

(b) The department shall give notification of the beginning of the review of a proposed withdrawal of a certificate of need when it determines that there may be good cause to withdraw a certificate of need.

((~~(a)~~)) (c) The notices shall include:

(i) ~~((The proposed review schedule))~~ A general description of the project;

(ii) In the case of a proposed withdrawal of a certificate of need, the reasons for the proposed withdrawal;

(iii) The proposed review schedule;

(iv) The period within which one or more affected persons ~~((directly affected by the review))~~ may request the ~~((department to))~~ conduct of a public hearing during the review ~~((PROVIDED, Such persons have not been afforded such opportunity for a public hearing by the appropriate health systems agency));~~ ~~((and))~~

(v) The name and address of the agency to which a request for a public hearing should be sent; and

~~((iii))~~ (vi) The manner in which notification will be provided of the time and place of any hearing so requested.

~~((b))~~ Notice to the public to be served by the proposed project shall be through a newspaper of general circulation in the health service area of the project.

~~(2) A regular or expedited review of a certificate of need application shall begin on the date the department sends notification to persons directly affected and the public notice on the beginning of the review, except, in the case of a project proposed by a health maintenance organization, the review period shall begin on the date all information needed for a complete application is received by the department, the applicable health systems~~

~~agency and, if a hospital project, the hospital commission.~~

~~(3) Written notification to persons directly affected and the public notice on the beginning of an emergency review shall be sent on the fifth working day after all the information needed for a complete application is received by the department, the appropriate health systems agency and, if a hospital project, the hospital commission. A public hearing will not be conducted on an application reviewed on an emergency review basis.~~

~~(4) The review of a certificate of need application according to emergency review process shall begin on that day by which the department, the appropriate health systems agency, and the hospital commission in the case of hospital projects, have each received copies of the application.)~~

~~(d) The notices to other affected persons shall be mailed on the same date the notice to the public is mailed to the newspaper for publication.~~

(3) Beginning of review.

(a) Review of a certificate of need application under the expedited, regular or concurrent review process shall begin on the day the department sends notification of the beginning of review to the general public and other affected persons.

(b) Review of a certificate of need application under emergency review shall begin on the first day after the date on which the department, the appropriate health systems agency and, for a hospital project, the hospital commission have determined the application is complete, or have each received a written request to begin review submitted by the applicant in accordance with WAC 248-19-280(2)(c).

(c) Review of a proposed withdrawal of a certificate of need shall begin on the day the department sends notification of the beginning of review to the general public and to other affected persons.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-320 PUBLIC HEARINGS. (1) "Opportunity for a public hearing," as used in this section, shall mean a public hearing will be conducted if a valid request for such a hearing has been submitted by one or more affected persons ~~((directly affected by the proposed project for which a particular certificate of need application is under review)).~~

(2) The department shall provide opportunity to affected persons ~~((directly affected))~~ for a public hearing on:

(a) A certificate of need application which is under review, unless the application is being reviewed according to the emergency review process; and

(b) The proposed withdrawal of a certificate of need.

~~((a))~~ This requirement for a public hearing shall be deemed satisfied if the appropriate health systems agency has provided opportunity for such a public hearing to "affected persons ~~((directly affected))~~" as this term is defined in WAC 248-19-220~~((3+))~~: PROVIDED, HOWEVER, That the department has delegated the responsibility for such hearing to the appropriate health

systems agency, and such health systems agency has followed public hearing procedures required under the provisions of this section.

~~((b) If the appropriate health systems agency defines "persons directly affected" to whom it affords opportunity for such a public hearing to exclude one or more persons included in the definition of this term in WAC 248-19-220(31), the department shall conduct such a public hearing if:~~

~~(i) The health systems agency has not scheduled and given notice of a public hearing on the particular certificate of need application which is under review; and~~

~~(ii) The department receives a valid request for a public hearing on the particular certificate of need application from one or more "persons directly affected" who are excluded in the health systems agency's definition of such term:))~~

(3) To be valid, a request for a public hearing on a certificate of need application ((under review)) or on the proposed withdrawal of a certificate of need shall:

(a) Be submitted in writing;

(b) Be received by the ((department)) agency identified in the "notification of beginning of review" within ((fourteen calendar)) fifteen days after ((<sup>"Notification on Beginning of Review"</sup> was given by the department for the particular certificate of need application)) the date on which the department's "notification of beginning of review" for the particular certificate of need application or proposed withdrawal of a certificate of need was published in a newspaper of general circulation; and

(c) Include identification of the particular certificate of need application or proposed certificate of need withdrawal for which the public hearing is requested and the full name, complete address and signature of the person making the request.

(4) ((At least ten calendar days prior to a public hearing conducted by the department on a certificate of need application;)) The department or the health systems agency to which the department delegated responsibility for public hearings shall give written notice of ((such)) a public hearing ((to persons directly affected and notice to the public)) conducted pursuant to this section.

(a) Written notice shall be given to affected persons and the public at least fifteen days prior to the beginning of the public hearing.

(b) The notices shall include: Identification of the certificate of need application or certificate of need on which the public hearing is to be conducted and the date, time and place of the public hearing.

((b)) (c) Notice to the general public to be served by the proposed project to which the certificate of need application or certificate of need pertains shall be through a newspaper of general circulation in the health service area of the proposed project. The notices to other affected persons shall be mailed on the same date the notice to the public is mailed to the newspaper for publication.

(5) In a public hearing on a certificate of need application or on a proposed withdrawal of a certificate of need, any person shall have the right to be represented by counsel and to present oral or written arguments and

evidence relevant to the matter which is the subject of the hearing. Any person affected by the matter may conduct reasonable questioning of persons who make relevant factual allegations.

(6) The department or health systems agency, whichever conducts the hearing, shall maintain a verbatim record of a public hearing and shall not impose fees for the hearing.

~~((5)) (7) The department shall not be required to conduct a public hearing on a certificate of need application which is being reviewed according to the emergency review procedure.~~

#### NEW SECTION

WAC 248-19-325 PROHIBITION OF EX PARTE CONTACTS. (1) There shall be no "ex parte contact" respecting an application for a certificate of need after whichever of the following occurs first: The commencement of a public hearing on an application for a certificate of need or proposed withdrawal of a certificate of need, or final action of the appropriate health systems agency and hospital commission.

(a) The term "ex parte contact" shall be interpreted to mean any oral or written communication respecting an application for a certificate of need or proposed withdrawal of a certificate of need between:

(i) An applicant for or holder of a certificate of need, any person acting on behalf of such an applicant or holder, or any person opposed to the issuance of or in favor of the withdrawal of a certificate of need, and

(ii) Any person in the department who exercises any responsibility respecting the application for or withdrawal of the certificate of need.

(b) Notwithstanding the provisions of subsection (1)(a) of this section, "ex parte contact" shall not be construed to include:

(i) Communication limited to requesting and giving status reports on any matter or proceeding relating to the review of a certificate of need application or proposed withdrawal of a certificate of need application;

(ii) Information related to the application for or proposed withdrawal of a certificate of need which has been incorporated in the record of administrative proceedings prior to the beginning of a public hearing on such application or withdrawal held according to the provisions of WAC 248-19-320 or before final action on such application or proposed withdrawal has been taken by the appropriate health systems agency or hospital commission, or

(iii) Information incorporated in the record of a public hearing held in accordance with WAC 248-19-320 on such application or proposed withdrawal of a certificate of need.

(2) The department shall consider information regarding an application for or proposed withdrawal of a certificate of need, the submission of which is not consistent with subsection (1) of this section, only if the following conditions are met.

(a) The information shall be writing.

(b) The person submitting the information shall affirm that such information was not reasonably available prior



to the commencement of the public hearing or final action by the health systems agency or hospital commission.

(c) Upon receipt of such information, the department shall make a determination as to whether the information is substantive and material to the department's final decision to issue, deny or withdraw the certificate of need.

(i) If such information is material to the department's decision, the department shall, within five working days of the receipt of such information, send notice to affected persons, other than persons residing within the geographic area served or to be served by the applicant, persons who regularly use health care facilities within that geographic area, and third-party payers who reimburse health care facilities for services in the health service area in which the project is proposed to be located. Notice to persons residing within the geographic area served or to be served by the applicant, persons who regularly use health care facilities within that geographic area, and third-party payers who reimburse health care facilities for services in the health service area in which the project is proposed to be located shall be through a newspaper of general circulation in the appropriate health service area. The notice shall

(A) Describe the general nature of the information received;

(B) Identify the project to which the information pertains; and

(C) Establish the date by which any request for a public hearing must be submitted to the department.

(ii) If such information is not material to the department's decision, the information shall be placed in the record of administrative proceedings; copies shall be furnished by the department to the appropriate health systems agency, the hospital commission in the case of a hospital project, and to the applicant or holder of the certificate of need if the information was submitted by a person other than the applicant or holder.

#### AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-330 REGULAR REVIEW PROCESS. (1) The regular review process shall not exceed ninety days from the beginning of the review period and shall be conducted in accordance with the following subdivisions of this subsection unless the review period is extended in accordance with the provisions of subsection (2) of this section (~~(, WAC 248-19-330(2)(a) and (b), and (4) and (5).~~ PROVIDED, HOWEVER, That in the case of a review of a new institutional health service proposed by a health maintenance organization, no review shall take longer than ninety days from the beginning of the review period).

~~((2))~~ (a) Within sixty ((calendar)) days from the first day of the review period the health systems agency and, in the case of a hospital project, the hospital commission, shall submit written findings and recommendations on a certificate of need application to the department unless the health systems agency or hospital commission has requested and received an extension of this review period from the department.

~~((a) The department may extend the review period of a health systems agency and, in the case of a hospital project, the hospital commission for a period up to thirty calendar days upon receipt of a written request from one of these agencies.~~

~~(b) The department may grant further extensions of a review period to a health systems agency or, in the case of a hospital project, the hospital commission. PROVIDED, The person who submitted the certificate of need application gives written consent to such further extension.~~

~~(3))~~ (b) The department shall complete its final review and the secretary shall make his decision on a certificate of need application within thirty ((calendar)) days of the end of the review period or extended review period of the health systems agency and, in the case of a hospital project, the hospital commission ~~(, unless the department extends its final review period in accordance with the provisions of WAC 248-19-330(4) or (5)).~~

(2) The review period for a regular review may be extended according to the following provisions.

(a) The review period for the health systems agency or, in the case of a hospital project, the hospital commission, may be extended for up to an additional thirty days upon the written request of either of these advisory review agencies when such additional time is needed to complete the review and submit written findings and recommendations to the department. The department may grant further extensions to this review period: PROVIDED, The person who submitted the certificate of need application gives written consent to such further extensions.

~~((4))~~ (b) If an issue, which is pivotal to the secretary's decision remains unresolved, the department may notify the person who submitted the application that additional relevant information is needed and, with the applicant's written consent, extend its final review period up to but not exceeding thirty ((calendar)) days after receipt of the information. Such pivotal issues include but are not limited to pending action for medicare or medicaid decertification, license revocation or patient trust fund violation or termination of a provider agreement.

~~((5))~~ (c) The department may extend either the review period for the health systems agency and the hospital commission or the department's final review period upon receipt of a written request of the person who submitted the application: PROVIDED, HOWEVER, That such an extension shall not exceed sixty ((calendar)) days.

#### AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-340 EXPEDITED REVIEW PROCESS. (1) The expedited review process shall not exceed fifty ((calendar)) days from the beginning of the review period unless extended in accordance with the provisions of subsection (2) of this section ~~(, WAC 248-19-340(3), (4), (6), or (7).~~ PROVIDED, HOWEVER, That in the case of a review of a new institutional health service

~~proposed by a health maintenance organization, no review shall take longer than ninety days from the beginning of the review period)): PROVIDED, HOWEVER, That the appropriate health systems agency consents in writing to a thirty-day review period and does not need to conduct a public hearing in accordance with WAC 248-19-320. If the health systems agency does not consent to a thirty-day review period, the expedited review process shall not exceed eighty days from the beginning of the review period.~~

~~((2) When the term of an expedited review is fifty calendar days)) (a) If the review period for the health systems agency is thirty days, the health systems agency((;)) and, in the case of a hospital project, the hospital commission, shall submit written findings and recommendations to the department within thirty ((calendar)) days of the beginning of the review ((process)) period. If the review period for the health systems agency is sixty days, the health systems agency and, in the case of a hospital project, the hospital commission, shall submit written findings and recommendations to the department within sixty days of the beginning of the review period.~~

~~((3) The expedited review process shall be extended to a period of eighty calendar days by the department at the request of the health systems agency, or, in the case of a hospital project, at the request of the hospital commission when one of these advisory review agencies requires sixty calendar days to complete and submit written findings and recommendations to the department.~~

~~(4) The department may grant further extensions of the expedited review period to the health systems agency, and in the case of a hospital project, to the hospital commission: PROVIDED, The person who submitted the certificate of need application gives written consent to such further extensions:~~

~~(5)) (b) The department shall complete its final review and the secretary shall make his decision on a certificate of need application under an expedited review within twenty ((calendar)) days of the end of the review period or extended review period of the health systems agency and, in the case of a hospital project, the hospital commission((; unless the department extends its final review period in accordance with the provisions of WAC 248-19-340(6) or (7))).~~

~~(2) The review period for an expedited review may be extended according to the following provisions.~~

~~(a) If the health systems agency has consented to a thirty-day review period, the review period may be extended for up to an additional thirty days when the health systems agency conducts a public hearing in accordance with the provisions of WAC 248-19-320 or when additional time is needed by the health systems agency or, in the case of a hospital project, the hospital commission, to complete the review and submit written findings and recommendations to the department. The department may grant further extensions to this review period: PROVIDED, The person who submitted the certificate of need application gives written consent to further extension.~~

(b) The department may extend its final review if a public hearing is requested in accordance with the provisions of WAC 248-19-320 and the hearing is conducted by the department. Such extension may be for an additional period of up to thirty days.

~~((6)) (c) If an issue, which is pivotal to the secretary's decision remains unresolved, the department may notify the person who submitted the application that additional relevant information is needed and, with the applicant's written consent, extend its final expedited review period up to but not exceeding thirty ((calendar)) days after receipt of the information. Such pivotal issues include but are not limited to pending action for medicare or medicaid decertification, license revocation or patient trust fund violation or termination of a provider agreement.~~

~~((7)) (d) The department may extend either the expedited review period for the health systems agency and the hospital commission or the department's final review period upon receipt of a written request of the person who submitted the application: PROVIDED, HOWEVER, That such an extension shall not exceed sixty ((calendar)) days.~~

(3) Projects reviewed under expedited review provisions in WAC 248-19-300(2)(b)(ii) and (iii) shall not be subject to WAC 248-19-370. The evaluation of criteria in WAC 248-19-380, 248-19-390 and 248-19-400 shall be reviewed only to the extent applicable criteria were not considered in the plan approval process and a reasonable expectation exists that consideration of these criteria could materially alter the approval of projects.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-350 EMERGENCY REVIEW PROCESS. (1) The emergency review process shall not exceed fifteen working days from the beginning of the review period.

(2) Written findings and written recommendations of the health systems agency, and in the case of hospital projects, the hospital commission, shall be submitted to the department within ten working days after the beginning of the emergency review period ~~((for a project under emergency review)).~~

(3) The department shall complete its final review and the secretary shall make his decision on an emergency certificate of need application within fifteen working days after the beginning of the review period unless the department extends its final review period in accordance with the provisions of ~~((WAC 248-19-350))~~ subsection (4) of this section.

(4) If an issue, which is pivotal to the secretary's decision remains unresolved, the department may notify the person who submitted the application that additional relevant information is needed and, with the applicant's written consent, extend its final emergency review period up to but not exceeding thirty ~~((calendar))~~ days after receipt of the information. Such pivotal issues include but are not limited to pending action for medicare or medicaid decertification, license revocation or patient



trust fund violation or termination of a provider agreement.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-360 BASES FOR FINDINGS AND ACTION ON APPLICATIONS. (1) The findings of the department's review of certificate of need applications and the secretary's action on such applications shall, with the exceptions provided for in WAC 248-19-410 ~~((for health maintenance organizations,))~~ and 248-19-415 be based on determinations as to:

(a) Whether the proposed project is needed ~~((to meet health care needs of the defined population to be served));~~

(b) Whether the proposed project is financially feasible ~~((with respect to both the capital costs and projected operational costs));~~

(c) Whether the proposed project will meet the criteria for structure and process of care identified in WAC 248-19-390; and

(d) Whether the proposed project will foster containment of the costs of health care.

(2) The secretary's decision on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. A finding of inconsistency shall not be based solely on the fact that a proposed project is not specifically referenced in the state health plan.

(3) Criteria contained in WAC 248-19-370, 248-19-380, 248-19-390, and 248-19-400 shall be used by the department in making the required determinations.

(a) In the use of criteria for making the required determinations, the department shall consider:

(i) The relationship of the proposed project to the applicable health systems plan (HSP) and annual implementation plan (AIP), and the state health plan (SHP);

(ii) The standards in the state health plan which have been identified to be used for certificate of need review purposes and are applicable to the type of project under review;

(iii) In the event that standards in the state health plan do not address, in sufficient detail for a required determination, the services or facilities for health services which are proposed, the department may consider standards which are not in conflict with the state health plan in accordance with subsection (3)(b) of this section;

(iv) The findings and recommendations of the health systems agency and the hospital commission (in relation to the immediate and long-range financial feasibility of a hospital project as well as the probable impact of such project on the cost of and charges for providing health services by the hospital); and

~~((iii))~~ (v) The relationship of the proposed project to the long-range plan (if any) of the person proposing the project.

(b) The department may consider any of the following in its use of criteria for making the required determinations:

(i) Nationally recognized standards from professional organizations;

(ii) Standards developed by professional organizations in Washington state;

(iii) Federal Medicare and Medicaid certification requirements;

(iv) State licensing regulations;

(v) The hospital commission's policies, guidelines and regulations;

(vi) Applicable standards which have been developed by other individuals, groups or organizations with recognized expertise related to ~~((the))~~ a proposed ~~((new institutional health services))~~ undertaking; and

(vii) The written findings and recommendations of individuals, groups or organizations with recognized expertise related to ~~((the proposed new institutional health services))~~ a proposed undertaking, with whom the department consults during the review of an application.

(c) ~~((The department shall identify the criteria and standards it will use prior to or during the screening of a certificate of need application in accordance with WAC 248-19-280(4))~~ At the request of an applicant the department shall identify the criteria and standards it will use prior to the submission and screening of a certificate of need application: PROVIDED, HOWEVER, That when a person requests identification of criteria and standards prior to the submission of an application, the person shall submit such descriptive information on a project as is determined by the department to be reasonably necessary in order to identify the applicable criteria and standards. The department shall respond to such request within fifteen working days of its receipt. In the absence of an applicant's request under this subsection, the department shall identify the criteria and standards it will use during the screening of a certificate of need application. The department shall inform the applicant about any consultation services it will use in the review of a certificate of need application prior to the use of such consultation services.

(d) Representatives of the department or consultants whose services are engaged by the department may make an on-site visit to a health care facility ~~((or health maintenance organization)),~~ or other place for which a certificate of need application is under review or for which a proposal to withdraw a certificate of need is under review when the department deems such an on-site visit is necessary and appropriate to the department's review of a proposed project.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-370 DETERMINATION OF NEED. ~~((1) Health maintenance organization project.))~~

The determination of need for any ~~((health maintenance organization))~~ project ~~((, with the exception provided for in WAC 248-19-410(1)(a)(i).))~~ shall be based on the following criteria.

~~((a) The project is needed to meet the special needs and circumstances of enrolled members or reasonably anticipated new members of the health maintenance organization or proposed health maintenance organization.~~

~~(b) The services proposed are not available from nonhealth maintenance organization providers or other~~

~~health maintenance organizations in a reasonable and cost-effective manner which is consistent with the basic method of operation of the health maintenance organization or proposed health maintenance organization:~~

~~In assessing the availability of these health services from these providers, the department shall consider only whether the services from these providers:~~

~~(i) Would be available under a contract of at least five years duration;~~

~~(ii) Would be available and conveniently accessible through physicians and other health professionals associated with the health maintenance organization or proposed health maintenance organization (for example—whether physicians associated with the health maintenance organization have or will have full staff privileges at a nonhealth maintenance organization hospital);~~

~~(iii) Would cost no more than if the services were provided by the health maintenance organization or proposed health maintenance organization; and~~

~~(iv) Would be available in a manner which is administratively feasible to the health maintenance organization or proposed health maintenance organization:~~

~~(2) Project which is not a health maintenance organization project:~~

~~The determination of need for any project, which is not a health maintenance organization project, shall be based on the following criteria:~~

~~(a)) (1) The ((defined)) population served or to be served has need for ((services of the type proposed;)) the project and other services and facilities of the type proposed are not or will not be sufficiently available ((in sufficient supply)) or accessible to meet ((the needs of the defined population)) that need. The assessment of the conformance of a project with this criterion shall include, but need not be limited to, consideration of the following:~~

~~(a) In the case of a reduction, relocation, or elimination of a service, the need that the population presently served has for the service, the extent to which the need will be met adequately by the proposed relocation or by alternative arrangements, and the effect of the reduction, elimination or relocation of the service on the ability of low income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups and the elderly to obtain needed health care;~~

~~(b) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;~~

~~(c) In the case of an application by an osteopathic or allopathic facility for a certificate of need to construct, expand or modernize a health care facility, acquire major medical equipment, or add services, the need for that construction, expansion, modernization, acquisition of equipment, or addition of services on the basis of the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients, and the impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels; and~~

(d) In the case of a project which does not involve health services, the contribution of the project toward overall management and support of such services.

((b) The proposed project will not unnecessarily duplicate any other available health service of the type proposed:

(c) Other services of the type proposed are not or will not be sufficiently accessible to meet the needs of the defined population. The assessment of the conformance of a project with this criterion shall include, but not be limited to, consideration as to whether:

(i) Access of low income persons, racial and ethnic minorities, women, physically and mentally handicapped persons, and other underserved groups to the services proposed is commensurate with such persons' need for the health services (particularly those needs identified in the applicable health systems plan, annual implementation plan and state health plan as deserving of priority); and

(ii) In the case of the relocation of a facility or service, or the reduction or elimination of a service the present needs of the defined population for that facility or service, including the needs of underserved groups, will continue to be met by the proposed relocation or by alternative arrangements.))

(2) All residents of the service area, including low income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups and the elderly are likely to have adequate access to the proposed health service(s). The assessment of the conformance of a project with this criterion shall include, but not be limited to, consideration as to whether the proposed services makes a contribution toward meeting the health related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services, particularly those needs identified in the applicable health systems plan, annual implementation plan, and state health plan as deserving of priority. Such consideration shall include an assessment of the following:

(a) The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations are expected to use the proposed services if approved;

(b) The past performance of the applicant in meeting obligations, if any, under any applicable federal regulations requiring provision of uncompensated care, community service, or access by minorities and handicapped persons to programs receiving federal financial assistance (including the existence of any unresolved civil rights access complaints against the applicant);

(c) The extent to which Medicare, Medicaid and medically indigent patients are served by the applicant; and

(d) The extent to which the applicant offers a range of means by which a person will have access to its services (e.g., outpatient services, admission by house staff, admission by personal physician).

~~((d))~~ (3) ~~((Alternative uses of the resources required by a project, including health manpower, management personnel, and funds for capital and operating needs, are not reasonably available for the provision of other health services which are of higher priority as indicated by))~~ The resources for the proposed project are not needed for higher priority alternative uses identified in applicable health plans.

~~((e))~~ (4) The applicant has substantiated any of the following special needs and circumstances which the proposed project is to serve.

~~((f))~~ (a) The special needs and circumstances of entities such as medical and other health professions schools, multidisciplinary clinics and specialty centers which provide a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas.

~~((g))~~ (b) The special needs and circumstances of biomedical and behavioral research projects which are designed to meet a national need and for which local conditions offer special advantages.

~~((h))~~ (c) The special needs and circumstances of osteopathic hospitals and nonallopathic services.

(5) The project will not have an adverse effect on health professional schools and training programs. The assessment of the conformance of a project with this criterion shall include consideration of:

(a) The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided; and

(b) If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools serving the area will have access to the services for training purposes.

(6) If appropriate, the project fosters competition. The assessment of conformance to this criterion shall include consideration of the following:

(a) Factors identified in the state health plan which influence the effect of competition on the supply of health services of the type being reviewed;

(b) Improvements or innovations in the financing and delivery of health services which foster competition and serve to promote quality assurance and cost effectiveness; or

(c) Community or regional circumstances where competition and consumer choice constructively serve to advance the purposes of quality assurance, cost effectiveness and access.

(7) The project is needed to meet the special needs and circumstances of enrolled members or reasonably anticipated new members of a health maintenance organization or proposed health maintenance organization and the services proposed are not available from nonhealth maintenance organization providers or other health maintenance organizations in a reasonable and cost-effective manner which is consistent with the basic method of operation of the health maintenance organization or proposed health maintenance organization. In assessing the availability of these health services from

these providers, the department shall consider only whether the services from these providers:

(a) Would be available under a contract of at least five years duration;

(b) Would be available and conveniently accessible through physicians and other health professionals associated with the health maintenance organization or proposed health maintenance organization (for example - whether physicians associated with the health maintenance organization have or will have full staff privileges at a nonhealth maintenance organization hospital);

(c) Would cost no more than if the services were provided by the health maintenance organization or proposed health maintenance organization; and

(d) Would be available in a manner which is administratively feasible to the health maintenance organization or proposed health maintenance organization.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-390 CRITERIA FOR STRUCTURE AND PROCESS OF CARE. A determination that a project fosters an acceptable or improved quality of health care shall be based on the following criteria.

(1) A sufficient supply of qualified staff for the project, including both health manpower and management personnel, are available or can be recruited.

(2) The ~~((project))~~ proposed service(s) will have an appropriate relationship, including ~~((organization))~~ organizational relationship, to ancillary and support services, and ancillary and support services will be sufficient to support any health services included in the proposed project.

(3) There is reasonable assurance that the project will be in conformance with ~~((federal and state laws, rules, regulations and standards))~~ applicable ~~((to health care facilities and services))~~ state licensing requirements and, if the applicant is or plans to be certified under the Medicaid or Medicare program, with the applicable conditions of participation related to those programs.

(4) The proposed project will promote continuity in the provision of health care ~~((to the defined population and with)),~~ not result in an unwarranted fragmentation of services, and have an appropriate relationship to the service area's existing health care system.

(5) There is reasonable assurance that the services to be provided through the proposed project will be provided in a manner that ensures safe and adequate care to the public to be served and in accord with applicable federal and state laws, rules, and regulations. The assessment of the conformance of a project to this criterion shall include but not be limited to consideration as to whether:

(a) The applicant has no history, in this state or elsewhere, of a criminal conviction which is reasonably related to the applicant's competency to exercise responsibility for the ownership or operation of a health care facility, a denial or revocation of a license to operate a health care facility, a revocation of a license to practice a health profession, or a decertification as a

provider of services in the Medicare or Medicaid program because of failure to comply with applicable federal conditions of participation; or

(b) If the applicant has such a history, whether the applicant has affirmatively established to the department's satisfaction by clear, cogent and convincing evidence that the applicant can and will operate the proposed project for which the certificate of need is sought in a manner that ensures safe and adequate care to the public to be served and conforms to applicable federal and state requirements.

#### AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-400 DETERMINATION OF COST CONTAINMENT. A determination that a proposed project will foster cost containment shall be based on the following criteria.

(1) (~~((Less costly and equally or more effective)) Superior alternatives((, such as shared services, merger, contract services, and different methods of service provision)), in terms of cost or effectiveness, are not available or practicable.~~)

(2) (~~((The costs and methods of)) In the case of a project involving construction ((are reasonable and efficient)):~~)

(a) The costs and methods of construction and energy provision are reasonable; and

(b) The project will probably not have an unreasonable impact on the costs and charges to the public of providing health services by other persons.

(3) ~~((costs and methods of energy provision are reasonable and efficient, and)) project takes into consideration the special needs and circumstances of health care facilities with respect to the need for energy conservation.~~

(4) The ~~((proposed))~~ project will promote efficiency or productivity.

#### NEW SECTION

WAC 248-19-403 MAJOR MEDICAL EQUIPMENT NOT OWNED BY OR LOCATED IN A HEALTH CARE FACILITY. (1) For purposes of this section, purchases, donations and leases of major medical equipment shall be considered acquisitions of such equipment. An acquisition of major medical equipment through a transfer of such equipment for less than fair market value shall be considered an acquisition of major medical equipment if its fair market value is at least one hundred fifty thousand dollars.

(2) Before any person enters into a contractual arrangement<sup>1</sup> to acquire major medical equipment which is not to be owned by or located in a health care facility, such person shall submit a valid notice to the department and the appropriate health systems agency of the intent to acquire the equipment.

(a) The notices to the department and the appropriate health systems agency shall be submitted in writing at least thirty days before entering into contractual arrangements to acquire the equipment with respect to which the notice is given.

(b) To be valid, a notice shall include:

(i) A complete description of the major medical equipment to be acquired and the health services to be provided with such equipment;

(ii) The name, address, and general description of the facility in which the equipment is to be located;

(iii) The date on which any contractual arrangement for acquisition of the equipment was or is to be entered into;

(iv) A statement as to whether the equipment is to be used for any hospital's inpatients and, if so, whether such use will be only on a temporary basis in the case of a natural disaster, a major accident or equipment failure.

(3) The acquisition of major medical equipment which is not to be owned by or located in a health care facility shall be subject to review if the department finds that:

(a) The written notice of intent to acquire the equipment was not submitted in accordance with the provisions of subsection (2) of this section; or

(b) The equipment will be used to provide services to a hospital's inpatients on other than a temporary basis in the case of a natural disaster, a major accident, or equipment failure.

(4) Within fifteen working days after receipt of a valid notice of intent to acquire the major medical equipment, the department shall respond to the person who submitted the notice of intent, informing such person as to whether the acquisition of the equipment is subject to certificate of need review. A copy of the response shall be sent to the appropriate health systems agency. If the department fails to make a determination within thirty days after the receipt of a valid notice, the major medical equipment may be acquired without a certificate of need.

(5) If a person has acquired major medical equipment not located in a health care facility which the department has determined was not subject to review under the provisions of subsections (2), (3) and (4) of this section and subsequently proposes to use such equipment to serve inpatients of a hospital on other than a temporary basis in the case of a natural disaster, a major accident, or equipment failure, the proposed new use of the major medical equipment shall be subject to certificate of need review.

#### NOTE:

<sup>1</sup>A person may enter into a contractual arrangement at an earlier date, provided such contractual arrangement is contingent upon a determination by the department that a certificate of need is not needed, or upon issuance of a certificate of need.

#### NEW SECTION

WAC 248-19-405 EXEMPTIONS FROM REQUIREMENTS FOR A CERTIFICATE OF NEED.

(1) Provisions for exemptions. The secretary shall grant an exemption from the requirements for a certificate of need for the offering of an inpatient institutional health service, the acquisition of major medical equipment for the provision of an institutional health service or the obligation of a capital expenditure in excess of one hundred fifty thousand dollars for the provision of an

inpatient institutional health service to any entity which meets the eligibility requirements set forth in subdivision (a) of this subsection for such an exemption and submits an application for an exemption which meets the requirements of subdivision (b) of this subsection.

(a) Eligibility requirements. To be eligible for an exemption from the requirements for a certificate of need for the offering of an inpatient institutional health service, the acquisition of major medical equipment for the provision of an inpatient institutional health service, or the obligation of a capital expenditure in excess of one hundred fifty thousand dollars for the provision of an institutional health service, an applicant entity shall be one of the following:

(i) A health maintenance organization or a combination of health maintenance organizations if:

(A) The organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals;

(B) The facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals; and

(C) At least seventy-five percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled in such organization or organizations in the combination;

(ii) A health care facility if:

(A) The facility primarily provides or will provide inpatient health services;

(B) The facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals;

(C) The facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals; and

(D) At least seventy-five percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled with such organization or organizations in the combination; or

(iii) A health care facility (or portion thereof) if:

(A) The facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application for an exemption is submitted, at least fifteen years remain in the term of the lease;

(B) The facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals; and

(C) At least seventy-five percent of the patients who can reasonably be expected to receive the institutional health service will be individuals enrolled with such organization;

(b) Requirements for an application for exemption. An application for an exemption from a certificate of need shall meet the following requirements.

(i) The application for an exemption shall have been submitted at least thirty days prior to the offering of the institutional health service, acquisition of major medical equipment, or obligation of the capital expenditure to which the application pertains. A copy of the application for the exemption shall be sent simultaneously to the appropriate health systems agency and, in the case of a hospital, to the hospital commission.

(ii) A complete application shall be submitted in such form and manner as has been prescribed by the department. The information which the department prescribes shall include:

(A) All of the information required to make a determination that the applicant entity qualifies in accordance with subdivision (a) of this subsection; and

(B) A complete description of the offering, acquisition, or obligation to which the application pertains.

(2) Action on an application for exemption.

(a) Within thirty days after receipt of a complete application for exemption from certificate of need requirements, the department shall send the applicant a written notice that the exemption has been granted or denied. A copy of such written notice shall be sent simultaneously to the appropriate health systems agency and, in the case of a hospital, to the hospital commission.

(b) The secretary shall deny an exemption if he finds the applicant has not met the requirements of subsections (1) (a) and (b) of this section. Written notice of the denial shall include the specific reasons for the denial.

(c) In the case of an application for a proposed health care facility (or portion thereof) which has not begun to provide institutional health services on the date the application for an exemption is submitted, the secretary shall grant the exemption if he determines the facility (or portion thereof) will meet the applicable requirements of subsection (1)(a) of this section when the facility first provides health services.

(d) If the secretary fails to grant or deny an exemption in accordance with the provisions of this section within thirty days after receipt of a complete application for such exemption, the applicant for the exemption may seek a writ of mandamus from superior court pursuant to chapter 7.16 RCW.

(3) Subsequent sale, lease or acquisition of exempt facilities or equipment. Subsequent sale, lease, or acquisition of exempt health care facilities (or portions thereof) or medical equipment for which an exemption was granted under the provisions of subsection (2) of this section, any acquisition of a controlling interest in such facility or equipment, and any use of such facility or equipment by a person other than the one to whom the exemption was granted, shall meet one of the following conditions:

(a) A certificate of need for the purchase, lease, acquisition of controlling interest in, or use of such facility or equipment, shall have been applied for and issued by the department; or

(b) The department shall have determined, after receipt of an application for an exemption, submitted in accordance with subsection (1) of this section, that the requirements of either subsection (1)(a)(i) or subsection (1)(a)(ii)(A) and (B) are met.

(4) The method of payment for services (i.e., prepaid or fee for service) shall not be considered relevant in determining whether an undertaking of a health maintenance organization qualifies for an exemption under this section.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-410 REVIEW AND ACTION ON HEALTH MAINTENANCE ORGANIZATION PROJECTS. (~~((1) Title XIII health maintenance organization projects.~~

~~(a) In the case of a new institutional health service which is proposed to be provided by or through a health maintenance organization for which assistance may be provided under Title XIII of the Public Health Service Act and which consists of (or includes) the construction, development or establishment of a new inpatient health care facility, the department shall determine whether utilization of the facility by members of the applicant will account for at least seventy-five percent of the projected annual inpatient days, as determined in accordance with the recommended occupancy levels under the state health plan, and:~~

~~(i) Where the department determines that these members will account for less than seventy-five percent of these patient days, the application for the project shall be reviewed in accordance with WAC 248-19-360, with the use of WAC 248-19-370(2) for determination of need for the project; or~~

~~(ii) Where the department determines that these members will account for at least seventy-five percent of these patient days, the application for the project shall be reviewed in accordance with the provisions of the following WAC 248-19-410(1)(b).~~

~~(b) The findings of the department's review of any certificate of need application for a new institutional health service of a health maintenance organization for which assistance may be provided under Title XIII of the Public Health Service Act and the basis for the secretary's action on such application, with the exceptions provided for in the preceding WAC 248-19-410(1)(a)(i), shall be limited to determination of need based on WAC 248-19-370(1).~~

~~(2) Health maintenance organization projects, general:~~

~~(a) The review of a certificate of need application for a new institutional health service which is proposed to be provided by or through a health maintenance organization, for which assistance may not be provided under Title XIII of the Public Health Service Act, shall be in accordance with WAC 248-19-360.~~

~~(b) A certificate of need shall not be denied for any new institutional health service proposed to be provided by or through any health maintenance organization under the following circumstances:~~

~~(i) When the department has granted a certificate of need which authorized the development of the service, or expenditures in preparation for such offering or development, and when the offering of this new institutional health service will be consistent with the basic objectives, time schedules, and plans of the previously approved application. PROVIDED, That the department may impose a limitation on the duration of the certificate of need; or~~

~~(ii) Solely because there is a health maintenance organization of the same type, as specified in Section 1310(b) of the Public Health Service Act, in the same area, or solely because the services being reviewed are not discussed in the applicable health systems plan, annual implementation plan or state health plan.)) (1) Undertakings requiring a certificate of need. A certificate of need shall be required for any undertaking which, in accordance with WAC 248-19-230, is subject to the provisions of chapter 248-19 WAC, unless an exemption has been granted for such undertaking under the provisions of WAC 248-19-405.~~

~~(2) Required approval. The secretary shall issue a certificate of need for a proposed project if the certificate of need applicant for the proposed project is a health maintenance organization or a health care facility controlled (directly or indirectly) by a health maintenance organization and the department finds the proposed project meets the criteria set forth in WAC 248-19-370(7).~~

~~(3) Limitation on denials. The secretary shall not deny a certificate of need to a health maintenance organization or a health care facility controlled (directly or indirectly) by a health maintenance organization solely because a proposed project is not discussed in the applicable health systems plan, annual implementation plan or state health plan.~~

~~(4) Sale, acquisition or lease of facilities or equipment for which a certificate of need has been issued. A health care facility (or portion thereof) or medical equipment for which a certificate of need has been issued under the provisions of this section shall not be sold or leased and a controlling interest in such facility or equipment or in a lease of the facility or equipment shall not be acquired unless an exemption or a certificate of need for such sale, lease or acquisition has been granted by the secretary.~~

NEW SECTION

WAC 248-19-415 PROJECTS PROPOSED FOR THE CORRECTION OF DEFICIENCIES. (1) For the purposes of this section, "correction of deficiencies" shall mean one or more of the following:

(a) Eliminating or preventing imminent safety hazards as defined by federal, state or local fire, building, or life safety codes or regulations; or

(b) Complying with state licensing standards; or

(c) Complying with accreditation or certification standards which must be met to receive reimbursement under Titles XVIII or XIX of the Social Security Act.

(2) An application which is submitted for a project which is limited to the correction of deficiencies, as defined in subsection (1) of this section, shall be approved

unless the department finds, after consultation with the appropriate health systems agency, that:

(a) The facility or service with respect to which such capital expenditure is proposed is not needed; or

(b) The obligation of such capital expenditure is not consistent with the state health plan in effect.

(3) A determination that a facility or service is not needed shall be made only if the department finds that the facility or service has been identified in the state health plan as not being needed.

(4) An application, which is submitted for the correction of deficiencies, shall be reviewed under the expedited review process, in accordance with WAC 248-19-340, unless it qualifies for emergency review in accordance with WAC 248-19-350.

(5) An application reviewed under the provisions of this section shall be approved only to the extent that the capital expenditure is needed for the correction of the deficiency.

(6) If the department finds that any portion of the project or the project as a whole is not needed for the correction of deficiencies, such portion or entire project shall be reviewed in accordance with WAC 248-19-360, 248-19-370, 248-19-380, 248-19-390, and 248-19-400.

(7) If the department finds that a proposed capital expenditure is needed to correct deficiencies, as defined in subsection (1) of this section, the criteria in WAC 248-19-370 shall not be applied to the consideration of the project.

#### AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

#### WAC 248-19-420 WRITTEN FINDINGS AND ACTIONS ON CERTIFICATE OF NEED APPLICATION. (1) Written findings.

(a) The findings of the department's review of a certificate of need application shall be stated in writing and include the basis for the secretary's decision as to whether a certificate of need is to be issued or denied for the proposed project.

(b) In making its findings and taking action on a certificate of need application, the department shall use all criteria contained in chapter 248-19 WAC ((248-19-370, 248-19-380, 248-19-390 and 248-19-400)) which are applicable to the proposed project(:(:)).

(i) The written findings shall identify any criterion which the department has decided is not applicable to the particular project and give the reason for such decision.

(ii) The secretary may deny a certificate of need if the applicant has not provided the information which is necessary to a determination that the project meets all applicable criteria and which the department has prescribed and published as necessary to a certificate of need review of the type proposed: PROVIDED, HOWEVER, That the department has requested such information in a screening letter sent in accordance with WAC 248-19-280((4))(1)(c).

(c) ~~((A decision that a project for the provision of inpatient health services is needed shall not be made nor a~~

~~certificate of need for such project be issued unless the department makes the following findings:~~

~~(i) Findings as to the efficiency and appropriateness of the use of existing inpatient facilities providing inpatient services similar to those proposed;~~

~~(ii) Findings as to the capital and operating costs for the project and their potential impact on patient charges;~~

~~(iii) Findings as to the efficiency and appropriateness of the proposed new institutional health service;~~

~~(iv) A finding that superior alternatives to the proposed inpatient services, in terms of cost, efficiency, and appropriateness do not exist and that the development of such alternatives is not practicable;~~

~~(v) In the case of new construction, a finding that alternatives to the new construction (e.g., modernization or sharing arrangements) have been considered and have been implemented to the extent practicable;~~

~~(vi) A finding that patients will experience serious problems in terms of cost, availability or accessibility or quality of care in obtaining inpatient care of the type proposed in the absence of the proposed new service; and~~

~~(vii) In the case of the addition of beds for the provision of skilled nursing care or intermediate care, a finding that relationship of the addition to the plans of other agencies of the state responsible for planning and financing long-term care (including home health services) has been considered:)) The department shall make written findings on the extent to which the project meets the criteria set forth in WAC 248-19-370 (1) and (2) when the secretary issues a certificate of need directly related to the provision of health services, beds, or major medical equipment: PROVIDED, HOWEVER, That no such written finding shall be necessary for projects for the correction of deficiencies of the types described in WAC 248-19-415 and for projects proposed by or on behalf of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization.~~

~~(d) When, as a part of concurrent review proceedings, the secretary makes a decision to approve an application or applications and to disapprove other competing applications, he shall provide a specific written statement of reasons for determining the approved application or applications to be superior.~~

(2) Separability of application and action. When a certificate of need application is for multiple services or multiple components or the proposed project is to be multiphased, the secretary may take individual and different action on separable portions of the proposed project.

(3) Conditional certificate of need.

(a) The secretary in making his decision on a certificate of need application may decide to issue a conditional certificate of need if the department finds that the project is justified only under specific circumstances: PROVIDED, HOWEVER, That conditions shall relate directly to the project being reviewed and to review criteria.

(b) When the department finds that a project for which a certificate of need is to be issued does not satisfy the review criteria set forth in WAC 248-19-370 (1)



and (2), the secretary may impose a condition or conditions that the applicant take affirmative steps so as to satisfy those review criteria. In evaluating the accessibility of the project, the current accessibility of the facility as a whole shall be taken into consideration.

(c) The conditions attached to a certificate of need may be released by the secretary upon the request of the health care facility or health maintenance organization for which the certificate of need was issued: PROVID-ED. It can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of ~~((the State Health Planning and Resources Development Act))~~ chapter 70.38 RCW.

(4) Distribution of written findings and statement of decision.

(a) A copy of the department's written findings and statement of the secretary's decision on a certificate of need application shall be sent to:

(i) The person who submitted the certificate of need application;

(ii) The health systems agency for the health service area in which the proposed project is to be located;

(iii) The hospital commission, if the proposed project is for a hospital; ~~((and))~~

(iv) In the case of a project proposed by a health maintenance organization, the appropriate regional office of the United States department of health ~~((education and welfare))~~ and human services; and

(v) When the secretary issues a certificate of need for a project which does not satisfy the review criteria set forth in WAC 248-19-370 (1) and (2), the appropriate regional office of the department of health and human services.

(b) The written findings and statement of the secretary's decision on a certificate of need application shall be available to others who request the certificate of need unit to provide access to a copy of such findings and statement.

(5) Explanation of inconsistency with the health systems agency recommendation or plan. The department shall send to the applicant and to the appropriate health systems agency a detailed, written statement as to the reasons why a decision which the secretary has made on a certificate of need application is inconsistent with any of the following:

(a) The health systems agency's recommendation as to the action to be taken on the certificate of need application;

(b) The goals of the applicable health systems plan; ~~((and))~~ or

(c) The priorities of the applicable annual implementation plan.

**AMENDATORY SECTION** (Amending Order 188, filed 11/30/79)

**WAC 248-19-430 PROVISION FOR RECONSIDERATION DECISION.** (1) Any person may, for good cause shown, request a public hearing for the purpose of reconsideration of the secretary's decision on a

certificate of need application or withdrawal of a certificate of need.<sup>1</sup>

(2) The department shall conduct a reconsideration hearing if it finds the request is in accord with the following requirements.

(a) The request for a reconsideration hearing shall be written, be received by the department within thirty days of the department's decision on the certificate of need application or withdrawal of the certificate of need, state in detail the grounds which the person requesting the hearing believes to show good cause, and be signed by the person making the request.

(b) Grounds which the department may deem to show good cause for a reconsideration hearing shall be limited to the following:

(i) Significant relevant information not previously considered by the department ((which is sufficiently important to modify or reverse the department's findings and decision)) which, with reasonable diligence, could not have been presented before the department made its decision;

(ii) Information on significant changes in factors or circumstances relied upon by the department in making its findings and decision; or

(iii) Evidence the department materially failed to follow adopted procedures in reaching a decision.

(3) A reconsideration hearing ~~((shall be conducted in accordance with procedures for predecision and post-decision meeting on certificate of need applications which are established and published by the department and))~~ shall commence within thirty days after receipt of the request for the hearing.

(4) Notification of a public reconsideration hearing on a certificate of need application or withdrawal of a certificate of need shall be sent prior to the date of such hearing by the department to the following:

(a) The person who requested the reconsideration hearing;

(b) The person who submitted the certificate of need application which is under reconsideration or the holder of the certificate of need;

(c) The health systems agency for the health service area in which the proposed project is to be offered or developed;

(d) The hospital commission, if the proposed project is a hospital project; and to

(e) Other persons who request the department to send them such notification.

(5) The department shall, within forty-five days after the conclusion of a reconsideration hearing, make written findings which state the basis of the decision made after such hearing.

(6) The secretary may, upon the basis of the department's findings on a reconsideration hearing, issue or reissue, amend ~~((or))~~, revoke, or withdraw a certificate of need or impose or modify conditions on a certificate of need for the project about which the reconsideration hearing was conducted.

**NOTE:**

<sup>1</sup>No fee will be charged for a reconsideration hearing.



**AMENDATORY SECTION** (Amending Order 188, filed 11/30/79)

**WAC 248-19-440 ISSUANCE, SUSPENSION, DENIAL, REVOCATION AND TRANSFER OF A CERTIFICATE OF NEED.** (1) Issuance of a certificate of need.

(a) The secretary shall issue a certificate of need to the person who submitted the certificate of need application for the proposed project or a separable portion of the proposed project only if the department's findings and decision are that the project or the separable portion of the proposed project is consistent with the applicable criteria contained in chapter 248-19 WAC ((248-19-370, 248-19-380, 248-19-390, 248-19-400 and 248-19-410)). In issuing a certificate of need, the secretary shall specify the maximum capital expenditure which may be obligated under the certificate and prescribe the cost components to be included in determining the capital expenditure which may be obligated under such certificate.

(b) The secretary may issue a conditional certificate of need for a proposed project if it is justified only under specific circumstances. The conditions specified in a conditional certificate of need must directly relate to the project being reviewed and to criteria contained in chapter 248-19 WAC.

(2) Suspension of a certificate of need.

(a) Grounds for which the ((department)) secretary may suspend a certificate of need shall include, but not be limited to, suspicion of fraud, misrepresentation, false statements, misleading statements, evasion or suppression of material fact in the application for a certificate of need or any of its supporting materials.

(b) The ((department)) secretary shall issue an order for any suspension of a certificate of need to the person to whom the certificate of need had been issued.

(i) Such order shall state the reason for the suspension.

(ii) A copy of such order of suspension shall be sent to the appropriate health systems agency and, if for a hospital project, the hospital commission.

(c) A suspension of a certificate of need shall not exceed one hundred twenty calendar days.

(i) The department shall review the facts and circumstances relevant to the suspension and the secretary shall reinstate, amend or revoke a certificate of need within the one hundred twenty calendar days.

(ii) The ((department)) secretary shall send written notice of its decision on a suspended certificate of need to the person to whom the certificate of need had been issued. A copy of such notice shall be sent to the appropriate health systems agency and, if a hospital project, to the hospital commission.

(3) Denial of a certificate of need.

The secretary shall send written notification of denial of a certificate of need for a proposed project or a separable portion of a proposed project to the person who submitted the certificate of need application for the proposed project for which the certificate of need is not issued.

(a) Such notification shall state the reasons for the denial of a certificate of need.

(b) Copies of such notification shall be sent to the appropriate health systems agency and, if for a hospital project, to the hospital commission.

(4) Continuing effect of a denial.

In any case in which a proposed project or separable portion of the proposed project has been denied a certificate of need, another certificate of need application for such proposed project or separable portion thereof shall not be accepted by the department or reviewed under the provisions of chapter 248-19 WAC following the denial unless the department determines:

(a) There is a substantial change in existing or proposed health facilities or services in the area to be served by the project; or

(b) There is a substantial change in the need for the facilities or services of the type proposed in the area to be served by the project; or

(c) Three years have lapsed since the submission of the application for the certificate of need which was denied.

(5) Revocation of a certificate of need.

(a) The ((department)) secretary may revoke a certificate of need for fraud, misrepresentation, false statements, misleading statements, evasion or suppression of material facts in the application of a certificate of need, or in any of its supporting materials.

(b) ~~((A certificate of need shall be revoked two years or, if the department granted an extension of the certificate of need, two years and six months, from the date on which it was issued, unless it can be substantiated that substantial and continuing progress toward the commencement of the project has been made.~~

~~((c) The department may revoke a certificate of need if, after commencement of the project, the person to whom the certificate of need was issued fails, to make reasonable and continuing progress toward completion of the project.~~

~~((d))~~ The secretary shall send written notification of a revocation of a certificate of need to the person to whom the certificate of need had been issued.

(i) The notice of revocation shall include a statement of the reasons for such revocation.

(ii) A copy of a notice of revocation shall be sent to the appropriate health systems agency and, if a hospital project, to the hospital commission.

(6) Transfer or assignment of a certificate of need. A certificate of need which has been issued to one person shall not be transferred or assigned to another person without the written approval of the secretary.

(a) The person to whom the certificate of need was originally issued shall submit to the department a written request that the certificate of need be transferred to another person and give the full name and complete address of the other person.

(b) The person to whom the current holder of the certificate of need wishes to transfer the certificate shall send a written request for such transfer on a form and in such a manner as prescribed and published by the department.

(c) The ~~((department))~~ secretary, after ~~((consulting))~~ the department's consultation with the appropriate health systems agency and, for a hospital project, the hospital commission shall:

- (i) Transfer the certificate of need;
- (ii) Deny the transfer of the certificate of need and send written notice of the denial and the reasons for such denial to the persons who requested the transfer; or
- (iii) If the person, who wishes to receive the certificate of need, plans to modify the project for which the certificate was issued, notify such person that an application for a new or amended certificate of need is necessary.

(7) Secretary's failure to act. If the secretary fails to issue or deny a certificate of need in accordance with the provisions of chapter 248-19 WAC, the applicant for the certificate of need may seek a writ of mandamus from superior court pursuant to chapter 7.16 RCW.

**AMENDATORY SECTION** (Amending Order 188, filed 11/30/79)

**WAC 248-19-450 CIRCUMSTANCES FOR WHICH AN AMENDED CERTIFICATE OF NEED IS REQUIRED.** (1) An amended certificate of need shall be required for any of the following modifications of a project for which a certificate of need was issued:

- (a) An addition of a new service;
- (b) An expansion of a service beyond that which was included in the certificate of need application on which the issuance of the certificate of need was based;
- (c) An increase in the inpatient bed capacity; or
- (d) A significant reduction in the scope of a project for which a certificate of need has been issued without a commensurate reduction in the cost of the project, or the project cost increases (as represented in bids on a construction project or final cost estimate(s) acceptable to the person to whom the certificate of need was issued) when the total of such increases exceeds ~~((five))~~ twelve percent or ~~((twenty-five))~~ fifty thousand dollars, whichever is greater, over ~~((the cost estimate which was included in the application for the certificate of need))~~ the maximum capital expenditure specified by the secretary in issuing the certificate of need. **PROVIDED, HOWEVER,** That the review of such reductions or cost increases shall be restricted to the continued ~~((financial feasibility))~~ conformance of the project with the criteria contained in WAC 248-19-380 and 248-19-400.

(2) An application for an amended certificate of need shall be submitted in accordance with the provisions of WAC 248-19-280.

(3) An application for an amended certificate of need may be reviewed under the expedited review process set forth in WAC 248-19-340.

(4) The department shall provide a written determination as to the requirement for an amended certificate of need within twenty-one days after receipt of a request for such determination.

**NEW SECTION**

**WAC 248-19-475 WITHDRAWAL OF A CERTIFICATE OF NEED.** (1) The secretary may withdraw

a certificate of need if the department determines, after consultation with the appropriate health systems agency and, in the case of a hospital project, the hospital commission, that the holder of a certificate is not meeting the timetable specified in the certificate of need application for making services or equipment available or completing the project and is not making a good faith effort to meet such timetable.

(2) In reviewing a proposed withdrawal of a certificate of need, the department shall adhere to the provisions of WAC 248-19-310, 248-19-320, 248-19-325 and 248-19-430.

(3) The review period for a proposed withdrawal of a certificate of need shall not exceed ninety days unless extended by the department to allow sufficient time for the conduct of a public hearing pursuant to the provisions of WAC 248-19-320. The review period of the appropriate health systems agency and, in the case of a hospital project, the hospital commission shall not exceed sixty days unless extended by the department at the written request of the health systems agency to allow sufficient time for the conduct of a public hearing pursuant to the provisions of WAC 248-19-320. Such extension shall not exceed thirty days.

(4) The findings of the department's review of a proposed withdrawal of a certificate of need shall be stated in writing and include the basis for the secretary's decision as to whether the certificate of need is to be withdrawn for a proposed project. A copy of the department's written findings and statement of the secretary's decision on the proposed withdrawal of a certificate of need shall be sent to:

- (a) The holder of the certificate of need;
- (b) The health systems agency for the health service area in which the proposed project is to be located;
- (c) The hospital commission, if the proposed project is for a hospital; and
- (d) In the case of a project proposed by a health maintenance organization, the appropriate regional office of the United States department of health and human services.

(5) The written findings and statement of the secretary's decision on the proposed withdrawal of a certificate of need shall be available to others who request the certificate of need unit to provide access to a copy of such findings and statement.

(6) The department shall send to the appropriate health systems agency a detailed, written statement as to the reasons why a decision which the secretary has made is inconsistent with any of the following:

- (a) The health systems agency's recommendation as to the action to be taken;
- (b) The goals of the applicable health systems plan; or
- (c) The priorities of the applicable annual implementation plan.

(7) When a certificate of need is for multiple services or multiple components or the proposed project is to be multiphased, the secretary may take individual and different action regarding withdrawal of the certificate of need on separable portions of the certificate of need.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-480 RIGHT AND NOTICE OF APPEAL. (1) Any affected person (~~((denied a certificate of need for a project or a separable portion of a project or whose certificate of need was amended, suspended or revoked by the secretary))~~) may request and shall be afforded the opportunity for an administrative hearing on the secretary's decision to issue or deny a certificate of need for a project or a separable portion of a project, to grant or deny an exemption requested under WAC 248-19-405, to suspend or revoke a certificate of need, or to withdraw or not withdraw a certificate of need.

(2) ~~((A health systems agency shall be afforded the opportunity for an administrative hearing regarding a secretary's decision on a certificate of need application which is inconsistent with the health systems agency's recommendation as to the action to be taken on such application.~~

~~((3))~~ To be effective, a request for an administrative hearing shall be in writing and received by the department within thirty ~~((calendar))~~ days after the person ~~((or health systems agency))~~ requesting the hearing ~~((;))~~ received the particular decision of the department which is being appealed or, if a reconsideration hearing was requested and denied, thirty days after the denial of the request for the reconsideration hearing.

~~((4))~~ (3) An administrative hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW ~~((by an agency, other than the department, designated by the governor)).~~

~~((5))~~ (4) The decision of the ~~((agency that))~~ official who conducts an administrative hearing shall be made in writing within forty-five days after the conclusion of the hearing and the written decision shall be sent to the applicant, the appropriate health systems agency, and the department. The department shall make the written findings available to others upon request.

~~((6))~~ (5) The decision of the ~~((agency that))~~ official who conducts an administrative hearing shall be considered the final decision<sup>1</sup> of the ~~((department))~~ secretary; however, the ~~((agency that))~~ official who conducts an administrative hearing may remand the matter to the department for further action or consideration.

NOTE:

<sup>1</sup>Chapter 34.04 RCW provides entitlement to judicial review to any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-490 CERTIFICATE OF NEED PROGRAM REPORTS. (1) The department shall prepare and publish annual reports containing information on certificate of need reviews in progress, reviews completed in the preceding twelve month period, and a general statement of the findings and decisions made in the course of those reviews.

(2) Upon request, the department shall provide notification ~~((, upon request;))~~ to ~~((providers of))~~ health ~~((services))~~ care facilities and to other persons ~~((subject~~

~~to certificate of need review))~~ of the status of the department's review of ~~((new institutional health services))~~ projects subject to review and the findings made in the course of such review.

AMENDATORY SECTION (Amending Order 188, filed 11/30/79)

WAC 248-19-500 PUBLIC ACCESS TO RECORDS. The general public shall have access in accordance with the provisions of chapter 42.17 RCW ~~((certificate of need))~~ all applications reviewed by the department and to all other written materials ~~((pertinent))~~ essential to ~~((such reviews, according to the provisions of chapter 42.17 RCW))~~ any review by the department pursuant to the provisions of chapter 248-19 WAC.

WSR 81-09-013

PROPOSED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed April 10, 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 Pilotage District, WAC 296-116-300;

that such agency will at 9:00, Thursday, May 14, 1981, in the Conference Room, Washington State Ferries, Pier 52, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place immediately thereafter and 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.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-03-072 filed with the code reviser's office on January 21, 1981.

Dated: March 9, 1981

By: Marjorie Smitch  
Assistant Attorney General

WSR 81-09-014

NOTICE OF PUBLIC MEETINGS  
UNIVERSITY OF WASHINGTON

[Memorandum—April 8, 1981]

I am writing to let you know that the dates of the Regents' regular meetings have been changed for some months.

The new schedule for meetings in 1981 is as follows:

May 8  
June 12

July 17  
 (no August meeting; Executive  
 Committee may meet if necessary)  
 September 18  
 October 16  
 November 20  
 December 11

**WSR 81-09-015**  
**NOTICE OF PUBLIC MEETINGS**  
**CRIMINAL JUSTICE**  
**TRAINING COMMISSION**  
 [Memorandum—April 9, 1981]

The location of the meeting of the Washington State Criminal Justice Training Commission scheduled for June 18, 1981, has been changed from the Holiday Inn, Yakima, to the Washington State Criminal Justice Training Center 2450 South 142nd Street, Seattle, WA 98168. The meeting will commence at 10:00 a.m. on June 18.

**WSR 81-09-016**  
**BOARD OF GEOGRAPHIC NAMES**  
 [Order 74-1—Filed April 10, 1981]

T-237-990

**DETERMINATION OF GEOGRAPHIC NAMES**

**ADELMA BEACH:** populated place, on Quimper Peninsula on the E shore of Discovery Bay 8.9 km (5.5 mi.) SW of Port Townsend; Jefferson Co., Wa.; sec. 32, T 30 N, R 1 W, W.M.; 48°02'57" N, 122°49'41" W. Approved 9/80.

**BRICKYARD CREEK:** stream, 8.9 km (5.5 mi.) long, heads in Bottomless Lake at 48°31'49" N, 122°13'38" W, flows SW to end in a system of ditches 4.5 km (2.8 mi.) W of Sedro Woolley; Skagit Co., Wa.; sec. 16, T 35 N, R 4 E, W.M.; 48°30'30" N, 122°17'30" W. Approved 9/80.

**CHRISTENSEN CREEK:** stream, 1.6 km (1 mi.) long, on W side of Vashon Island, heads at 47°23'40" N, 122°30'20" W, flows NW to Christensen Cove on W shore of Colvos Passage at Lisabeula; King Co., Wa.; sec. 14, T 22 N, R 2 E, W.M.; 47°24'12" N, 122°31'10" W. Approved 3/80.

**COAL CREEK:** stream, 8.6 km (5.3 mi.) long, heads at 48°34'15" N, 122°08'30" W, flows SSW to Skiyou Slough in the Skagit River 4.8 km (3 mi.) E of Sedro Woolley; Skagit Co., Wa.; sec. 21, T 35 N, R 5 E, W.M.; 48°30'23" N, 122°10'11" W. Approved 9/80.

**CONCONULLY LAKE:** lake, 3.9 km (3 mi.) long, directly E of Conconully; Okanogan Co., Wa.; secs. 4, 5 and 6, T 35 N, R 25 E, and secs. 28 and 33, T 36 N, R 25 E, W.M. Approved 9/80.

**DEER CREEK:** stream, 4.8 km (3 mi.) long, heads at 48°34'33" N, 122°06'34" W, flows N to Plumbago

Creek 15.3 km (9.5 mi.) NE of Sedro Woolley; Skagit Co., Wa.; sec. 18, T 36 N, R 6 E, W.M.; 48°36'37" N, 122°05'36" W. Approved 9/80.

**DICKEY LAKE:** lake, 3.2 km (2 mi.) long, drains into the West Fork Dickey River 8 km (5 mi.) E of Ozette lake; originally an Indian name spelled Dickodochtedar on federal maps during the last quarter of the 19th century; Clallum Co., Wa.; secs. 9 and 16, T 30 N, R 14 W, W.M.; 48°06'45" N, 124°30'20" W. Approved 3/80.

**FOBES CREEK:** stream, 4.8 km (3 mi.) long, heads at 48°35'58" N, 122°09'28" W, flows NE to the South Fork Nooksack River 16.1 km (10 mi.) NE of Sedro Woolley and 1.6 km (1 mi.) NW of Plumbago Creek; Skagit Co., Wa.; sec. 12, T 36 N, R 5 E, W.M.; 48°37'26" N, 122°06'41" W. Approved 9/80.

**GEDNEY (HAT) ISLAND:** island, 2.8 km (1.7 mi.) long, 8.9 km (5.5 mi.) NW of Everett, near the junction of Possession Sound and Saratoga Passage; Snohomish Co., Wa.; 48°00'50" N, 122°19'10" W. Approved 9/80.

**HARD SCRABBLE FALLS:** waterfalls, along Hard Scrabble Falls Creek in Hard Scrabble Falls Gulch 7.2 km (4.2 mi.) S of Deming; Whatcom Co., Wa.; sec. 25, T 38 N, R 4 E, W.M.; 48°45'37" N, 122°13'43" W. Approved 9/80.

**HARD SCRABBLE FALLS CREEK:** stream, 3.2 km (2 mi.) long, heads at 48°45'29" N, 122°15'22" W, flows E through Hard Scrabble Falls Gulch to the South Fork Nooksack River 7 km (4.4 mi.) S of Deming; Whatcom Co., Wa.; sec. 30, T 38 N, R 5 E, W.M.; 48°45'36" N, 122°12'59" W. Approved 9/80.

**HAYDEN CREEK:** stream, 2.7 km (1.7 mi.) long, heads on NE slope of Bald Mountain at 48°39'36" N, 122°01'02" W, flows N to Skookum Creek, 14.5 km (9 mi.) SE of Acme; Whatcom Co., Wa.; secs. 22, 26 and 27, T 37 N, R 6 E, W.M.; 48°40'38" N, 122°00'56" W. Approved 9/80.

**HOG CANYON CREEK:** stream, 26 km (16 mi.) long, heads 4.8 km (3 mi.) S of the community of Medical Lake at 47°31'28" N, 117°39'15" W, flows SW through Hog Lake and Hog Canyon to Fishtrap Lake 13.7 km (8.5 mi.) NE of Sprague; Spokane Co., Wa., sec. 31, T 21 N, R 40 E, W.M.; 47°21'21" N, 117°49'20" W. Approved 9/80.

**JIMS SLOUGH:** stream, 3.7 km (2.3 mi.) long, heads at 48°31'31" N, 122°00'56" W, flows W to the Skagit River .8 km (.5 mi.) SE of Lyman and 4.3 km (2.7 mi.) W of Hamilton; Skagit Co., Wa.; sec. 17, T 35 N, R 6 E, W.M.; 48°31'20" N, 122°02'58" W. Approved 9/80.

**KEY PENINSULA:** peninsula, 26 km (16 mi.) long, extends S from Pierce-Kitsap county line to Devils Head between Henderson Bay, Carr Inlet, Pitt Passage and Drayton Passage on the E and North Bay and Case Inlet on the W, 24.1 km (15 mi.) W

- of Tacoma; Mason and Pierce Cos., Wa.; 47°24'14" N, 122°45'00" W (N end), 47°10'02" N, 122°46'00" W (S end). Approved 12/80.
- LA CROSSE:** populated place (incorporated town), 40 km (25 mi.) WSW of Colfax and 54 km (34 mi.) WNW of Pullman; Whitman Co., Wa; secs. 2 and 11, T 15 N, R 39 E, W.M.; 46°48'51" N, 117°52'51" W. Approved 12/80.
- LITTLE CREEK:** stream, 4 km (2.5 mi.) long, heads at 46°41'05" N, 122°23'52" W, flows S to join Winnie Creek to form North Fork Tilton River 14.5 km (9 mi.) NW of Morton; Lewis Co., Wa.; sec. 34, T 14 N, R 3 E, W.M.; 46°38'58" N, 122°24'48" W. Approved 9/80.
- MAKAH BAY:** bay, 4.8 km (3 mi.) long, near the NW corner of the Olympic Peninsula 6.4 km (4 mi.) SE of Cape Flattery; Clallum Co., Wa.; 48°19'15" N, 124°40'30" W. Approved 3/80.
- MCLOUGHLIN CANYON:** canyon, 2.4 km (1.5 mi.) long, trends SW to the Okanogan River valley 1.3 km (.8 mi.) NE of Janis Rapids and 8 km (5 mi.) S of Tonasket; named for David McLoughlin who led a group of 160 miners through the canyon in 1859 on their way to the British Columbia gold fields; Okanogan Co., Wa.; secs. 3 and 10, T 36 N, R 27 E, W.M.; 48°38'08" N, 119°27'11" W (SW end). Approved 9/80.
- MEDICINE LAKE:** lake, .64 km (.4 mi.) long, 3.2 km (2 mi.) W of Booher Lake and 11.6 km (7.2 mi.) E of Conconully; Okanogan Co., Wa.; sec. 5, T 35 N, R 26 E, W.M.; 48°33'30" N, 119°35'25" W. Approved 9/80.
- MIDWAY CREEK:** stream, 9.7 km (6 mi.) long, heads 1.6 km (1 mi.) N of Elbe at 46°47'05" N, 122°11'50" W, flows NNW to Little Mashel River 2.4 km (1.5 mi.) SE of Eatonville; Pierce Co., Wa.; sec. 25, T 16 N, R 4 E, W.M.; 46°50'58" N, 122°14'52" W. Approved 9/80.
- NONAME CREEK:** stream, 6.4 km (4 mi.) long, heads in Noname Lake at 48°51'02" N, 121°06'41" W, flows NE to Ross Lake 15.3 km (9.5 mi.) SE of Mount Spickard; Whatcom Co., Wa.; 48°53'40" N, 121°03'43" W. Approved 9/80.
- NONAME LAKE:** lake, .16 km (.1 mi.) long, at the head of Noname Creek 5.6 km (3.5 mi.) W of Ross Lake and 16.1 km (10 mi.) SE of Mount Spickard; Whatcom Co., Wa.; 48°51'02" N, 121°06'41" W. Approved 9/80.
- NORTH BONNEVILLE:** populated place, 1.6 km (1 mi.) W of Bonneville, Oregon, and 9.7 km (6 mi.) SW of Stevenson; this place has been relocated from its original position 3.2 km (2 mi.) NE because of construction of a power plant near Bonneville Dam; Skamania Co., Wa.; sec. 40, T 2 N, R 7 E, W.M.; 45°38'15" N, 121°58'30" W. Approved 3/80.
- PANORAMA DOME:** mountain, elevation 1,537 km (5,043 ft.) in the Cascade Range 12.9 km (8 mi.) NE of Mount Baker; Whatcom Co., Wa.; T 39 N, R 9 E, W.M.; 48°51'12" N, 121°40'33" W. Approved 9/80.
- PINE CREEK, SOUTH FORK:** stream, 5.6 km (3.5 mi.) long, heads in Mud Lake at 48°35'45" N, 119°37'27" W, flows ESE to join the North Fork to form Pine Creek 14.5 km (9 mi.) ENE of Conconully; Okanogan Co., Wa.; sec. 28, T 36 N, R 26 E, W.M.; 48°35'37" N, 119°33'42" W. Approved 9/80.
- PLUMBAGO CREEK:** stream, 5.9 km (3.7 mi.) long, heads at 48°34'44" N, 122°08'40" W, flows NE to South Fork Nooksack River 1.3 km (.8 mi.) NNW of Roaring Creek and 15.3 km (9.5 mi.) NE of Sedro Woolley; Skagit Co., Wa.; sec. 13, T 36 N, R 5 E, W.M.; 48°36'44" N, 122°05'47" W. Approved 9/80.
- ROARING CREEK:** stream, 4.2 km (2.6 mi.) long, heads at 48°34'38" N, 122°07'30" W, flows NE to Deer Creek 1.1 km (.7 mi.) SE of Plumbago Creek 14.5 (9 mi.) NE of Sedro Woolley; Skagit Co., Wa.; sec. 19, T 36 N, R 6 E, W.M.; 48°36'07" N, 122°05'15" W. Approved 9/80.
- SCHALOW MOUNTAIN:** mountain, elevation 1.2 km (3,846 ft.), trending in a N-S direction for 4 km (2.5 mi.); Okanogan Co., Wa.; secs. 21, 27 and 34, T 36 N, R 25 E, W.M.; 48°35'02" N, 119°41'04" W. Approved 9/80.
- SEYMOUR CREEK:** stream, 4.5 km (2.8 mi.) long, heads on the N slope of Twin Sisters Mountain at 48°43'17" N, 122°00'15" W, flows N to Middle Fork Nooksack River, 17.7 km (11 mi.) SE of Deming; Whatcom Co., Wa.; sec. 27, T 38 N, R 6 E, W.M.; 48°45'28" N, 122°00'31" W. Approved 9/80.
- SILESIA CREEK, WEST FORK:** stream, 9.7 km (6 mi.) long, heads in the Skagit Range at 48°55'15" N, 121°34'15" W, flows N to Silesia Creek 27 km (17 mi.) NE of Mount Baker; Whatcom Co., Wa.; 48°58'42" N, 121°35'05" W. Approved 9/80.
- SILVER HILL:** mountain, highest elevation 965 m (3,167 ft.), extends SE 3.7 km (2.3 mi.) from Conconully Lake, .8 km (.5 mi.) E of Conconully; Okanogan Co., Wa.; T 35 N, R 25 E, W.M.; 48°33'05" N, 119°43'05" W. Approved 9/80.
- SKOOKUM CREEK:** stream, 14.5 km (9 mi.) long, heads on W slope of Twin Sisters Mountain at 48°40'04" N, 121°58'30" W, flows W to the South Fork Nooksack River 6.9 km (4.3 mi.) SE of Acme; Whatcom Co., Wa.; sec. 27, T 37 N, R 5 E, W.M.; 48°40'15" N, 122°08'25" W. Approved 9/80.
- SPRENGER SPIRES:** ridge, .64 km (.4 mi.) long, highest elevation 2,285 m (7,498 ft.), in the Cascade Range .8 km (.5 mi.) SE of Le Conte Mountain and 42 km (26 mi.) NE of Darrington; named for Robert Merwarth Sprenger (?-1979), who

worked on a U.S. Geological Survey glaciology project in this area between 1964 and 1967 and made the first and only known ascent of the spires; Skagit and Chelan Cos., Wa.; 48°22'32" N, 121°03'14" W (N end), 48°22'18" N, 121°02'58" W (S end). Approved 12/80.

**SYLVESTER CREEK:** stream, 2.4 km (1.5 mi.) long, heads at 48°37'20" N, 122°00'18" W, flows S to the South Fork Nooksack River 20.1 km (12.5 mi.) NE of Sedro Woolley; Skagit Co., Wa.; sec. 14, T 36 N, R 6 E, W.M.; 48°36'20" N, 121°59'55" W. Approved 9/80.

**THOMSON, MOUNT:** mountain, elevation 1,998 m (6,554 ft.), in the Cascade Range, .97 km (.6 mi.) W of Edds Lake and 6.4 km (4 mi.) NE of Snoqualmie Pass; named in 1887 for Reginald Heber Thomson (1856-1949), who served as Seattle City Engineer during the 1890s and 1900s; King Co., Wa.; secs. 23 and 24, T 23 N, R 11 E, W.M.; 47°28'20" N, 121°21'40" W. Approved 9/80.

**TILTON RIVER, NORTH FORK:** stream, 9.7 km (6 mi.) long, heads at the junction of Winnie and Little Creeks at 46°38'58" N, 122°24'48" W, flows SE to Tilton River 6.4 km (4 mi.) NW of Morton; Lewis Co., Wa.; sec. 30, T 13 N, R 4 E, W.M.; 46°35'00" N, 122°21'15" W. Approved 9/80.

**TIMENTWA FLATS:** basin, 1.6 km (1 mi.) long, 17.7 km (11 mi.) SSE of Okanogan; Okanogan Co., Wa.; sec. 1, T 31 N, R 26 E, and sec. 36, T 32 N, R 26 E, W.M.; 48°13'30" N, 119°30'00" W. Approved 9/80.

**TWENTYFIVE MILE CREEK:** stream, 12.1 km (7.5 mi.) long, heads at 46°55'00" N, 122°07'02" W., flows W to Ohop Creek 6.4 km (4 mi.) N of Eatonville; Pierce Co., Wa.; sec. 26, T 17 N, R 4 E, W.M.; 46°55'25" N, 122°15'35" W. Approved 9/80.

**WILLARD CREEK:** stream, 3.2 km (2 mi.) long, heads at 48°31'08" N, 122°15'21" W, flows NW to Thomas Creek 4 km (2.5 mi.) NW of Sedro Woolley; Skagit Co., Wa.; sec. 15, T 35 N, R 4 E, W.M.; 48°31'43" N, 122°16'40" W. Approved 9/80.

**WILMANS PEAKS:** ridge, 1.1 km (.7 mi.) long, 1.3 km (.8 mi.) W of Monte Cristo Peak; Snohomish Co., Wa.; 47°58'33" N, 121°22'10" W (NW end), 47°58'08" N, 121°21'30" W (SE end). Approved 9/80.

**WINCHESTER CREEK:** stream, 3.2 km (2 mi.) long, heads on the N slope of Winchester Mountain at 48°57'48" N, 121°38'10" W, flows ENE to West Fork Silesia Creek 26 km (16 mi.) NE of Mount Baker; Whatcom Co., Wa.; 48°58'05" N, 121°36'15" W. Approved 9/80.

**WINNIE CREEK:** stream, 4.8 km (3 mi.) long, heads at 46°40'10" N, 122°27'50" W, flows SE to join Little Creek to form North Fork Tilton River 14.5

km (9 mi.) NW of Morton; Lewis Co., Wa.; 46°38'58" N, 122°24'48" W. Approved 9/80.

**WISEMAN CREEK:** stream, 8.9 km (5.5 mi.) long, heads at 48°34'15" N, 122°06'40" W, flows SSW to the Skagit River 5.6 km (3.5 mi.) SW of Lyman and 7.2 km (4.5 mi.) E of Sedro Woolley; Skagit Co., Wa.; sec. 23, T 35 N, R 5 E, W.M.; 48°30'24" N, 122°08'05" W. Approved 9/80.

#### WSR 81-09-017

#### NOTICE OF PUBLIC MEETINGS FORT STEILACOOM COMMUNITY COLLEGE

[Memorandum—April 9, 1981]

On April 7, 1981, the Board of Trustees of Community College District No. 11 (Fort Steilacoom Community College) took the following action at their regular meeting:

Moved by Mr. Ramon Barnes, seconded by General Gamble to change the May 5, 1981, Board of Trustees Meeting to May 12, 1981 and to notify the code reviser in Olympia, of the change of schedule, motion carried unanimously.

#### WSR 81-09-018

#### ADOPTED RULES DEPARTMENT OF FISHERIES

[Order 81-22—Filed April 10, 1981]

I, Rolland A. Schmitt, 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 81-05-036 filed with the code reviser on February 18, 1981. 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 April 2, 1981.

By Rolland A. Schmitt  
Director

**AMENDATORY SECTION** (Amending Order 79-111, filed 10/18/79)

**WAC 220-95-010 APPLICATION TO SELL—QUALIFICATION.** (1) All persons desiring to offer to

sell qualified commercial or charter salmon fishing vessels, equipment, gear, nets, and/or licenses and permits to the Washington State Department of Fisheries gear reduction program (~~shall~~) must complete, and submit, a notarized Application for Survey of Commercial Salmon Fishing Vessel on a form supplied by the department. Said application (~~shall~~) must be submitted to the program's manager and (~~shall~~) contain at least the following information in full:

(a) Applicant's name, address, phone number, and date of birth.

(b) Description of the vessel, equipment, gear and of the title to same.

(c) Description of all current (~~appropriate~~) Washington commercial or charter fishing licenses and delivery permits issued to the applicant and to the vessel.

(d) List of all claims against the vessel.

(e) Description of the vessel's insurance coverage.

(2) (a) No vessel may be offered for sale to, or purchased by, the department unless it is currently licensed to fish or deliver fish within Washington and unless the vessel is qualified pursuant to the terms of RCW 75.28-.455 and 75.28.510.

(b) The gear reduction program will make purchases of vessels, gear and licenses only from the individual or company who was the vessel's owner of record on December 22, 1980. Eligibility will be established using Department of Fisheries license records. Any person contesting ineligibility must document that they were the vessel owner on December 22, 1980.

(3) Any individual or company applying to participate in the program (~~on more than one occasion shall be placed at the bottom of any priority listing utilized by the gear reduction program~~) may sell no more than one vessel to the program until all applicants have had an opportunity to participate.

(4) Any person who has sold a vessel and license to the program and accepted program retraining benefits is ineligible for further participation.

(5) In order to prevent misuse of program funds, any person who has sold a vessel and/or license to the program is eligible to sell only those vessels and/or licenses owned at the time of the previous sale.

#### NEW SECTION

##### WAC 220-95-012 MARGINAL PRODUCTION.

(1) In order to sell license, gear and vessel to the program, a commercial salmon fisherman must document, in the form of Washington State fish receiving tickets, a cumulative average catch in the top 95 percent of their respective fleet's average annual production during the base period 1973-1977. Commercial salmon fishermen landing catches in the bottom five percent of their fleet's average annual production for the same base period will be eligible to sell only licenses to the program.

(2) In order to sell license, gear and vessel to the program, a salmon charter license holder must document, in the form of income tax records, a level of income derived from charter fishing generated by the license for sale of at least \$4,000 in Washington State in any one of the years 1978, 1979, and 1980. Charter salmon license holders with an income of less than \$4,000 for 1978,

1979, or 1980 are eligible to sell only licenses to the program.

#### NEW SECTION

WAC 220-95-017 BONUS PAYMENTS. In order to provide incentive for participation in the program, the department may pay bonus dollar amounts, in addition to fair market value, to an individual or company selling vessels and licenses to the program.

#### **WSR 81-09-019**

##### **PROPOSED RULES**

#### **DEPARTMENT OF ECOLOGY**

[Filed April 10, 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 San Juan County, amending WAC 173-19-360;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, April 13, 1981, in Room 273, Department of Ecology, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-05-034 filed with the code reviser's office on February 18, 1981.

Dated: April 9, 1981

By: John F. Spencer  
Deputy Director

#### **WSR 81-09-020**

##### **PROPOSED RULES**

#### **DEPARTMENT OF ECOLOGY**

[Filed April 10, 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 Instream Resources Protection Program—Kitsap Water Resource Inventory Area (WRIA) 15, adopting chapter 173-515 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Monday, June 8, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowesix, 4224 6th Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is chapters 90.22 and 90.54 RCW.

This notice is connected to and continues the matter noticed in Notice No. WSR 80-17-045 filed with the code reviser's office on November 19, 1980.

Dated: April 8, 1981

By: John F. Spencer  
Deputy Director



**WSR 81-09-021**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
 [Filed April 10, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission, intends to adopt, amend, or repeal rules concerning the licensing and regulation of gambling activities (copies of rules are shown below, however, changes may be made at the public hearing);

that such agency will at 10 a.m., Thursday, May 14, 1981, in the Spokane Riverpark Conv. Ctr., West 334 Spokane Falls Blvd., Spokane, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Thursday, May 14, 1981, in the Spokane Riverpark Conv. Ctr., West 334 Spokane Falls Blvd., Spokane, WA.

The authority under which these rules are proposed is WAC 230-02-210 is promulgated pursuant to RCW 9.46.070(4). WAC 230-02-405 is promulgated pursuant to RCW 9.46.070(10) as directed by RCW 9.46.020(18)(e). WAC 230-04-135 is promulgated currently pursuant to RCW 9.46.070(13) which directs that the Washington State Gambling Commission has authority to implement the provisions of chapter 9.46 RCW. WAC 230-04-200, 230-04-203 and 230-04-204 are promulgated pursuant to RCW 9.46.070(5). WAC 230-04-206 is promulgated currently pursuant to RCW 9.46.070(13) which directs that the Washington State Gambling Commission has authority to implement the provisions of chapter 9.46 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 14, 1981, and/or orally at 10 a.m., Thursday, May 14, 1981, Spokane Riverpark Conv. Ctr., West 334 Spokane Falls Blvd., Spokane, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-06-074 filed with the code reviser's office on March 4, 1981.

Dated: April 9, 1981  
 By: Jeffrey O. C. Lane  
 Assistant Attorney General

**WSR 81-09-022**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Examiners for Nursing Home Administrators)**  
 [Filed April 10, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Examiners for Nursing Home Administrators, intends to adopt, amend, or repeal rules concerning grading examinations, amending WAC 308-54-120. (A copy of the proposed rule is shown below; however, changes may be made at the hearing.);

that such agency will at 10:00 a.m., Tuesday, June 23, 1981, in the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, June 23, 1981, in the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.52.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 23, 1981, and/or orally at 10:00 a.m., Tuesday, June 23, 1981, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

Dated: April 2, 1981  
 By: Stanley R. Haskins  
 Executive Secretary

**STATEMENT OF PURPOSE**

Title: Name of Agency: Washington State Board of Examiners for Nursing Home Administrators.

Purpose of Rule Amendment: To change the grade for passing the licensing examination from seventy percent to seventy-five percent. Statutory Authority: RCW 18.52.110.

Summary Of Rule: WAC 308-54-120: Grading Examinations.

Reason For Proposed Amendment: WAC 308-54-120(1), this proposed amendment is intended to enhance the quality of successful examinees for licensing and to make examination grading consistent with other professions, both locally and nationally.

Responsible Personnel: The Washington State Board of Examiners for Nursing Home Administrators and its Executive Secretary have the responsibility for drafting, implementing and enforcing this rule. The Executive Secretary is: Stanley R. Haskins, P. O. Box 9649, Olympia, Washington 98504, telephone (206) 234-0774 (SCAN), (206) 753-0774 (COMM).

Proponents Of The Proposed Amendment: This amendment was proposed by the Washington State Board of Examiners for Nursing Home Administrators.

Agency Comments: This amendment was proposed pursuant to RCW 18.52.110.

Federal Law Or Federal State Court Requirements: The proposed amendment is not necessitated as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order PL 107, filed 3/3/71)

WAC 308-54-120 GRADING EXAMINATIONS. (1) Every candidate for a nursing home administrator's license shall be required to pass the examination for such license at a grade of ((seventy)) seventy-five percent.

(2) The board shall determine a method of grading each examination separately, and shall apply such method uniformly to all candidates taking that examination.

(3) The board or the department shall not disclose the individual's score to anyone other than the applicant himself, unless requested to do so, in writing, by the applicant.

(4) The applicant will be notified, in writing, the scores received on his examination.

**WSR 81-09-023**  
**PROPOSED RULES**  
**HIGHER EDUCATION**  
**PERSONNEL BOARD**

[Filed April 13, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.16.100, that the Higher Education Personnel Board, intends to adopt, amend, or repeal rules concerning:

Amd	WAC 251-12-072	Appeals From Eligibility Determination to provide language to conform with proposal made in WAC 251-18-145.	New	WAC 251-18-145	Examination—Eligibility—Right of Appeal to establish an applicant's rights of appeal to the Higher Education Personnel Board which previously was included in WAC 251-18-145.
Amd	WAC 251-18-010	Examination—Requirement—Definition to provide for the establishment of standards and procedures for examination development and approval and to clarify the definition of an examination.	Rep	WAC 251-18-150	Reexamination—Procedure to include in examination administration standards and procedures.
Amd	WAC 251-18-020	Recruitment Notice—Publicity—Duration to clarify the responsibilities of the personnel officer and the types of recruitment notices. Replace the terms "examination notice," "recruitment notice" and "bulletin board posting" with the consistent term "recruitment notice."	Rep	WAC 251-18-155	Examination—Records Requirement to include in examination administration standards and procedures.
Amd	WAC 251-18-025	Recruitment Notice—Exception—Training to replace the term "examination notice" with the consistent term "recruitment notice."	Rep	WAC 251-18-160	Examination—Medical to include medical examination of applicants in examination administration standards and procedures and medical examination of employees in new rule WAC 251-10-112.
Amd	WAC 251-18-030	Recruitment Notice—Content to provide for the establishment of standards and procedures for writing recruitment notices. Substitute the consistent term "recruitment notice" for all synonymous terminology.	Rep	WAC 251-18-170	Eligible Lists—Establishment to include in amended WAC 251-18-060.
Rep	WAC 251-18-050	Examination Administration to add as a new rule WAC 251-18-112 to place in proper sequence in selection process.	Amd	WAC 251-18-175	Eligible List—Related List to clarify the substitution of lists for related classes.
Amd	WAC 251-18-060	Examination—Eligibility to limit applicants to be admitted to examinations and provide for the establishment of standards and procedures for the application of such limits.	Amd	WAC 251-18-180	Eligible Lists—Definition—Composition to clarify the definitions of the various lists.
Amd	WAC 251-18-070	Application Forms—Acceptance to provide for timely filing on prescribed application forms.	Amd	WAC 251-18-181	Eligible Lists—Combined to clarify the rule language.
Rep	WAC 251-18-080	Application—Acceptance to permit institutions to specify their own standards for timely filing of application forms per amended WAC 251-18-070.	Amd	WAC 251-18-185	Eligible Lists—Tied Scores—Certification to clarify the methods of certifying applicants with tied scores and provide for the establishment of standards and procedures for such certification.
Amd	WAC 251-18-110	Application—Disqualification—Rejection to modify an applicant's right of appeal to include a review by the institution's personnel officer per amended WAC 251-18-140.	Amd	WAC 251-18-190	Eligible Lists—Duration to clarify the rule language and reduce the duration of eligibility on open-competitive lists to six months.
New	WAC 251-18-112	Examination Administration to provide for the establishment of standards and procedures for examination administration; allow current employees to participate in selection procedures at their institution without loss of salary, and specify the responsibility of the personnel officer for the security of examination materials.	Amd	WAC 251-18-200	Eligible Lists—Removal of Name—Notification to clarify the rule language and requirements.
Rep	WAC 251-18-115	Examination—Eligibility—Right of Appeal or Review to include in new rule WAC 251-18-145.	Amd	WAC 251-20-010	Employee Performance Evaluation—Authority to add the Higher Education Personnel Board's intent that evaluations are not to be used for transfer, promotion or disciplinary actions.
Rep	WAC 251-18-120	Applicants—Anonymity to include in examination administration standards and procedures.	Amd	WAC 251-20-030	Method of Evaluation to clarify specific requirements and add a requirement to provide employees with a copy of criteria used to evaluate them.
Amd	WAC 251-18-130	Veterans Preference to clarify rule language and structure.	Amd	WAC 251-20-040	Employee Performance Evaluation—Procedure to add a requirement that a copy of the evaluation form be provided to each employee evaluated.
Amd	WAC 251-18-140	Examination Results—Notification to	Amd	WAC 251-20-050	Employee Performance Evaluation—Appeal to provide clarification of employee appeal rights.
			Amd	WAC 251-20-060	Employee Performance Evaluation—Responsibility to add a responsibility that the personnel officer will ensure that each employee is evaluated annually;

that such agency will at 10:00 a.m., Thursday, June 18, 1981, in Room B-11-13-15 of the Compton Union Building, Washington State University, Pullman, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, June 18, 1981, in Room B-11-13-15 of the Compton Union Building, Washington State University, Pullman, Washington.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 18, 1981, and/or orally at 10:00 a.m., Thursday, June 18, 1981, in the same location as shown above.

Dated: April 13, 1981  
By: Douglas E. Sayan  
Director

#### STATEMENT OF PURPOSE

This statement is related to the notice filed with the Code Reviser on April 13, 1981, and is filed pursuant to chapter 186, Laws of 1980.

WAC 251-12-072 Appeals from Eligibility Determinations.

Statutory Authority: RCW 28B.16.100.

Purpose of Existing Rule: Establishes right of appeal from eligibility determinations conducted in accordance with chapter 251-18 WAC.

Summary of Proposed Change: Provides language to conform with proposal made in WAC 251-18-145.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: Douglas E. Sayan, Director-HEPB, FT-11, Olympia 98504; SCAN 234-3730.

Organization Proposing Change: HEPB Staff. The proposed modifications result from a study of chapter 251-18 WAC conducted by a task team composed of HEPB staff members, higher education institution representatives, and employee organization representatives.

The agency makes no comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

Chapter 251-18 WAC, Employment—Appointment.

Statutory Authority: RCW 28B.16.100.

The purpose of the existing rules and the summary of the proposed changes are listed by individual rule below.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: Douglas E. Sayan, Director-HEPB, FT-11, Olympia 98504; SCAN 234-3730.

Organization Proposing Change: HEPB Staff. The proposed modifications result from a study of chapter 251-18 WAC conducted by a task team composed of HEPB staff members, higher education institution representatives, and employee organization representatives.

The agency makes no additional comments/recommendations regarding the proposals.

The changes are not the result of federal law or state court action.

#### Individual Rules Affected:

WAC 251-18-010 Examination—Requirement—Definition. Purpose of Existing Rule: Establishes the requirement for examinations for appointments to positions in the classified service and the approval authority of the director. Summary of Proposed Change: Provides for the establishment of standards and procedures for examination development and approval and clarifies the definition of an examination.

WAC 251-18-020 Recruitment Notice—Publicity—Duration. Purpose of Existing Rule: Establishes the responsibility of the personnel officer for recruiting and establishing eligible lists. Summary of Proposed Change: Clarifies the responsibilities of the personnel officer and the types of recruitment notices. Replaces the terms "examination notice," "recruitment notice" and "bulletin board posting" with the consistent term "recruitment notice."

WAC 251-18-025 Recruitment Notice—Exception—Training. Purpose of Existing Rule: Allows employees meeting the conditions outlined in WAC 251-24-050(3) to be examined without opening a recruitment notice. Summary of Proposed Change: Replaces the term "examination notice" with the consistent term "recruitment notice."

WAC 251-18-030 Recruitment Notice—Content. Purpose of Existing Rule: Specifies the required content of recruitment notices. Summary of Proposed Change: Provides for the establishment of standards and procedures for writing recruitment notices. Substitutes the consistent term "recruitment notice" for all synonymous terminology.

WAC 251-18-050 Examination Administration. Purpose of Existing Rule: Provides for the personnel officer to administer examinations in accordance with standards and procedures established by the director. Allows current employees to participate in examinations for their institution with no loss in pay. Summary of Proposed Change: Repeal and add as new rule WAC 251-18-112 to place in proper sequence in selection process.

WAC 251-18-060 Examination—Eligibility. Purpose of Existing Rule: Allows for the limiting of promotional examinations to current permanent employees of the classified service at an institution. Also allows the limitation of the number of applicants to be admitted to the final phases of examinations. Summary of Proposed Change: The limiting of applicants to be admitted to examinations and provides for the establishment of standards and procedures for the application of such limits.

**WAC 251-18-070 Application Forms—Acceptance.** Purpose of Existing Rule: Provides for use of prescribed forms for applications for employment. Summary of Proposed Change: Provides for timely filing on prescribed application forms.

**WAC 251-18-080 Application—Acceptance.** Purpose of Existing Rule: Specifies conditions for the acceptance of applications for employment. Summary of Proposed Change: Repeal and permit institutions to specify their own standards for timely filing of application forms per amended WAC 251-18-070.

**WAC 251-18-100 Application—Admission to Examination.** Purpose of Existing Rule: Specifies requirements for notifying applicants of examinations. Summary of Proposed Change: Repeal and include in standards and procedures for examination administration.

**WAC 251-18-110 Application—Disqualification—Rejection.** Purpose of Existing Rule: Permits personnel officers to reject applicants for good and sufficient reason and provides such applicants with appeal rights per WAC 251-18-115. Summary of Proposed Change: Modifies an applicant's right of appeal to include a review by the institution's personnel officer per amended WAC 251-18-140.

**WAC 251-18-112 Examination Administration.** Purpose of Existing Rule: New rule proposed. Summary of Proposed Change: To provide for the establishment of standards and procedures for examination administration; allow current employees to participate in selection procedures at their institution without loss of salary, and specify the responsibility of the personnel officer for the security of examination materials.

**WAC 251-18-115 Examination—Eligibility—Right of Appeal or Review.** Purpose of Existing Rule: Specified an applicant's right of appeal to the higher education personnel board. Summary of Proposed Change: Repeal and include in new rule WAC 251-18-145.

**WAC 251-18-120 Applicants—Anonymity.** Purpose of Existing Rule: Provides for the anonymity of examination applicants. Summary of Proposed Change: Repeal and include in examination administration standards and procedures.

**WAC 251-18-130 Veterans Preference.** Purpose of Existing Rule: Provides for veterans preference in examinations. Summary of Proposed Change: Clarifies rule language and structure.

**WAC 251-18-140 Examination Results—Notification.** Purpose of Existing Rule:

Specifies the requirements for notifying applicants of their examination results and right of appeal. Summary of Proposed Change: Clarifies the requirements for notification of applicants and adds a review by the institution's personnel officer to an applicant's right of review and appeal per new rule WAC 251-18-145.

**WAC 251-18-145 Examination—Eligibility—Right of Appeal.** Purpose of Existing Rule: New rule proposed. Summary of Proposed Change: Establishes an applicant's rights of appeal to the Higher Education Personnel Board which previously was included in WAC 251-18-115.

**WAC 251-18-150 Reexamination—Procedure.** Purpose of Existing Rule: Specifies the procedure for reexamination of applicants. Summary of Proposed Change: Repeal and include in examination administration standards and procedures.

**WAC 251-18-155 Examination—Records Requirement.** Purpose of Existing Rule: Specifies examinations recordkeeping requirements. Summary of Proposed Change: Repeal and include in examination administration standards and procedures.

**WAC 251-18-160 Examination—Medical.** Purpose of Existing Rule: Specifies requirements for the medical examination of applicants. Summary of Proposed Change: Repeal and include medical examination of applicants in examination administration standards and procedures and medical examination of employees in new rule WAC 251-10-112.

**WAC 251-18-170 Eligible Lists—Establishment.** Purpose of Existing Rule: Allows for the establishment of eligible lists by class and organizational unit. Summary of Proposed Change: Repeal and include in amended WAC 251-18-060.

**WAC 251-18-175 Eligible List—Related List.** Purpose of Existing Rule: Allows for the substitution of related eligible lists. Summary of Proposed Change: Clarifies the substitution of lists for related classes.

**WAC 251-18-180 Eligible Lists—Definition—Composition.** Purpose of Existing Rule: Defines the composition of various eligible lists. Summary of Proposed Change: Clarifies the definitions of the various lists.

**WAC 251-18-181 Eligible Lists—Combined.** Purpose of Existing Rule: Provides for the combination of eligible lists for administrative, executive or professional classes. Summary of Proposed Change: Clarifies the rule language.

**WAC 251-18-185 Eligible Lists—Tied Scores—Certification.** Purpose of Existing Rule: Specifies the procedures for certifying applicants with tied scores. Summary of

Proposed Change: Clarifies the methods of certifying applicants with tied scores and provides for the establishment of standards and procedures for such certification.

WAC 251-18-190 Eligible Lists—Duration. Purpose of Existing Rule: Specifies the duration of eligibility on the various eligible lists. Summary of Proposed Change: Clarifies the rule language and reduces the duration of eligibility on open-competitive lists to six months.

WAC 251-18-200 Eligible Lists—Removal of Name—Notification. Purpose of Existing Rule: Permits the personnel officer to remove a name from an eligible list for good and sufficient reason and specifies the affected persons right of review and appeal. Summary of Proposed Change: Clarifies the rule language and requirements.

Chapter 251-20 WAC, Employee Performance Evaluation.

Statutory Authority: RCW 28B.16.100.

The purpose of the existing rules and the summary of the proposed changes are listed by individual rule below.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: Douglas E. Sayan, Director—HEPB, FT-11, Olympia 98504; SCAN 234-3730.

Organization Proposing Change: HEPB Staff. The proposed modifications result from a study of chapter 251-20 WAC conducted by a task team composed of HEPB staff members, higher education institution representatives, and employee organization representatives.

The agency makes no additional comments/recommendations regarding the proposals.

The changes are not the result of federal law or state court action.

#### Individual Rules Affected:

WAC 251-20-010 Employee Performance Evaluation—Authority. Purpose of Existing Rule: Provides that employee performance evaluations be conducted and recorded annually as required by chapter 28B.16 RCW. Summary of Proposed Change: Adds the Higher Education Personnel Board's intent that evaluations are not to be used for transfer, promotion or disciplinary actions.

WAC 251-20-030 Method of Evaluation. Purpose of Existing Rule: Provides for the method of performance evaluation. Summary of Proposed Change: Clarifies specific requirements and adds a requirement to provide employees with a copy of criteria used to evaluate them.

WAC 251-20-040 Employee Performance Evaluation—Procedure. Purpose of Existing Rule: Provides for an evaluation procedure.

Summary of Proposed Change: Adds a requirement that a copy of the evaluation form be provided to each employee evaluated.

WAC 251-20-050 Employee Performance Evaluation—Appeal. Purpose of Existing Rule: Provides for an employee appeal procedures. Summary of Proposed Change: Provides clarification of employee appeal rights.

WAC 251-20-060 Employee Performance Evaluation—Responsibility. Purpose of Existing Rule: Provides for performance evaluation responsibility. Summary of Proposed Change: Adds a responsibility that the personnel officer will ensure that each employee is evaluated annually.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-072 APPEALS FROM ELIGIBILITY DETERMINATIONS. An applicant whose application has been rejected (~~or who feels the examination or grade unfair, in error, or not applied uniformly, or whose name has been removed from the eligible list~~) or who is dissatisfied with the results of the institutional examination review per WAC 251-18-140 or the institutional eligibility review per WAC 251-18-200 may appeal such action in ((accord)) accordance with the provisions of WAC ~~((251-18-115))~~ 251-18-145.

#### AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-010 EXAMINATION—REQUIREMENT—DEFINITION. (1) Appointment to positions in the classified service shall be made according to merit and suitability ascertained for each class by an appropriate examination ~~((developed and approved by the director))~~. Examinations shall be developed ~~((utilizing the class specifications and a detailed job analysis, to the degree possible, in a manner which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the position))~~ and approved in accordance with standards and procedures established by the director.

(2) An examination is any formal, scored, quantified measure or assessment used as the basis for ~~((a personnel selection decision. It may include written, oral, physical or performance tests, evaluation of experience and training, or any combination of these. It may take into consideration such factors as education, experience, physical fitness, performance appraisal, and any other qualifications which in the judgment of the director properly enter into the determination of the relative fitness of applicants))~~ the certification of names for vacancies in accordance with RCW 28B.16.100(2) and WAC 251-18-240.

(3) ~~((Competitive))~~ Examinations are not required for the establishment of eligible lists in the noncompetitive service.

#### AMENDATORY SECTION (Amending Order 71, filed 2/27/79)

WAC 251-18-020 ~~((EXAMINATION))~~ RECRUITMENT NOTICE—PUBLICITY—DURATION. (1) The personnel officer is responsible for ~~((determining when to open an eligible list and conduct examinations. Each personnel officer shall develop and maintain on file a procedure by which employees who have indicated an interest in promotion through the established procedure are made aware of promotional opportunities within the organizational unit))~~ establishing and maintaining eligible lists.

(2) ~~((Public notice of examinations to establish eligible lists shall be made via recruitment bulletin for the duration of the announcement and such other publicity as the personnel officer deems warranted in the interest of attracting adequate numbers of qualified applicants. The minimum period for posting recruitment bulletins will be seven calendar days; for an open competitive posting the personnel officer may authorize a shorter minimum posting period. The personnel officer may extend the duration of a posting as required by giving public notice in the same manner as the original notice.))~~ Each personnel officer shall

develop and utilize a procedure to notify employees of promotional opportunities within their organizational unit.

(3) ~~((Examination notices are of two types:~~

~~(a) Those having definite duration; and~~

~~(b) Those having indefinite duration during which application may be made. Prior to closing a notice published for an indefinite period, public notice of at least three calendar days shall be given. Such notice may take either of the following forms:~~

~~(i) Public notice given in the same manner as the original notice; or~~

~~(ii) A statement on the bulletin board posting that when sufficient applications are received, the application period may be closed upon three days prior notice.)) Notice of examinations to establish eligible lists shall be made via public display of recruitment notices and such other publicity as the personnel officer deems warranted.~~

(4) Recruitment notices may be opened with or without specified closing dates:

(a) A recruitment notice with a specified closing date must allow for an application period of at least seven calendar days from the date of opening the notice, except the personnel officer may authorize a shorter application period for an open competitive or a noncompetitive recruitment notice.

(b) A recruitment notice without a specified closing date must state that the application period may be closed upon three calendar days prior notice. Public notice of at least three calendar days must be given prior to closing such a recruitment notice.

(5) The personnel officer may extend the application period for a recruitment notice as required by giving public notice in the same manner as the original notice.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-025 ((EXAMINATION)) RECRUITMENT NOTICE-EXCEPTION-TRAINING. Notwithstanding other provisions of these rules, employees meeting the conditions outlined in WAC 251-24-050(3), may be examined without ~~((posting an examination))~~ opening a recruitment notice.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-18-030 ((EXAMINATION)) RECRUITMENT NOTICE-CONTENT. (1) ~~((Bulletin board postings except open-continuous shall specify as a minimum the title and salary range of the class for which the eligible list is open, the nature of the work to be performed, the experience and training required, the time, place and manner of making application, the minimum qualifications established for admission to the examination, and the type of examination required for the class.)) Recruitment notices shall be written in accordance with standards and procedures established by the director.~~

~~(2) ((Bulletin board postings and examination announcements for open-continuous eligible lists shall specify the title and salary range of the class for which the eligible list is open, the manner of making application, and the location and procedure for obtaining information regarding minimum qualifications and examination requirements.)) Recruitment notices must specify when the personnel officer elects to:~~

~~(a) Establish a combined eligible list as provided in WAC 251-18-181 and 251-18-240(4).~~

~~(b) Limit the number of eligibles to be placed on a noncompetitive eligible list as provided in WAC 251-18-180(7)(b).~~

~~(c) Limit the number of applicants to be admitted to a phase of an examination as provided in WAC 251-18-060(3).~~

~~(d) Establish eligible lists from which selective certification may be made as provided in WAC 251-18-250 and 251-18-390.~~

~~((3) When the personnel officer elects to establish a combined eligible list as provided in WAC 251-18-181 and 251-18-240(4), to limit the number of eligibles to be placed on a noncompetitive eligible list, or to limit the number of applicants to be admitted to the entire examination as provided in WAC 251-18-060(3), such information shall be included in the bulletin board posting.))~~

AMENDATORY SECTION (Amending Order 61, filed 8/10/77, effective 10/1/77)

WAC 251-18-060 EXAMINATION-ELIGIBILITY. (1) Open-competitive examinations shall be open to all ~~((applicants, including probationary employees.))~~ persons who apply according to the provisions of these rules and meet the minimum qualifications for the class.

(2) Promotional examinations shall be limited to those current permanent employees of the classified service at the institution who apply according to the provisions of these rules and meet the minimum qualifications for the class. ~~((Promotional examinations may be opened on an organizational or institution wide basis, whichever the personnel officer determines to be in the best interest of the service.))~~ The personnel officer may open promotional examinations on either an organizational unit or institution-wide basis.

(3) ~~((When normal recruitment and examination of applicants is expected to result in an eligible list in excess of the institution's current needs, the personnel officer may declare in advance the number of persons to be:~~

~~(a) Placed on a noncompetitive eligible list; or~~

~~(b) Admitted to the entire examination. Following the screening of applications and/or the initial scoring of the examination for this purpose, the applicants receiving the highest scores will be admitted to the final phases of the examination.~~

Such limitations must be stated on the published bulletin board posting, and do not preclude the personnel officer from adding members of under-represented groups to the eligible list in accordance with the institution's corrective employment program as provided in WAC 251-18-390(2)(c), provided such persons meet the same criteria and achieve the same examination score required of the original applicant group.)) The personnel officer may limit the number of applicants to be admitted to any phase of an examination except the initial screening phase. Such limitations must be applied according to standards and procedures established by the director.

(4) The personnel officer may add members of under-utilized groups to an eligible list in accordance with the institution's corrective employment program as provided in WAC 251-18-390(2)(c), provided such persons meet the same criteria as the original applicant group.

AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-070 APPLICATION FORMS-ACCEPTANCE. Applications for employment shall be timely filed on forms prescribed by the personnel officer. ~~((Any question in any))~~ Application forms ~~((or examination))~~ shall be in compliance with applicable state and/or federal law.

AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-110 APPLICATION-DISQUALIFICATION-REJECTION. The personnel officer may reject an application or an applicant for good and sufficient reason. Whenever the personnel officer rejects an application ~~((or an applicant))~~ under the provisions of these rules, ~~((he/she))~~ the applicant shall ~~((furnish))~~ be given a written statement ~~((of))~~ including the specific reasons ~~((therefor and advise the applicant of the right of appeal per WAC 251-18-115, except in those instances in which he/she was present at the time of notification of rejection or disqualification))~~ for the rejection and notification of the right of review per WAC 251-18-140(1)(b).

NEW SECTION

WAC 251-18-112 EXAMINATION ADMINISTRATION. (1) Examinations shall be administered by the personnel officer in accordance with standards and procedures established by the director.

(2) Current employees shall suffer no loss in regular salary as a result of participating in formally conducted selection procedures for classified positions at their institution during their regularly scheduled working hours.

(3) The personnel officer shall be responsible for the security of examination materials at the institution. The director shall be notified if there is a compromise of any examination material.

AMENDATORY SECTION (Amending Order 70, filed 9/29/78, effective 11/1/78)

WAC 251-18-130 ((EXAMINATION—)) VETERANS PREFERENCE. ((The claiming of the following veterans preference provisions is the responsibility of the applicant and must be claimed within eight years of the date of release from active service:))

(1) ((The term "veteran" as used in these rules shall include any person who has served in any branch of the armed forces of the United States during World War I, World War II, the Korean Conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress. "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on May 7, 1975.)) Veterans who claim veteran's preference and meet the criteria specified in subsections (2) through (4) of this section shall have added to their final passing score:

(a) Ten percent of the final passing score for a veteran who is not receiving any veteran's retirement payments. This preference shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.

(b) Five percent of the final passing score for a veteran who is receiving any veteran's retirement payments. This percentage shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.

(c) Five percent of the final passing score for a veteran who, after having previously received employment with the state, is called or recalled to active military service for one or more years during any period of war. This preference shall be limited to the first promotional examination following return from military service.

(2) ((Only persons who received an honorable discharge, a physical discharge under honorable conditions, or who were released from active duty under honorable circumstances shall be eligible for veterans preference:)) Veteran's preference must be claimed within eight years of the date of release from active service.

(3) ((Only those veterans who receive a passing final score on an examination, prior to addition of veterans preference, shall be eligible to receive such preference:)) The term "veteran" as used in these rules shall include any person who has served in any branch of the armed forces of the United States during World War I, World War II, the Korean Conflict, the Viet Nam era and the period beginning on the date of any future declaration of war declared by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress. "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on May 7, 1975.

(4) ((In all competitive examinations, veterans shall be given a preference by adding to their achieved passing final scores, based upon a possible rating of one hundred points as perfect, a percentage of the achieved score under the following conditions:

(a) Ten percent of the passing final score to a veteran who is not receiving any veterans retirement payments. This preference shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.

(b) Five percent of the passing final score to a veteran who is receiving any veterans retirement payments. This percentage shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.

(c) Five percent of the passing final score to a veteran who, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war. This preference shall be limited to the first promotional examination following return from military service:)) Only persons who received an honorable discharge; a physical discharge under honorable conditions; or who were released from active duty under honorable circumstances shall be eligible for veteran's preference.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-18-140 EXAMINATION RESULTS—NOTIFICATION. (1) ((Within ten working days after scoring the examination, the personnel officer will provide each applicant competing in an examination with written notice of his/her score or failure to obtain a passing score and in addition his/her appeal rights per the provisions of WAC 251-18-115. Any applicant or authorized representative may request in writing that the personnel officer review the examination rating and/or score within fifteen calendar days after notification of

the score. If an error in scoring has been made, it will be corrected and the eligible's name will be placed at the appropriate place on the eligible list. A correction so made shall not invalidate any appointment previously made from the list:)) The personnel officer will:

(a) Provide each applicant with written notice of the final status in the examination process; and

(b) Inform each applicant that within fifteen calendar days of service of the notice, he/she may request a review of the action by the personnel officer.

(2) ((The personnel officer will notify the candidate of the date of placement on the eligible list and the date of expiration:)) Within fifteen calendar days after receiving a request for review as provided in subsection (1)(b), the personnel officer will provide the applicant with written notice of the results of the review and of appeal rights as provided in WAC 251-18-145.

NEW SECTION

WAC 251-18-145 EXAMINATION—ELIGIBILITY—RIGHT OF APPEAL. (1) An applicant shall have the right to appeal to the higher education personnel board as provided in subsection (2) of this section when:

(a) His/her application has been rejected.

(b) He/she is dissatisfied with the results of the institutional review process per WAC 251-18-140(1)(b).

(c) His/her name has been removed from an eligible list.

(2) Such appeal must be in writing and be filed in the office of the director within thirty calendar days after the service of the results of the institutional review. The director shall forward the written notice of appeal to the board which shall determine that one of the following actions be taken:

(a) The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction or dismissal as provided in WAC 251-12-080 through 251-12-260.

(b) The director may investigate the case and issue a determination:

(i) When the appellant is a classified employee of the institution, within thirty calendar days of the date of service of the determination to the appellant and the institution, either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may limit argument to the exceptions or may rehear the case in its entirety.

(ii) When the appellant is not a classified employee of the institution, the director's determination shall be final and binding.

(c) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-175 ELIGIBLE LIST—RELATED LIST. Should a vacancy occur in a class for which there is no existing eligible list, it shall be the responsibility of the personnel officer to recruit and develop an eligible list. If it is impractical ((to recruit in order)) to establish ((a list of)) an eligible((s)) list for a class, the personnel officer may:

(1) Substitute ((a related)) an eligible list for a related class if he/she deems the ((lists)) classes to be sufficiently similar((or)).

(2) Request the use of an eligible list established for the class at another institution.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-180 ELIGIBLE LISTS—DEFINITION—COMPOSITION. The various eligible lists are defined as follows:

(1) Institution-wide Layoff Lists shall be established by class and shall contain the names of all permanent and probationary employees laid off or scheduled for layoff in ((accord)) accordance with WAC 251-10-030 and 251-10-055, ranked in order of layoff seniority. ((Ranking of eligibles shall be in order of layoff seniority:))

(2) Organizational Unit Promotional Lists shall be established by class and shall contain the names of all permanent employees of the organizational unit for which the list is established, who have successfully completed the examination for the class, ranked in order of their final scores on the examination. ((Ranking of eligibles shall be in order of their final earned rating on the examination, plus any preference credits:))



(3) Institution-wide Promotional Lists shall be established by class and shall contain the names of all permanent employees who have successfully completed the examination for the class, ranked in order of their final ((earned rating)) scores on the examination ((plus any preference credits)).

(4) Special Employment Program Layoff Lists shall be established by class and shall contain the names of permanent employees laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ((Ranking of eligibles shall be)), ranked in order of layoff seniority.

(5) State-wide Layoff Lists shall be established by class and shall contain the names of permanent employees laid off or scheduled for layoff who have exercised their option per WAC 251-10-060 ((Ranking of eligibles shall be)), ranked in order of layoff seniority as provided in WAC 251-10-060(2).

(6) Open Competitive ((Noncompetitive)) Lists ((a) Open Competitive Lists)) shall be established by class and shall contain the names of all other candidates who have successfully completed the examination for the class, ranked in order of their final ((earned rating)) score on the examination ((plus any preference credits)).

((b)) (7) Noncompetitive Lists shall be established by class where the class has been previously approved by the director to be part of the noncompetitive service at a particular ((higher education)) institution.

((They)) (a) Noncompetitive lists shall contain the names of applicants who meet the minimum ((requirements)) qualifications for the class for which the list is established ((The eligibles shall be)), ranked by priority in time of filing application.

(b) The personnel officer may declare in advance the number of names to be placed on a noncompetitive list.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-18-181 ELIGIBLE LISTS—COMBINED. For positions in classes which meet the HEPB definitions of administrative, executive, or professional employees, the personnel officer may combine into a single list all the eligible lists provided in WAC 251-18-180, except the institution-wide layoff list. Such combined lists ((shall be established by class and)) shall contain the names of ((all)) candidates ((who have successfully completed the examination for the class. Ranking of eligibles shall be)) ranked in ((the)) order of their final ((earned rating)) passing scores on the examination ((as indicated below)), except that permanent employees shall receive a five percent preference.

((1) Permanent employees of the institution shall have added to their final passing score a five percent permanent employee preference bonus.

(2) All other candidates on the combined eligible list shall be placed on the list with their final passing score.)

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-185 ELIGIBLE LISTS—TIED SCORES—CERTIFICATION. ((When two or more candidates on the same eligible list have the same rating, their position on the list, for record keeping purposes, will be determined by lot.)) When ((in the process of certification,)) a tie score group is reached which ((if all eligibles with the same score were certified)) would result in a certification of more than the number of eligibles permitted by these rules, the ((official responsible for certification)) personnel officer may ((exercise either of the following options)):

(1) ((Complete the certification by certifying)) Certify the necessary number of eligibles according to their ((position)) rank on the list as drawn by lot ((for record keeping purposes, or)).

(2) ((Complete the certification by determining, on the basis of the description of the particular vacancy for which certification is being made, which eligible(s) from the tie score group will be referred. Such decision shall be based on the appropriateness of the eligible's experience and training to the particular job vacancy.)) Certify the required number of eligibles from the tie score group who are most qualified for the particular position. Such certification(s) shall be made following standards and procedures established by the director.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-190 ELIGIBLE LISTS—DURATION. (1) ((The term of eligibility for each name on an eligible list shall be one year from the date the name is placed on the eligible list except for institution-wide layoff list for which eligibility shall be two years. Prior to the expiration date of the eligible on all eligible lists except open competitive/noncompetitive and state-wide layoff lists, he/she shall be given the opportunity to extend eligibility for one additional year by written request to the personnel officer.)) The duration of eligibility on a list begins the date the name is placed on the list and ends as follows:

(a) After two years on an institution-wide layoff list;

(b) After one year on an organizational unit or institution-wide promotion list, special employment program list or state-wide layoff list; or

(c) After six months on an open competitive or noncompetitive list.

(2) ((The personnel officer may extend the duration of an entire eligible list for one additional year if it is determined to be in the best interest of the service.)) Prior to the original expiration date of a name on an eligible list, except state-wide layoff, open competitive and noncompetitive lists, the eligible shall be notified of the expiration and given the opportunity to extend eligibility for one additional year by written request to the personnel officer.

(3) The personnel officer ((shall cancel the entire eligible list when the class or examination has been changed to the degree that the list would be invalid. All affected eligibles shall be notified of the cancellation)) may extend an entire eligible list for the following periods:

(a) Six months for open competitive and noncompetitive lists.

(b) One year for all other lists.

(4) The personnel officer shall cancel the entire eligible list when the class or examination has been changed to the extent that the list would be invalid. All affected eligibles shall be notified of the cancellation.

AMENDATORY SECTION (Amending Order 71, filed 2/27/79)

WAC 251-18-200 ELIGIBLE LISTS—REMOVAL OF NAME—NOTIFICATION. (1) ((The name of an eligible may be removed from an eligible list by the personnel officer for good and sufficient reason. Whenever any person's name is removed from an eligible list he/she shall be notified of the specific reasons for such removal and advised of the right to request a review by the personnel officer per subsection (2) of this section, except in instances where the eligible)) The personnel officer may remove a name from an eligible list for good and sufficient reason. Notification of such removal is not required in instances where the person:

(a) Has requested removal from the list in writing ((:));

(b) Has failed to respond to a written inquiry within ten calendar days ((to a written inquiry)) or ((within three calendar days)) to a telegraphed inquiry ((from the personnel office)) within three calendar days relative to availability for ((appointment,)) employment.

(c) Has failed to notify the personnel office of a change(s) of address ((; or));

(d) Is an open competitive or noncompetitive candidate and has been removed from an eligible list due to expiration of eligibility.

(2) ((Such person may, within five working days of notification, make a written request to the personnel officer for restoration to such eligible list for the duration of eligibility. The personnel officer, after full consideration of the request, may restore the name to the eligible list, or refuse to do so. The person shall be notified of the personnel officer's action and of the right of appeal per WAC 251-18-115.)) In all other cases, the affected person shall be notified of the specific reasons for removal from an eligible list and advised of the right to request a review by the personnel officer per subsection (3) of this section.

(3) A person who's name has been removed from an eligible list under subsection (2) of this section may request in writing within five working days of notification that the personnel officer restore the name to the list for the duration of eligibility. After consideration, the person shall be notified of the personnel officer's decision to:

(a) Restore the name to the eligible list; or

(b) Refuse to restore the name to the eligible list. In this case, the person shall also be advised of the right of appeal per WAC 251-18-145.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 251-18-050 EXAMINATION ADMINISTRATION.
- (2) WAC 251-18-080 APPLICATION—ACCEPTANCE.
- (3) WAC 251-18-100 APPLICATION—ADMISSION TO EXAMINATION.
- (4) WAC 251-18-115 EXAMINATION—ELIGIBILITY—RIGHT OF APPEAL OR REVIEW.
- (5) WAC 251-18-120 APPLICANTS—ANONYMITY.
- (6) WAC 251-18-150 REEXAMINATION—PROCEDURE.
- (7) WAC 251-18-155 EXAMINATION—RECORDS REQUIREMENT.
- (8) WAC 251-18-160 EXAMINATION—MEDICAL.
- (9) WAC 251-18-170 ELIGIBLE LISTS—ESTABLISHMENT.

**AMENDATORY SECTION** (Amending Order 68, filed 5/25/78, effective 7/1/78)

**WAC 251-20-010** EMPLOYEE PERFORMANCE EVALUATION—AUTHORITY, PURPOSE. (1) The rules contained in this chapter follow from the authority of the higher education personnel law, RCW 28B.16.105, which provides in part, ". . . the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher learning for the appraisal of employee job performance at least annually . . ."

(2) It is the board's intent that employing officials or designated supervisory personnel will conduct annual performance evaluations to record and inform employees regarding how well they have contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. It is not intended that evaluation ratings be used for purposes of transfer, promotion or disciplinary actions.

**AMENDATORY SECTION** (Amending Order 68, filed 5/25/78, effective 7/1/78)

**WAC 251-20-030** METHOD OF EVALUATION. (1) Employee performance is to be rated for each "performance factor" on the approved form on the basis of criteria determined by the supervisor. To assist in the rating the employee's supervisor will:

(a) Provide the employee with a copy of the specification for the class; and

(b) Identify thereon, ~~((or on the approved form))~~ or ~~((attached))~~ attach thereto, ~~((those portions of the specification which relate to the position held))~~ the employee's specific position duties; and

(c) ~~((Identify on the approved form or attached thereto))~~ Provide the employee with a copy of criteria ~~((to be evaluated))~~ which set forth the supervisor's expectations with regard to factors of quality, quantity, job knowledge and working relationships as they relate to the employee's position.

Criteria ~~((recorded as part of the performance evaluation process))~~ which set forth the supervisor's expectations shall remain in effect for future evaluations unless action is taken to modify or replace them and the employee has been provided with a copy of them.

(2) Each "performance factor" will be rated and recorded ~~((according to a scale which differentiates varied levels of employee performance))~~ in one of the rating categories on the approved evaluation form.

**AMENDATORY SECTION** (Amending Order 68, filed 5/25/78, effective 7/1/78)

**WAC 251-20-040** EMPLOYEE PERFORMANCE EVALUATION—PROCEDURE. (1) Each employee shall be evaluated at least annually by his/her supervisor. The evaluation process shall use the form(s) as provided in WAC 251-20-020 and shall be in accord with the provisions of this chapter.

(2) Prior to review by the second level of supervision, the employee shall be provided an opportunity to comment on the evaluation and to discuss his/her comments and the final evaluation with the supervisor.

(3) The evaluation shall be reviewed by the employee's second level of supervision (or management designee as determined by the institution).

(4) A copy of the signed annual evaluation form will be provided to the employee.

(5) Performance evaluations shall be retained in the employee's file for no more than three years.

**AMENDATORY SECTION** (Amending Order 68, filed 5/25/78, effective 7/1/78)

**WAC 251-20-050** EMPLOYEE PERFORMANCE EVALUATION—~~((GENERAL PROVISIONS))~~ APPEAL. An appeal against action under this chapter shall be restricted to allegations of irregularities in the use of the approved form and/or the procedures outlined in WAC 251-20-030 and 251-20-040.

**AMENDATORY SECTION** (Amending Order 68, filed 5/25/78, effective 7/1/78)

**WAC 251-20-060** EMPLOYEE PERFORMANCE EVALUATION—RESPONSIBILITY. The personnel officer shall be responsible for establishing and administering the employee performance evaluation system for the institution and for ensuring that each employee is evaluated annually.

**WSR 81-09-024****PROPOSED RULES****DEPARTMENT OF NATURAL RESOURCES**

(Board of Natural Resources)

[Filed April 13, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Natural Resources, intends to adopt, amend, or repeal rules concerning the disposal of deposited dredge spoils from portions of the Toutle and Cowlitz Rivers without charge;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, June 2, 1981, in the Office of the Commissioner of Public Lands, Public Lands Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 43.30.150(6).

This notice is connected to and continues the matter noticed in Notice No. WSR 81-04-069 filed with the code reviser's office on February 4, 1981.

Dated: April 7, 1981

By: Brian J. Boyle

Commissioner of Public Lands  
Secretary, Board of Natural Resources**WSR 81-09-025****EMERGENCY RULES****DEPARTMENT OF GAME**

(Game Commission)

[Order 160—Filed April 13, 1981]

Be it resolved by the Game Commission, State of Washington, acting at Olympia, Washington that it does promulgate and adopt the annexed rule relating to WAC 232-28-803 1981 Mountain Goat, Sheep and Moose Hunting Seasons.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is seasons and bag limits have been established in the manner outlined in

the attached 1980 Mountain Goat, Sheep and Moose Hunting Seasons pamphlet for the 1981 Mountain Goat, Sheep and Moose Hunting Seasons. Upon filing Notice No. WSR 81-05-031, the proposed changes for the 1981 Mountain Goat, Sheep and Moose Hunting Seasons were not clearly defined, thus WAC 232-28-803 was refiled for adoption on Notice No. WSR 81-08-064 on April 1, 1981. Upon filing Notice No. WSR 81-08-064, the general public has an opportunity to present views on the proposed action. To maintain continuity and public awareness of the rules and regulations relating to the 1981 Mountain Goat, Sheep and Moose Hunting Seasons, WAC 232-28-803 shall be adopted as an emergency rule. 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 Game Commission as authorized in RCW 77.12.040.

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

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 6, 1981.

By Frank R. Lockard  
Director

#### NEW SECTION

#### WAC 232-28-803 1981 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASONS.

**Reviser's Note:** The text comprising the 1981 Mountain Goat, Sheep and Moose Hunting Seasons adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

#### REPEALER

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

#### WAC 232-28-802 1980 MOUNTAIN GOAT, SHEEP AND MOOSE HUNTING SEASONS

WSR 81-09-026  
EMERGENCY RULES  
DEPARTMENT OF GAME  
(Game Commission)  
[Order 161—Filed April 13, 1981]

Be it resolved by the Game Commission, State of Washington, acting at Olympia, Washington that it does

promulgate and adopt the annexed rule relating to WAC 232-21-101 Gold and Fish.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is standards for issuance of Hydraulic Permit Applications for mineral prospecting were established in the manner outlined in WAC 232-21-101. Upon filing Notice No. WSR 81-05-031, the proposed changes for establishing such standards were not clearly defined, thus WAC 232-21-101 was refiled for adoption on Notice No. WSR 81-08-064 on April 1, 1981. Upon filing Notice No. WSR 81-08-064, the general public has an opportunity to present views on the proposed action. To maintain continuity and public awareness of the rules and regulations relating to mineral prospecting, WAC 232-21-101 shall be adopted as an emergency rule. 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 Game Commission as authorized in RCW 77.12.040.

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

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 6, 1981.

By Frank R. Lockard  
Director

#### NEW SECTION

#### WAC 232-21-101 GOLD AND FISH.

**Reviser's Note:** The text comprising WAC 232-21-101 Gold and Fish, adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the Department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

#### REPEALER

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

#### WAC 232-21-100 GOLD PROSPECTING

**WSR 81-09-027**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 162—Filed April 13, 1981]

Be it resolved by the Game Commission, State of Washington, acting at Olympia, Washington that it does promulgate and adopt the annexed rule relating to WAC 232-12-360 Steelhead Fishing Permit Punch Card.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is WAC 232-12-360 has been amended to allow the releasing of steelhead in waters designated as "Selective Fishery" without the angler having to punch his steelhead permit punch card. This rule is necessary for adoption immediately to correspond with the areas designated as "Selective Fishery" in the 1981 Game Fish Seasons and Catch Limits pamphlet. 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 Game Commission as authorized in RCW 77.12.040.

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

This order, after being first recorded in the Order Register of this governing body, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED April 6, 1981.

By Frank R. Lockard  
 Director

**AMENDATORY SECTION** (Amending order #75, filed 10-17-75)

**WAC 232-12-360 STEELHEAD FISHING PERMIT PUNCH CARD** (1) *It shall be unlawful for any person, except a treaty Indian possessing a valid federal or treaty fishing identification card, to fish for steelhead trout ((over twenty inches in length)) without first having in his possession a valid steelhead fishing permit.*

(2) *Steelhead fishing permits shall bear a number, which number shall be entered by the dealer on the fishing license of the person holding the steelhead fishing permit.*

(3) *The number of the applicant's fishing license shall be copied by the dealer on the steelhead fishing permit and on the stub of the permit which stub shall be retained by the license dealer. The word "juvenile" shall be entered in lieu of the license number on cards issued to juveniles.*

(4) *Immediately upon taking a steelhead trout over twenty inches in length, the holder of a steelhead fishing permit shall completely remove from the card one punch*

*and shall enter on the corresponding space the date of the catch and the name of the water in which the fish was caught((-)) except in waters designated as "Selective Fishery" by the Department of Game, the steelhead punch card need not be punched if released.*

(5) *Every person possessing a steelhead fishing permit shall, by June 1, following the year of its issuance, return such card to any authorized license dealer or shall mail such permit card to the Department of Game.*

**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 81-09-028**  
**ADOPTED RULES**  
**FORT STEILACOOM**  
**COMMUNITY COLLEGE**  
 [Order 44—Filed April 13, 1981]

I, Robert H. Stauffer, President of the Fort Steilacoom Community College, do promulgate and adopt at Fort Steilacoom Community College, P 12, Board Room, 9401 Farwest Drive S.W., Tacoma, WA 98498, the annexed rules relating to Community College District No. 11, Fort Steilacoom Community College, Policy on Equal Opportunity and Affirmative Action Program, chapter 132K-28 WAC.

This action is taken pursuant to Notice No. WSR 81-06-029 filed with the code reviser on February 25, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50.140 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 7, 1981.

By Dr. Robert H. Stauffer  
 President

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 132K-28-010. POLICY**

**WSR 81-09-029**  
**PROPOSED RULES**  
**COMMUNITY COLLEGE DISTRICT 12**  
 [Filed April 13, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.50.140, that the

Community College District 12 intends to adopt, amend, or repeal rules concerning tenure review, amending chapter 132L-128 WAC;

that such institution will at 7:30 p.m., Tuesday, June 9, 1981, in the Garrett Heyns Education Center, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 7:30 p.m., Tuesday, June 9, 1981, in the Garrett Heyns Education Center.

The authority under which these rules are proposed is chapters 28B.10 and 28B.50 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to June 9, 1981, and/or orally at 7:30 p.m., Tuesday, June 9, 1981, Garrett Heyns Education Center.

Dated: April 7, 1981

By: Nels W. Hanson  
District President

### STATEMENT OF PURPOSE

Title: Chapter 132L-128 WAC Tenure Review.

Description of Purpose: To amend district tenure review rules to correspond to contract amendment negotiated between the district and the faculty bargaining unit.

Statutory Authority: Chapter 28B.50 RCW.

Summary of Rule: Minor housekeeping changes.

Reasons for Supporting Proposed Action: The negotiated agreement has been amended by board action and the WAC rules must reflect these amendments.

Agency Personnel Responsible for Drafting: Hobart G. Jenkins, Assistant to the District President, Community College District 12, P. O. Box 639, Centralia, WA 98531. Phone 736-9391; Implementation and Enforcement: Dr. Nels W. Hanson, District President (Same address and phone as above).

Organization Proposing Rule: Community College District 12, a public agency.

Agency Comments: Rule is not required as a result of federal law or court action.

professional competence to perform effectively in his appointment. A probationary review committee's evaluation procedures should include the following:

(a) Classroom observations by members of the probationary review committee;

(b) Student evaluation administered by the director of counseling;

(c) Assessment of the probationer's participation in professional activities both on and off campus;

(d) Self-evaluation; and

(e) The probationer shall have the right to determine one of the above or an additional method or procedure of evaluation.

(4) Each probationary 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 probationer, the president, and the appointing authority on or before the designated times during each regular college year such appointee is on probationary status; or, as is also required, within fifteen days of the president's written request therefore:

(a) A written progress report after fall quarter outlining the probationer's strengths and weaknesses. This report should also include a list of steps that can be taken by the probationer to improve his deficiencies.

(b) A written evaluation of each full-time probationer's performance including the degree to which the probationer has overcome stated deficiencies on or before February 15. The review committee shall obtain the probationer's written acknowledgement of receipt of the written evaluation. The probationer shall have the right to answer the evaluation report in writing and attach his answer to the report.

(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 probationary review committee, provided, that during such probationer's third regular college year of appointment, the probationary review committee shall, prior to February 15 of such regular college year, make a written recommendation as to the award or nonaward of tenure.

Failure of any review committee to make such written recommendation by February 15 of a probationer's third consecutive regular college year shall be deemed a recommendation neither for nor against the awarding of tenure and the appointing authority may award or deny tenure based upon this type of recommendation by the committee.

(5) The final decision to award or withhold tenure shall rest with the appointing authority after it has given reasonable consideration to the recommendations of the probationary review committee.

(6) All written evaluations and recommendations prepared and submitted by a probationary review committee pursuant to these rules shall include the committee's findings and supportive data and analysis.

(7) On or before the last day of the winter quarter of a probationer's third consecutive regular college year of appointment, the appointing authority shall notify him of the decision to either grant him tenure or not renew his appointment for the ensuing year.

(8) This appointment to tenure is effective until the faculty member is either dismissed for "sufficient cause", (as defined in WAC 132L-128-040), or until the age of ((65)) 70 years whereupon contract renewal is at the annual option of the appointing authority.

### AMENDATORY SECTION (Amending Order 76-65, filed 3/30/77)

WAC 132L-128-030 DUTIES AND RESPONSIBILITIES OF PROBATIONARY REVIEW COMMITTEES. (1) The general duty and responsibility of the probationary review committee shall be to assess and advise the probationer of his professional strengths and weaknesses and to make reasonable efforts to encourage and aid him to overcome his deficiencies.

(2) The probationary review committee shall meet at the call of the chairman, when in his discretion the need for such a meeting arises, provided that the committee shall meet with the probationer at least twice during each of the first two quarters of employment and once during all other quarters and, additionally within 10 days of the receipt of a written request setting forth good cause to meet as directed to the chairman by the probationer.

(3) The first order of business for each probationary 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

### AMENDATORY SECTION (Amending Order 76-65, filed 3/30/77)

WAC 132L-128-060 PROCEDURE RELATING TO THE DISMISSAL OF A TENURED OR PROBATIONARY FACULTY MEMBER. When reason arises to question the fitness of a tenured faculty member or of a probationary faculty member whose appointment may be terminated prior to the terms of the written contract, then the appropriate administrative officer shall discuss the matter with him in personal conference. 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. If the president deems that the case warrants dismissal, the dismissal process shall be governed by the following procedure:

(1) It shall be the responsibility of the president, or his designee, to formulate a statement with reasonable particularity of the grounds proposed for the dismissal.

(2) Formal proceedings shall commence by a letter addressed to the faculty member from the president. The letter shall include (a) a copy of the statement of particulars proposed for dismissal, and (b) the fact that the case will be referred to the review committee as required by law.

(3) The president shall refer the case to the dismissal review committee, in writing, with a request that the committee review the matter and make recommendations to the Board of Trustees as required by law. A copy of this communication, with any accompanying documents, shall be sent to the members of the Board of Trustees and to the faculty member under review for their information.

(4) Except under emergency conditions, as determined by the president, the dismissal proceedings described above shall be instituted prior to February 15.

(5) Within five calendar days after the establishment of the dismissal review committee, the committee shall set a date for a review hearing, and inform in writing, the faculty member under review and the president of the date, time and place of the hearing.

(6) The date set for the dismissal review committee hearing shall provide sufficient time, but not to exceed twenty calendar days, for the faculty member whose case is being reviewed to prepare his defense against the charges filed against him.

(7) The dismissal review committee hearing shall:

(a) Include testimony from all interested parties including, but not limited to, other faculty members and students.

(b) The faculty member whose case is being reviewed shall be afforded the right of cross-examination and the opportunity to defend himself.

(8) The review committee shall complete the hearing and prepare recommendations within ten calendar days on the action they propose to be taken and submit such recommendations to the appointing authority: Except, the appointing authority may grant an extension of time should evidence be presented to it from which the Board of Trustees determines that an extension of time is justified. These recommendations, in writing, shall be accompanied by a copy of the written record of proceedings described above.

(9) The appointing authority shall be the final authority in cases of faculty dismissal. Before taking final action, the appointing authority shall give reasonable consideration to the recommendations of the review committee. In addition, the Board of Trustees may give consideration to other evidence and recommendations which they deem appropriate or necessary.

(10) As soon as possible thereafter, the appointing authority shall inform the faculty member by letter of their decision regarding the case. In the letter the appointing authority shall state the basis for their decision.

(11) A dismissed tenured faculty member or a probationary faculty member whose appointment is terminated prior to the terms of the written contract shall have a right to appeal the final decision of the appointing authority in accordance with RCW 28B.19.150 as now or hereafter amended.

(12) Suspension of the faculty member whose case is being reviewed during proceedings involving him may be imposed by the president if immediate harm to the faculty member or to others is threatened by his continuance. Salary payments during the period of suspension may be withheld. If the appointing authority retains the faculty member in his previous employment status, any withheld salary payments shall be paid to the faculty member.

#### AMENDATORY SECTION (Amending Order 76-65, filed 3/30/77)

WAC 132L-128-070 DESIGNATION OF ADMINISTRATIVE APPOINTMENTS. A tenured faculty member, upon appointment to an administrative appointment, except that of president, shall be allowed to retain his tenure as a faculty member. However, persons assigned administrative responsibility and authority will occupy positions for which the privileges of tenure cannot be extended. The recognized administrative positions which are specifically exempt from provisions of tenure as described herein include the following full-time and part-time positions: The president, assistant to the president, dean of instruction, dean of students, dean of administration, director of continuing and occupational education, head librarian, director of student activities, director of financial aids, division chairmen, registrar, and other directors, coaches, or supervisors for which extra pay and/or released time is given for activities other than the regular duties for which the employee's certification and basic contract indicate, and other administrators specified in Board Resolution No. ~~((73-58))~~ 76-62 dated ((October 11, 1973)) December 9, 1976 and Board Resolution No. 80-12A dated March 13, 1980.

#### WSR 81-09-030

#### ADOPTED RULES DEPARTMENT OF LICENSING [Order PL 375—Filed April 13, 1981]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to temporary or itinerant activities prohibited, amending WAC 308-50-080, and medical certification, repealing WAC 308-50-055.

This action is taken pursuant to Notice No. WSR 81-05-026 filed with the code reviser on February 17, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.35.140 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 27, 1981.

By John Gonzalez  
Director

#### AMENDATORY SECTION (Amending Order PL 159, filed 2/8/74)

WAC 308-50-080 TEMPORARY OR ITINERANT ACTIVITIES PROHIBITED. ~~((+))~~ Except as otherwise provided in these rules and regulations, it is prohibited to test the hearing of the public or to fit and dispense hearing aids at temporary or itinerant locations in this state unless WAC 308-50-110 and 308-50-130 are followed.

~~((2) The department shall be notified when and where such locations will be prior to use.)~~

#### REPEALER

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

WAC 308-50-055 MEDICAL CERTIFICATION.

#### WSR 81-09-031

#### ADOPTED RULES DEPARTMENT OF LICENSING [Order PL 376—Filed April 13, 1981]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of WAC 308-24-382 Examination for licensing and 308-24-384 Scope of examinations and repealing WAC 308-24-380 Examination for licensing.

This action is taken pursuant to Notice No. WSR 81-05-035 filed with the code reviser on February 18, 1981.

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 April 6, 1981.

By John Gonzalez  
Director

#### NEW SECTION

**WAC 308-24-382 EXAMINATION FOR LICENSING.** (1) All applicants must at their scheduled time for examination, present the admittance card or letter previously sent to them by the Division of Professional Licensing. Applicants must appear for the practical portion of the examination in washable, professional uniforms of one of the following types:

- (a) A white uniform dress, or
- (b) A white tunic or jacket and a white or dark colored skirt, or
- (c) A white tunic or jacket and white or dark colored slacks or pants.

(2) Applicants for cosmetology operator or manicurist examination, who submitted their application prior to the completion of the minimum hours of instruction, must at the time of examination present written certification that they have completed the minimum curriculum and training as prescribed by chapter 18.18 RCW and chapter 308-24 WAC.

(3) It is the applicant's responsibility to furnish or procure the individual supplies and equipment required for the practical examination. Also, it is the sole responsibility of the cosmetology operator or manicurist applicant to provide a suitable model upon which the applicant will be required to demonstrate certain skills or techniques during the practical examination phase. These models must meet the following requirements:

- (a) Be at least 15 years of age;
- (b) The model's hair must be clean and of sufficient length that a minimum of one inch may be removed by cutting and with sufficient hair remaining so that examinee may perform the services or functions as set forth in WAC 308-24-380(5)(a).

(c) The model's fingernails must have not less than one-eighth inch of free edge. Free edge is defined as the end portion of the nail plate extending over the fingertip.

(d) The model must be free from any infectious or contagious disease of the head, scalp, hair, face, neck, hands or nails such as acne, tinea or herpes simplex. The examining committee reserves the right to disqualify any model who, in their opinion, may be a carrier of an infectious or contagious disease.

NOTE: Applicants are prohibited from using any person who is: A registered cosmetology or manicuring

student; licensed in any branch of cosmetology; or a cosmetology school owner. Additionally, because of limitation of physical space or facilities, an applicant may only use one individual to serve as the model for all phases of the practical examination for which the applicant is scheduled.

#### NEW SECTION

**WAC 308-24-384 SCOPE OF EXAMINATIONS.** (1) Written examinations:

(a) Cosmetology operator — The written portion of this examination will include questions relating to the following branches of hairdressing and cosmetology:

- (i) Hairstyling and shampooing;
- (ii) Hair coloring and bleaching;
- (iii) Permanent waving and chemical hair relaxing;
- (iv) Hair shaping;
- (v) Scalp and hair treatments;
- (vi) Manicuring;
- (vii) Facials, makeup and theory of massage;
- (viii) Anatomy and physiology;
- (ix) Hygiene, sanitation and sterilization;
- (x) Salon management, state cosmetology laws and regulations, professional ethics and other practices of cosmetology.

(b) Manicurist — The written portion of this examination will include questions relating to the following branches of manicuring:

- (i) Manicuring as defined in RCW 18.18.010(5);
- (ii) Hygiene, sanitation and sterilization;
- (iii) Anatomy and physiology;
- (iv) Salon management, state cosmetology law and regulations, ethics and other practices of manicuring.

(c) Cosmetology instructor operator — The written portion of this examination will include questions relating to educational psychology, instructional planning, training aids, testing and student evaluation.

(2) Practical examinations:

(a) Cosmetology operator — The practical portion of this examination may include an actual demonstration of or in the following functions or branches:

- (i) Facials;
- (ii) Scalp treatments;
- (iii) Haircuts (razor, scissor dry or scissor wet);
- (iv) Shampooing;
- (v) Hair coloring and bleaching;
- (vi) Fingerwaves;
- (vii) Permanent waving;
- (viii) Chemical straightening;
- (ix) Thermal curling or waving;
- (x) Hairstyling;
- (xi) Manicuring.

(b) Manicurist — The practical portion of this examination may include an actual demonstration of or in the following functions or branches:

- (i) Manicuring;
- (ii) Pedicuring;
- (iii) Facial treatments including makeup;
- (iv) Arches/Lash/Brow treatments.

(c) Cosmetology instructor operator — The practical portion of this examination will be graded based upon



applicant's demonstration of teaching skills and the lesson plans submitted as directed by the examining committee.

(3) The examination shall consist of written and oral questions and answers and practical tests. Passing grades shall be based on the standard of one hundred percent. An applicant who receives a passing grade of not less than seventy-five percent in all branches, shall be entitled to a license. Those applicants who do not obtain a score of seventy-five percent in all branches of the examination will fail the examination.

(4) Any applicant for cosmetology or manicuring license having failed the examination may apply for reexamination at the next scheduled examination upon payment of reexamination fee. Such applicants will be reexamined in those branches failed. However, if the applicant again fails to successfully pass the examination, he or she may be required to return to an approved cosmetology school for additional instruction, as determined by the committee, before he may be reexamined in those branches. Any applicant who fails to obtain the additional training to be reexamined and be licensed within three years following original examination date, shall be required to take the entire licensing examination.

(5) The examining committee recognizes that there are many textbooks offering instruction in the theory and practice of cosmetology and does not intend to endorse any one textbook or to limit the textbooks any licensed school may use to instruct its students. Therefore, in the event a dispute arises over the answer to the test question, the committee will rely on the majority of information found in the Standard Textbook of Cosmetology, Milady Publishing Corp., 1981 Edition; West's Textbook of Cosmetology, West Publishing Co., 1981 Edition; or the Professional Cosmetologist, West Publishing Co., 1979 Edition, as the authority in determining which answers may be credited as correct or incorrect.

**REPEALER**

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

WAC 308-24-380 EXAMINATION FOR LICENSING.

**WSR 81-09-032  
EMERGENCY RULES  
COUNCIL FOR**

**POSTSECONDARY EDUCATION**

[Order 1-81, Resolution 80-4—Filed April 14, 1981]

Be it resolved by the Council for Postsecondary Education, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the Displaced Homemaker Program, chapter 250-44 WAC.

We, the Council for Postsecondary Education, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on

the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is legislation to authorize continuation of the Displaced Homemaker Program is currently being considered by the legislature. These rules are promulgated for emergency adoption as a contingency measure, so that the council may begin the contract award process immediately upon passage of reauthorizing legislation and so reduce, to the greatest extent possible, a likely hiatus in the services of the program.

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

This rule is promulgated under the general rule-making authority of the Council for Postsecondary Education as authorized in RCW 28B.10.806.

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

APPROVED AND ADOPTED April 14, 1981.

By Chalmers Gail Norris  
Executive Coordinator

*Chapter 250-44*

**REGULATIONS FOR THE ADMINISTRATION  
OF THE DISPLACED HOMEMAKER (~~PHLOF~~  
PROJECT)) PROGRAM**

- 250-44-010 Purpose
- 250-44-020 ((Project Administration:))  
Administration.
- 250-44-030 Advisory Committee.
- 250-44-040 Definitions.
- 250-44-050 Utilization of available contract funds.
- 250-44-060 Eligibility to apply for contracts.
- 250-44-070 Standards to be met by applicants.
- 250-44-080 Eligible expenditures and matching requirements.
- 250-44-090 Required assurances.
- 250-44-100 Accounting, reporting, and records retention requirements.
- 250-44-110 Length of contract periods.
- 250-44-120 Payments under approved contracts.
- 250-44-130 Calendar and closing dates for letters of intent, applications and awards.
- 250-44-140 Form and contents of applications.
- 250-44-150 Criteria for selection of contracts to be awarded.
- 250-44-160 Procedure for selection of contracts to be awarded.
- 250-44-170 Incorporation of applications in contracts.
- 250-44-180 Amendment of contracts.
- 250-44-190 Withholding of contract payments.
- 250-44-200 Program audits.
- 250-44-210 Evaluation reports.

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-010 **PURPOSE.** The Displaced Homemaker Act (~~(Chapter 73, Laws of 1979)~~) RCW 28B.04 (~~(established a two-year pilot project)~~) establishes guidelines under which the Council for Postsecondary Education shall contract to establish both multipurpose service centers and programs of service to provide necessary training opportunities, counseling and services for displaced homemakers so that they may enjoy the independence and economic security vital to a productive life. This chapter is promulgated by the council to establish necessary regulations for the operation of the (~~pilot project~~) Displaced Homemaker Program.

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-020 (~~(PROJECT)~~) **ADMINISTRATION.** Responsibility for all aspects of administration of the (~~pilot project~~) Displaced Homemaker Program, subject to these regulations, shall be vested in the executive coordinator of the council. The executive coordinator shall provide progress reports to the council and to the Governor and the appropriate committees of the legislature.

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-030 **ADVISORY COMMITTEE.**  
(1) The executive coordinator shall establish an advisory committee, to be known as the displaced homemaker program advisory committee (~~(to serve for the duration of the pilot project)~~). Committee members shall be appointed for two-year terms.

(2) The advisory committee shall be advisory to the executive coordinator and staff of the council, and is intended to provide an effective and efficient means for the consultation required by sections 4 and 8 of the act.

(3) Members of the advisory committee shall include one person from each of the agencies listed in section 8 of the act, plus such other persons as the executive coordinator deems necessary to provide adequate consultation and geographic and general public representation but total advisory committee membership shall not exceed 22 persons. At least one member of the advisory committee shall either be or recently have been a displaced homemaker.

(4) Functions of the advisory committee shall be:

(a) To provide advice on all aspects of administration of the (~~pilot project~~) Displaced Homemaker Program,

(b) To assist in coordination of activities under the act with related (~~program~~) activities of other state and federal agencies, with particular emphasis on facilitation of coordinated funding.

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 7/79, filed 8/17/79)

WAC 250-44-040 **DEFINITIONS.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Act" means the Displaced Homemaker Act, (~~Senate Bill No. 2406 (chapter 73, Laws of 1979)~~) RCW 28B.04.

(2) "Advisory committee" means the advisory committee established pursuant to WAC 250-44-~~(040)~~ 030.

(3) "Appropriate job opportunities" means opportunities to be gainfully employed, as defined in subsection (9) of this section, in jobs which build upon all relevant skills and potential skills of the individual displaced homemaker, including opportunities in jobs which in the past may not generally have been considered traditional for women.

(4) "Center" means a multipurpose service center as defined in subsection (10) of this section.

(5) "Council" means the Council for Postsecondary Education.

(6) "Displaced Homemaker" means an individual who:

(a) Has worked in the home for ten or more years providing unsalaried household services for family members on a full-time basis, and

(b) Is not gainfully employed;

(c) Needs assistance in securing employment, and

(d) Meets one of the following criteria;

(i) Has been dependent on the income of another family member but is no longer supported by that income, or

(ii) Has been dependent on federal assistance but is no longer eligible for that assistance, or

(iii) Is supported as the parent of minor children by public assistance or spousal support, but whose youngest child is within two years of reaching majority.

(7) "Executive coordinator" means the executive coordinator of the council.

(8) "Executive officer" of the sponsoring organization means the chief executive or senior officer of the organization.

(9) "Gainfully employed" means employed for salary or wages on a continuing basis and earning at least (~~(\$7,800)~~) \$9,000 on an annual basis (~~(\$650)~~) \$750 monthly or (~~(\$150)~~) \$174 weekly.

(10) "Multipurpose service center" means a center contracted for under the act, which either provides directly, or provides information about and referral to, each type of program of service as defined in subsection (14) of this section.

(11) "Objective" means a purpose of a program of service which can be quantified and for which objective measurements of performance can be established.

(12) (~~(Pilot project)~~) Displaced Homemaker Program means the (~~(program of)~~) activities associated with contracts for multipurpose service centers and programs of service for displaced homemakers authorized by the act.

(13) "Program" means a program of service as defined in subsection (14) of this section.

(14) "Program of service" means one of the specific services listed in subdivisions (a) and (g) of this subsection, and meeting the criteria set forth in the subdivision.

(a) Job counseling services, which shall:

(i) Be specifically designed for displaced homemakers;

(ii) Counsel displaced homemakers with respect to appropriate job opportunities (as defined in subsection (3) of this section); and

(iii) Take into account and build upon the skills and experience of a homemaker and emphasize job readiness as well as skill development.

(b) Job training and job placement services, which shall:

(i) Emphasize short-term training programs and programs which expand upon homemaking skills and volunteer experience and which prepare the displaced homemaker to be gainfully employed as defined in subsection (9) of this section;

(ii) Develop, through cooperation with state and local government agencies and private employers, model training and placement programs for jobs in the public and private sectors;

(iii) Assist displaced homemakers in gaining admission to existing public and private job training programs and opportunities, including vocational education and apprenticeship training programs; and

(iv) Assist in identifying community needs and creating new jobs in the public and private sectors.

(c) Health counseling services, including referral to existing health programs, which shall:

(i) Include general principles of preventative health care;

(ii) Include health care consumer education, particularly in the selection of physicians and health care services, including, but not limited to, health maintenance organizations and health insurance;

(iii) Include family health care and nutrition;

(iv) Include alcohol and drug abuse; and

(v) Include other related health care matters as appropriate.

(d) Financial management services, which shall:

(i) Provide information and assistance with respect to insurance, taxes, estate and probate problems, mortgages, loans and other related financial matters; and

(ii) Include referral, wherever feasible and appropriate, to public legal assistance programs staffed by attorneys.

(e) Educational services, which shall:

(i) Include outreach and information about courses offering credit through secondary or postsecondary education programs, and other re-entry programs, including bilingual programming where appropriate; and

(ii) Include information about such other programs as the council may determine to be of interest and benefit to displaced homemakers, and for which appropriate informational materials have been provided by the council.

(f) Legal counseling and referral services, which shall:

(i) Be limited to matters directly related to problems of displaced homemakers;

(ii) Be supplemental to financial management services as defined in subdivision (d) of this subsection; and

(iii) Emphasize referral, wherever feasible and appropriate, to public legal assistance programs staffed by attorneys.

(g) General outreach and information services with respect to federal and state employment, education, health, public assistance, and unemployment assistance programs which the council may determine to be of interest and benefit to displaced homemakers, and for which the council distributes appropriate informational materials.

(15) "Reaching majority" means reaching age 18.

(16) "Sponsoring organization" means a public institution, agency or governmental entity, or a chartered private nonprofit institution or organization which has legal authority to submit an application, enter into a contract, and provide the programs of service covered by the application, and which agrees to provide supervision and financial management to ensure compliance with the terms and conditions of the contract.

(17) "Training for service providers" means ~~((a program to))~~ activities which provide training for persons serving the needs of displaced homemakers.

#### AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-050 UTILIZATION OF AVAILABLE CONTRACT FUNDS. ~~((Specific))~~ The method for establishing specific utilization criteria shall be set forth in this section.

(1) Each biennium the executive coordinator shall issue contract application guidelines which shall establish criteria for specific utilization of available contract funds. The guidelines shall set forth:

~~((1))~~ (a) The maximum initial contract amount for a multipurpose service center to be provided from funds available under the act ((shall be \$70,000)) for the contract period.

~~((2))~~ (b) The maximum initial contract amount for a contract for a program or programs of service from funds available under the act ((shall be \$42,000)) for the contract period.

~~((3))~~ (c) The maximum amount which the council may reserve ((no more than \$21,000 for one or more contracts)) to provide training for service providers from funds available under the act.

~~((4))~~ (2) ((Two)) At least two multipurpose service centers in major population centers will be supported under the ((pilot project)) Displaced Homemaker Program, provided adequate funds have been appropriated.

~~((5))~~ (3) If qualifying applications are received, at least one contract for multiple programs of service designed specifically to reach and serve residents of rural areas will be awarded, provided adequate funds have been appropriated.

~~((6))~~ (4) Remaining funds will be used for contracts selected to provide geographic dispersion of displaced homemaker multipurpose service centers and programs of service, in relation to centers of population.

**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 7/79, filed 8/17/79)

**WAC 250-44-090 REQUIRED ASSURANCES.** No contract will be awarded unless the sponsoring organization includes in its application the following assurances:

(1) No person in this state, on the grounds of sex, age, race, color, religion, national origin, or the presence of any sensory, mental, or physical handicap, shall be excluded from participating in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under the act;

(2) The sponsoring organization will actively seek to employ for all staff positions supported by funds provided under the act, and for all staff positions supported by matching funds under any contract, including supervisory, technical and administrative positions, persons who qualify as displaced homemakers;

(3) Services provided to displaced homemakers under the contract will be provided without payment of any fees for the services(;) PROVIDED: that the executive coordinator may approve exceptions to this requirement upon determining that such exceptions would be in the best interest of Displaced Homemaker Program objectives.

(4) First priority for all services provided under the contract will be given to persons who qualify in all regards as displaced homemakers. Other persons in need of the services due to similar circumstances may be assisted if provision of such assistance will not in any way interfere with provision of services to displaced homemakers as defined in the act. The sponsoring organization will include in its reports separate and distinct accountability for services to displaced homemakers and to other persons in need of the services;

(5) The sponsoring organization agrees to comply in full with the accounting and reporting requirements set forth in WAC 250-44-100 and such other accounting and reporting requirements as may reasonably be established by the executive coordinator.

(6) The sponsoring organization agrees to participate in ~~((the pilot project))~~ evaluation procedures to be established pursuant to WAC 250-44-210, including the use of a specified uniform intake classification form for persons to whom services are provided, and specified uniform evaluation questionnaires;

(7) The sponsoring organization will actively seek to coordinate activities under the contract with related activities and services provided by other organizations;

(8) The sponsoring organization understands and agrees that payments from the council under the contract will be provided monthly in ~~((advance))~~ upon submission and approval of monthly payment requests in a form and containing information specified by the executive coordinator of the council, and that approval of

monthly payments shall be conditioned upon the executive coordinator's determination that the sponsoring organization is in compliance with the terms of the contract and WAC chapter 250-44;

(9) The executive officer of the sponsoring organization has reviewed the application, including all assurances contained therein, and authorized to submit the application and execute a contract in accordance with the application if it is approved by the council; and

(10) The executive coordinator and staff of the council will be provided access to financial and other records pursuant to the contract.

**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 7/79, filed 8/17/79)

**WAC 250-44-110 LENGTH OF CONTRACT PERIODS.** Contract periods for contracts awarded under the act shall be in accordance with each application proposal, subject to the following limits:

(1) ~~((Contracts for operation of multipurpose service centers may cover operations beginning as early as November 1, 1979 and ending June 30, 1981;))~~ No contract period may exceed one biennium;

(2) ~~((Contracts for operation of programs of services may cover operations beginning as early as January 1, 1980 and ending June 30, 1981; and))~~ The contract period for operation of multipurpose service centers and programs of service shall conform to the specific contract application guidelines issued by the executive coordinator.

~~((3) Contracts for training for service providers may be for operations beginning as early as January 1, 1980 and ending June 30, 1981;))~~

**AMENDATORY SECTION** (Amending Order 7/79, filed 8/17/79)

**WAC 250-44-120 PAYMENTS UNDER APPROVED CONTRACTS.** Payments to sponsoring organizations under approved contracts for multipurpose service centers, programs of service, and training for service providers shall be authorized and processed according to the following procedure:

(1) Payments will be made ~~((in advance;))~~ one month at a time unless less frequent payments are requested by the contractor.

(2) Sponsoring organizations will submit requests for payment in a form and containing information specified by the executive coordinator to include information on:

(a) Total payments received to date;

(b) Estimated expenditures to date;

(c) Estimated expenditures for the month ~~((in progress and the ensuing month))~~ just completed; and

(d) Balance required to cover estimated expenditures.

(3) Upon approval of the request for payment, and receipt of the quarterly report for the most recent completed quarter under the contract, the executive coordinator will authorize disbursement of the funds.

(4) Requests for payments must be received in the council office at least two weeks prior to the ~~((beginning of the month to ensure payment by the first of the month on requests found to be in order))~~ requested payment date.

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

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-130 CALENDAR AND CLOSING DATES FOR LETTERS OF INTENT, APPLICATIONS AND AWARDS. (1) Sponsoring organizations wishing to apply for contracts to operate multipurpose service centers or programs of service shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by ~~((no later than Friday, August 30, 1979))~~ the date specified in the contract application guidelines.

(2) The executive coordinator or his designee will screen the letters of intent, prepare a list of all eligible sponsoring organizations which filed letters of intent and distribute the list to all organizations on the list, by ~~((no later than Wednesday, September 5, 1979))~~ seven days from the filing date for letters of intent as specified in the contract application guidelines.

(3) Applications for contracts for multipurpose service centers or programs of service may be submitted by sponsoring organizations on the list pursuant to subsection 2 of this section. The closing date for such applications ~~((is Friday, September 14, 1979))~~ will be specified in the contract application guidelines.

(4) The council will approve awards of ~~((two))~~ contracts for operation of multipurpose service centers and programs of service, provided qualifying applications were received ~~((, on Thursday, October 4, 1979))~~ at its next regularly scheduled meeting following the closing date for application submission, if feasible.

~~((5) Sponsoring organizations wishing to apply for contracts to operate programs of service shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of a nonpublic applicant, by no later than Friday, October 19, 1979.))~~

~~((6) The executive coordinator or his designee will screen the letters of intent, prepare a list of all eligible sponsoring organizations which filed letters of intent to apply to operate programs of service and distribute the list to all organizations on the list, by no later than Wednesday, October 24, 1979.))~~

~~((7) Applications for contracts for programs of service may be submitted by sponsoring organizations on the list pursuant to subsection (6) of this section. The closing date for such applications is Friday, November 16, 1979.))~~

~~((8) The council will approve award of contracts for operation of programs of service on Thursday, December 6, 1979.))~~

~~((9))~~ (5) In the event that available funds for contracts under the act are not fully utilized after approval of contracts ~~((on December 6, 1979))~~, the council may at its option either establish a new calendar for further consideration of applications and award of contracts or ~~((offer))~~ authorize the executive coordinator to award supplemental funds to existing centers and programs by amendment of contracts in effect.

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 7/79, filed 8/17/79)

WAC 250-44-140 FORM AND CONTENT OF APPLICATION. (1) General Instructions. All forms and narrative material should be typed, narrative material double-spaced. Legibility, clarity, and completeness are essential. All sections of the application must be completed. Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective application should be avoided. Elaborate art work, expensive paper and bindings are not necessary and will not count in favor of the application.

(2) Number of copies. ~~((Five copies of each application are))~~ The contract application guidelines shall specify the number of copies of each application to be submitted to the executive coordinator. Copies may be reproduced, but ~~((each))~~ at least one copy submitted is to have the original signature of the executive officer of the sponsoring organization.

(3) Contents of each application. Each application is to be submitted on an application form to be provided by the executive coordinator, which will include the signature of the executive officer of the sponsoring organization and all required assurances, and will incorporate by reference the following documents:

(a) The proposal narrative, prepared in the format prescribed by the executive coordinator;

(b) The proposed contract budget, on forms to be supplied by the executive coordinator;

(c) A copy of the most recent external audit report of the sponsoring organization;

(d) Copies of letters of intent and/or agreements for the coordination of services with other organizations in relation to the multipurpose service center or programs of service covered by the application; and

(e) Any other relevant documents submitted in support of the application.

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-150 CRITERIA FOR SELECTION OF CONTRACTS TO BE AWARDED. (1) For each closing date established as specified in WAC 250-44-130, applications will be ranked competitively according to their performance with respect to:

(a) Size of the potential population with respect to:

(b) Demonstrated need for the proposed services;  
 (c) Experience and capabilities of the sponsoring organization;

(d) Explicit provisions for coordination of services with other organizations providing related services in the geographic area;

(e) Involvement of displaced homemakers in the planning and development of the proposal;

(f) The quality of the proposed center or program.

(2) The executive coordinator, in consultation with the advisory committee, shall develop an explicit system for evaluating applications with respect to the above-stated criteria, and make a description of the system available to sponsoring organizations which submit letters of intent to file applications.

(3) Final selection of applications to be approved will be based upon ~~((both))~~ relative ranking on factors listed in subsection (1) on appropriate cost factors and on appropriate geographic distribution.

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 7/79, filed 8/17/79)

WAC 250-44-160 PROCEDURE FOR SELECTION OF CONTRACTS TO BE AWARDED. The following steps will be employed in screening and selection of applications to be approved:

(1) Applications will be screened for eligibility and completeness;

(2) A panel of application readers will be established, to consist of one or more council staff members designated by the executive coordinator, ~~((one or more council members designated by the council chairman,))~~ members of the advisory committee who are not members of the legislature or employees of sponsoring organizations, and such other persons as may be deemed appropriate by the executive coordinator;

(3) Within each category of application as described in subsection (1) of WAC 250-44-150, the panel of readers will evaluate and rank qualifying applications according to the explicit system published in accordance with subsection (2) of WAC 250-44-150;

(4) The ~~((entire advisory committee))~~ executive coordinator will ~~((meet to))~~ consider evaluations prepared by the readers, and will develop a list of recommended approved applications to be awarded contracts;

(5) The list of recommended approved applications will be submitted to the council for its consideration and will be public information, and the council will by formal resolution determine which applications are approved for award of contracts.

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 7/79, filed 8/17/79)

WAC 250-44-180 AMENDMENT OF CONTRACTS. A contract may be amended by mutual agreement between the executive coordinator and the executive officer of the sponsoring organization ~~((~~PROVIDED, that any contract amendment increasing the amount of financing from funds appropriated for the act shall require the council's approval~~)).~~

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-200 PROGRAM AUDITS. The executive coordinator ~~((shall))~~ may arrange for a program audit, including review of accounts for expenditures under the contract, upon completion of the contract period. If any claimed expenditures are determined to be ineligible, the sponsoring organization shall be required to repay the amount of such ineligible expenditures.

AMENDATORY SECTION (Amending Order 7/79, filed 8/17/79)

WAC 250-44-210 EVALUATION REPORTS. The executive coordinator will prepare an ~~((interim))~~ evaluation report regarding the ~~((pilot project by December 31, 1980, and a final evaluation report by June 30, 1981))~~ Displaced Homemaker Program at the end of the first two years, and a biennial evaluation beginning in January 1983. Such reports shall be considered and adopted by the council prior to official submission to the Governor and the legislature.

WSR 81-09-033

EMERGENCY RULES

DEPARTMENT OF TRANSPORTATION

[Order 60—Filed April 14, 1981]

I, W. A. Bulley, Secretary of Transportation, do promulgate and adopt at Room 1D9, Highway Administration Building, Olympia, Washington, the annexed rules relating to prohibition of non-motorized traffic on fully controlled limited access highways. Paragraph (3)(d) (Except) State Route 5, Mile Post 165.40 to Mile Post 172.40, Reversible Lanes, from 9:00 a.m. to 6:00 p.m. on May 17, 1981, amending WAC 468-58-050.

I, W. A. Bulley, Secretary of Transportation, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is in the interest of community well-being and to encourage the use of energy efficient transportation, the use of the Interstate 5 reversible lanes for one Sunday is adopted.

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

This rule is promulgated under the general rule-making authority of the Department of Transportation as authorized in RCW 47.52.025.

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

APPROVED AND ADOPTED April 14, 1981.

By W. A. Bulley  
Secretary

AMENDATORY SECTION (Amending Order 53, filed 4/15/80)

WAC 468-58-050 PROHIBITION OF NONMOTORIZED TRAFFIC ON FULLY CONTROLLED LIMITED ACCESS HIGHWAYS. (1) All nonmotorized traffic shall be prohibited on state highways which have been established and constructed as fully controlled limited access facilities, and signs giving notice of such prohibition shall be posted upon all such highways.

(2) This prohibition of nonmotorized traffic on fully controlled limited access highways shall not apply to pedestrian overcrossings and undercrossings or other facilities provided specifically for the use of such traffic.

(3) This prohibition of nonmotorized traffic shall not apply to the following sections of established and operating fully controlled limited access highways with regard to pedestrians and bicycles:

(a) State Route 2, Mile Post 0.00 to Mile Post 2.50;

(b) State Route 410, Mile Post 0.30 to Mile Post 11.60;

(c) State Route 526, Mile Post 0.80 to Mile Post 4.57;

(d) State Route 5, Mile Post 165.40 to Mile Post 172.40, Reversible Lanes, from 9:00 a.m. to 6:00 p.m. on ~~((June 18, 1978))~~ May 17, 1981.

(4) This prohibition shall not apply to the shoulders of the following sections of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only:

(a) State Route 5, Mile Post 23.01 to Mile Post 27.42;

(b) State Route 5, Mile Post 116.70 to Mile Post 119.01; and

(c) State Route 90, Mile Post 18.31 to Mile Post 20.16.

Signs giving notice of such permission shall be posted upon these highway routes.

(5) This prohibition shall not apply to the shoulders of the following section of an established and operating fully controlled limited access highway with regard to bicycles during daylight hours only from May 1 through September 30:

State Route 90, Mile Post 254.02 to Mile Post 257.69.

Signs giving notice of such permission shall be posted upon these highway routes.

WSR 81-09-034  
ADOPTED RULES  
PARKS AND RECREATION  
COMMISSION

[Order 50—Filed April 14, 1981]

Be it resolved by the Washington State Parks and Recreation Commission, acting at Kelso, Washington, that it does promulgate and adopt the annexed rules relating to public use of state park areas, chapter 352-32 WAC, including definitions, WAC 352-32-010, camping regulations, WAC 352-32-030, standard fees charged, WAC 352-32-250, applicability of standard fees, WAC 352-32-280 and applicability of standard fees to volunteers in parks, WAC 352-32-285.

This action is taken pursuant to Notice No. WSR 81-04-049 filed with the code reviser on February 4, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.51.040 and 43.51.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 19, 1981.

By D. W. Lowell  
Rules Coordinator

AMENDATORY SECTION (Amending Order 48, filed 9/22/80)

WAC 352-32-010 DEFINITIONS. Whenever used in this chapter the following terms shall be defined as herein indicated(~~((+{+}{+}))~~):

(1) "Commission" shall mean the Washington State Parks and Recreation Commission.

(2) "Director" shall mean the Director of the Washington State Parks and Recreation Commission.

(3) "Ranger" shall mean a duly appointed Washington State Parks Ranger who is vested with police powers under RCW 43.51.170 and WAC 352-32-020, and shall include the Park Manager in charge of any State Park Area.

(4) "Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

(5) "Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

(6) (~~("Improved campsite" shall mean designated camping sites which have at least two facilities including water, sewage, or electricity available for hookup and which are designed for the use of persons with recreation vehicles or tents:))~~) "Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal and flush



comfort station. Each campsite includes a camp stove and picnic table.

~~(7) ("Standard campsite" shall mean designated camping sites which have one or less facilities of water, electricity or sewage available for hookup and which are designed for the use of persons with recreation vehicles or tents.)~~ "Utility campsite" shall mean a standard campsite with the addition of one or all of the following utility hookups: Domestic water, sewer and electricity.

(8) "Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

(9) "Camping" shall mean erecting a tent or shelter or arranging bedding, or both, for the purpose of, or in such a way as will permit remaining overnight, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

~~((9))~~ (10) "Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

~~((10) ["Emergency area" is an area in a park which can be used for camping but is not part of the designated overnight camping area.] )~~

(11) "Emergency area" is an area in a park which can be used for camping but is not part of the designated overnight camping area.

(12) "State Park Area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the Commissioner of Public Lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC (~~{352-15-020}~~ ~~{352-16-020}~~) 352-16-020.

~~((12))~~ (13) "Environmental Learning Centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be formalized group or an organized collection of families wishing to camp or use the ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

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 45, filed 4/4/80)

WAC 352-32-030 CAMPING. (1) No person shall camp in any State Park area except in areas specifically

designated and/or marked for that purpose or as directed by a ranger.

(2) Occupants shall vacate camping facilities by removing their personal property therefrom prior to 3:00 p.m., (or other appropriate, established time in parks where camping is reserved) if the applicable camping fee has not been paid or if the time limit for occupancy of the campsite has expired or the site is reserved by another party. Remaining in a campsite beyond the established checkout time shall subject the occupant to the payment of an additional camping fee.

(3) No tent camper shall be allowed to occupy a designated (~~(trailer)~~) utility campsite except as directed by a ranger. Use of (~~(trailer-improved)~~) utility campsites by tent campers shall be subject to payment of the (~~(trailer improved)~~) utility campsite fee except when directed by a ranger to occupy a (~~(n-improved)~~) utility campsite.

(4) A campsite is considered occupied when it is being used for purposes of camping by a person or persons who have paid the camping fee within the applicable time limits or when it has been reserved through the appropriate procedures of the reservation system. No person shall take or attempt to take possession of a campsite when it is being occupied by another party, or when informed by a Ranger that such site is occupied, or when the site is posted with a "reserved" sign. In the case of a reserved site, a person holding a valid reservation for that specific site may occupy it according to the rules relating to the reservation system for that park.

(5) In order to afford the general public the greatest possible use of the State Park system, on a fair and equal basis, continuous occupancy of facilities by the same person shall be limited to (~~(seven)~~) ten consecutive days in one park. This limitation shall not apply to those individuals who meet the qualifications of WAC 352-32-280 and 352-32-285.

(6) The number of vehicles occupying a campsite shall be limited to one car or one recreational vehicle. A greater number may be authorized in specific areas when constructed facilities so warrant.

(7) Persons traveling by bicycles, motor bikes or other modes of transportation and utilizing campsites shall be limited to six persons per site.

(8) All persons camping in organized groups shall use designated group camp areas unless otherwise directed by a Ranger and shall pay the applicable group camping fee.

A group can be any formalized group or an organized collection of families wishing to camp together.

Group camping areas may be reserved in advance through contact with the local ranger. Any group must have a leader who has reached the age of majority who will be required to read and sign a "group use permit and regulation form."

(9) Emergency camping areas set aside in certain state parks may be used only when all designated campsites are full but may not be used prior to 9:00 p.m. Persons using emergency areas must pay the standard campsite fee and must vacate the site by 8:00 the following morning.

**AMENDATORY SECTION** (Amending Order 45, filed 4/4/80)

**WAC 352-32-250 STANDARD FEES CHARGED.** The following fees shall be charged in all parks operated by the Washington State Parks and Recreation Commission: (1) Overnight camping - standard campsite(~~((f))~~ ~~\$4.50~~): \$5.50 per night;

(2) Overnight camping - ((improved)) utility campsite ((two or more hookups): ~~\$6.00 per night~~) \$5.50 per night plus a nightly fee of \$.50 for domestic water hookup, \$.50 for sewer hookup, and \$1.00 for electrical hookup. Payment for all utility hookups available to the site will be collected whether utility is actually used or not;

(3) Overnight camping - Primitive campsite: \$3.00 per night for non-motorized vehicle and \$4.00 per night for motorized vehicle;

(4) Overnight camping - reservation fee: (~~(\$2.00 per campsite for each reserved period:)~~) As specified in WAC 352-32-035;

~~((4))~~(5) Group camping area - certain parks: \$.25 per person per night(~~((f))~~). Recreational vehicle campers must pay the ((<sup>n</sup>standard)) primitive campsite(<sup>n</sup>) fee or other appropriate fee based on facilities available;

~~((5))~~(6) Environmental Learning Centers: (ELC) overnight camping (~~(\$1.90)~~) \$2.20 per camper per night((f));

(a) Camp Wooten and Cornet Bay Environmental Learning Centers during the season the swimming pools are operational: (~~(\$2.30)~~) \$2.60 per camper per night((f));

(b) Environmental Learning Center day use only: (~~(\$.75)~~) \$.90 multiplied by the minimum capacity established for each ELC or ((\$.75)) \$.90 for each member of the group - whichever is higher((f,f));

~~((6))~~(7) Hot Showers: \$.10 for four minutes shower time;

~~((7))~~(8) Electric Stoves: \$.10 for thirty minutes cooking time;

~~((8))~~(9) Senior ((~~Citizen~~){Citizens}) Citizens Pass: \$12.00 per season (from September 15 through April 30). This fee will provide a maximum of 30 camping nights in one season. A \$1.00 per night surcharge will be added for the use of an electrical hookup;

~~((9))~~(10) Washington senior citizens and disabled or handicapped persons found eligible under Chapter 330, Laws of 1977 ex.sess. [RCW 43.51.055] and Chapter 131, Laws of 1979 ex.sess. [RCW 43.51.055] shall be entitled to the issuance of an annual free pass entitling the card holder and his "camping unit" to free admission to any state park administered facility and fifty percent discount on any camping fees levied by the Commission. Military veterans found eligible under Chapter 131, Laws of 1979 ex.sess. [RCW 43.51.055] shall be entitled to receive a lifetime free pass entitling the pass holder and his "camping unit" to free admission to any state park administered facility and free use of any campsite within the state park.

(a) A camping unit includes the pass holder and guest or guests in one car or one recreational vehicle per overnight campsite. A greater number may be authorized in specific areas when constructed facilities so warrant.

(b) Persons traveling by bicycle or motor bike, or mode of transportation other than those referenced above, and who are utilizing overnight campsites, shall be limited to six persons per site.

(c) These guidelines will also apply to group camping and emergency areas((-);

~~((10))~~(11) Adirondacks - not to include those located in ELC areas: Same as fee charged for ((improved)) full utility campsite. Occupancy shall be limited to the number of built-in bunks provided((-);

~~((11)) This regulation shall become effective May 15, 1980:)~~

(12) Extra vehicle charge: \$1.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite;

(13) All fees in this rule shall become effective May 5, 1981 except ELC fees which shall become effective September 8, 1981.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

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 39, filed 5/1/78)

**WAC 352-32-280 APPLICABILITY OF STANDARD FEES.** The standard fees set forth in WAC 352-32-250 pursuant to RCW 43.41.060(6), shall not apply in the following circumstances:

(1) Whenever fees are charged by a concessionaire pursuant to a valid concession agreement granted by the commission pursuant to RCW 43.51.040(5).

(2) Whenever fees are established pursuant to a development or management plan authorized or directed to be prepared by the legislature or state agency other than the commission, as, for example the Fort Worden State Park Development and Management Plans.

(3) Whenever any law enforcement officer occupies a campsite if the following conditions are met.

(a) The law enforcement officer's authority is effective in the geographic area where the campsite is located.

(b) The Park Manager, or his representative, has determined that the officer's police powers may be useful in maintaining a peaceful environment in the park.

(c) The officer agrees to act in his official capacity if requested by park staff.

(4) Whenever any improvement club or voluntary association, or committees representing such clubs or associations, acting pursuant to the commission's permission granted pursuant to RCW 43.51.130 - 43.51.160, utilizes any park facilities.

(5) Whenever any individual, appointed by a court of law to perform work in a park in lieu of other sentencing, utilizes any park facilities.

*Will not be in 1981 copy. Do not show at all. No notice.*

(6) Whenever any individual utilizes any park facility in accordance with the terms of any contract, lease, or concession agreement, with the Commission.

The ~~((seven-day))~~ limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

AMENDATORY SECTION (Amending Order 39, filed 5/1/78)

WAC 352-32-285 APPLICABILITY OF STANDARD FEES TO VOLUNTEERS IN PARKS.

The standard fees set forth in WAC 352-32-250 pursuant to RCW 43.51.060(6) shall not apply whenever any individual, group, organization, association, or agency shall volunteer to perform personal services in lieu of standard fees if the following conditions are met:

- (1) The Park Manager has determined that the personal service is desirable;
- (2) at least four hours of service per day are performed for each campsite occupied;
- (3) the service performed does not replace or supplant that which would otherwise be performed by Parks employees or contractors;
- (4) the service performed is not one commonly performed by members of an organized trade union;
- (5) the service performed does not result in any type of development which will necessarily create future operating costs to the Commission.

The ~~((seven-day))~~ limit placed on any camper by WAC 352-32-030(5) shall not apply to persons qualifying under this section.

This section does not expand or limit the provisions of RCW 43.51.130 - 43.51.160.

This section shall expire as of the 30th day of September, 1981.

*This was amended 81-15-059 per letter to board (same day)*

WSR 81-09-035  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 81-23—Filed April 14, 1981]

I, Rolland A. Schmitt, director of the State 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 this order protects Puget Sound and Fraser River spring chinook stocks.

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

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

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

APPROVED AND ADOPTED April 14, 1981.

By Rolland A. Schmitt  
Director

NEW SECTION

WAC 220-28-004B0S CLOSED AREA. Effective April 15 through June 15, 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 net gear in Puget Sound Salmon Management and Catch Reporting Area 4B.

NEW SECTION

WAC 220-28-00500W CLOSED AREA. Effective April 15 through June 15, 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 5.

NEW SECTION

WAC 220-28-00600U CLOSED AREA. Effective April 15 through June 15, 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 6.

NEW SECTION

WAC 220-28-006A0S CLOSED AREA. Effective April 15 through June 15, 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 6A.

NEW SECTION

WAC 220-28-006C0N CLOSED AREA. Effective April 15 through June 15, 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 6C.

NEW SECTION

WAC 220-28-00700N CLOSED AREA. Effective April 15 through June 15, 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 7.

NEW SECTION

WAC 220-28-007A0M CLOSED AREA. Effective April 15 through June 15, 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 7A.

NEW SECTION

WAC 220-28-007B0S CLOSED AREA. Effective April 15 through June 30, 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 7B.

NEW SECTION

WAC 220-28-007C0Y CLOSED AREA. Effective April 15 through June 30, 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 7C.

NEW SECTION

WAC 220-28-007D0A CLOSED AREA. Effective April 15 through June 15, 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 7D.

NEW SECTION

WAC 220-28-007F0M CLOSED AREA. Effective April 15 through June 30, 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 waters of the Nooksack River.

NEW SECTION

WAC 220-28-00800D CLOSED AREA. Effective April 15 through June 15, 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 8.

NEW SECTION

WAC 220-28-008F0N CLOSED AREA. Effective April 15 through those times and in those portions of the Skagit River listed below, 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:

(1) effective April 15 through June 15, 1981, that portion of the Skagit River from the mouth upstream to the mouth of Gilligan Creek.

(2) effective April 15 through June 18, 1981, that portion of the Skagit River from the mouth of Gilligan Creek upstream to the Hamilton boat landing.

(3) effective April 15 through July 7, 1981, that portion of the Skagit River from the Hamilton boat landing upstream to the Old Faber Ferry Landing above Concrete.

(4) effective April 15 until further notice, that portion of the Skagit River upstream from the Old Faber Ferry Landing above Concrete, including all tributaries.

NEW SECTION

WAC 220-28-011A0L CLOSED AREA. Effective April 15 through June 30, 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 11A.

NEW SECTION

WAC 220-28-011F0L CLOSED AREA. Effective April 15 through June 30, 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 Puyallup River.

NEW SECTION

WAC 220-28-011G0G CLOSED AREA. Effective April 15 through July 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 from the waters of the White River.

NEW SECTION

WAC 220-28-013A0E CLOSED AREA. Effective April 15 through July 21, 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 13A.

NEW SECTION

WAC 220-28-013F0A CLOSED AREA. Effective April 15 through July 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 from the waters of Minter Creek.

NEW SECTION

WAC 220-28-00400N TROLL SALMON RESTRICTION. Effective immediately through April 30, 1981, it is unlawful for treaty Indian fishermen to take, fish for or possess for commercial purposes chinook salmon less than 22 inches in length taken with troll gear from Puget Sound Salmon Management and Catch Reporting Area 4B.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 220-28-00400M TROLL SALMON RESTRICTION (81-20)**

**WSR 81-09-036**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed April 14, 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 388-33-115 Effective date of eligibility.  
 Amd ch. 388-37 WAC Continuing general assistance.  
 Amd WAC 388-38-120 Application—Disposal.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan  
 Client and Community  
 Relations Division  
 Department of Social and Health Services  
 Mailstop OB-44 D  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by May 13, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 27, 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, June 3, 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 May 27, 1981, and/or orally at 10:00 a.m., Wednesday, May 27, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: April 9, 1981

By: David A. Hogan  
 Director, Client and  
 Community Relations Division

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Amending WAC 388-33-115, chapter 388-37 WAC and WAC 388-38-120.

Purpose of the rule or rule change is to clarify effective dates of eligibility in applications which are delayed due to the lack of medical evidence of incapacity.

The reason(s) these rules are necessary is to conform to RCW 74.08.060 and settle a lawsuit (Tinsley vs. Thompson).

Statutory authority: RCW 74.08.090.

Summary of the rule or rule change: WAC 388-33-115 Changes the effective date of GA-U eligibility in delayed cases from 30 to 45 days. WAC 388-37-032 and 388-37-040 Reiterates the above change and clarifies effective dates for applications delayed solely because of the lack of medical evidence of incapacity. WAC 388-38-120 Eliminates delay in obtaining medical information as a reason for denial of an application.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Gerry Nelson

Title: Program Manager

Office: Bureau of Income Maintenance

Phone: 3-3177

Mailstop: OB-31 C

These rules are necessary due to a state court decision, *Tinsley v. Thompson*, Class Action No. 80-2-00397-3 in Thurston County Superior Court.

**AMENDATORY SECTION (Amending Order 906, filed 2/14/74)**

**WAC 388-33-115 EFFECTIVE DATE OF ELIGIBILITY—APPLICANT, REAPPLICANT AND REINSTATED RECIPIENT.**

(1) The effective date of eligibility for federal aid grants shall be the date of authorization, or the thirtieth day after application, if more than thirty days are required to determine eligibility.

(2) Beginning April 15, 1981, the effective date for state funded grants shall be the date of authorization or the forty-fifth day after application, if more than forty-five days are required to determine eligibility.

(3) In applying this rule the day application was made is not counted.

**AMENDATORY SECTION (Amending Order 1337, filed 9/15/78)**

**WAC 388-37-020 CONTINUING GENERAL ASSISTANCE—ELIGIBILITY CONDITIONS—GENERAL.** (1) An applicant or recipient shall be ((~~is~~)) a resident of the state of Washington as defined in WAC 388-26-055 and be living in an identifiable residence within the local office area.

(2) An applicant or recipient shall not have transferred property contrary to law or rules as specified in WAC 388-28-458 through 388-28-465.

(3) If an individual is living in an institution, WAC 388-34-010 through 388-34-020 also apply in eligibility determination.

(4) Continuing general assistance follows financial need determination as provided in provisions of chapter 388-28 WAC, except for the earned income exemption specified in WAC 388-37-025.

**AMENDATORY SECTION (Amending Order 1102, filed 3/2/76)**

**WAC 388-37-031 CONTINUING GENERAL ASSISTANCE—PAYMENT TO EMPLOYABLE SPOUSE.** When it has been verified by a physician that it is medically necessary for an employable spouse to be present in the home to care for the incapacitated spouse payment shall be made to the employable spouse ((as specified in WAC 388-16-430(3) and WAC 388-16-435(2))).

**AMENDATORY SECTION** (Amending Order 1145, filed 8/26/76)

**WAC 388-37-032 CONTINUING GENERAL ASSISTANCE—DETERMINATION OF INCAPACITY.** (1) Eligibility due to incapacity shall be determined by an ((ESSO)) CSO incapacity review team in accordance with the criteria in WAC 388-37-035.

(2) The incapacity review team shall:

(a) Beginning April 15, 1981, consider medical and other related evidence of the incapacitating condition and make a decision confirming or denying the existence of eligibility due to incapacity within ((thirty)) forty-five days of the date of application, except in circumstances beyond the control of the agency such as failure or delay in securing necessary information or documentation on the part of the applicant, the examining physician or other source of documentation.

(b) Request additional information when necessary.

(c) Determine probable duration of incapacity. The probable duration shall be related to the prognosis for the condition as predicted by the medical evidence but shall not exceed twelve months without a re-determination of incapacity.

(3) Beginning April 15, 1981, eligibility cannot be established if an applicant or recipient fails to cooperate in obtaining information documenting incapacity. Continued failure to so cooperate during the ten-day period following the mailing of a letter to the applicant's or recipient's last known address specifically citing the required cooperation shall be grounds for denial of the application for, or termination of, assistance (see WAC 388-38-265).

(4) Cost of necessary medical reports to determine incapacity shall be paid by the department. Payment for such reports shall not be made to DSHS agencies.

**AMENDATORY SECTION** (Amending Order 1102, filed 3/2/76)

**WAC 388-37-037 CONTINUING GENERAL ASSISTANCE—REFUSAL TO ACCEPT AVAILABLE AND RECOMMENDED MEDICAL TREATMENT.** (1) A continuing general assistance applicant or recipient who refuses without good cause to accept available medical treatment, which can reasonably be expected to render him able to work shall be ineligible.

(2) "Available medical treatment" shall mean and include medical, surgical, or mental health services, or any combination thereof.

(3) "Reasonably be expected to render him able to work" shall mean that in the opinion of the medical consultant, the recommended treatment will restore or substantially improve the individual's ability to work for pay in a regular and predictable manner.

(4) For the purposes of this section, an applicant or recipient has good cause to refuse recommended medical treatment when, according to the best objective judgment of the ((ESSO)) CSO review team, confirmed by the ((ESSO)) CSO administrator and the medical consultant, such refusal is based upon one or more of the following conditions:

(a) The individual is genuinely fearful of undergoing recommended treatment. Such fear may appear to be unrealistic or irrational; however, fear exists in such a degree that treatment would be adversely affected.

(b) The individual could lose a faculty, or the remaining use of faculty he now has, and refuses to accept the risk;

(c) Because of his definitely stated religious scruples, the individual will not accept recommended medical treatment.

**AMENDATORY SECTION** (Amending Order 1398, filed 5/16/79)

**WAC 388-37-040 CONTINUING GENERAL ASSISTANCE—STANDARDS FOR REQUIREMENTS—AUTHORIZATION.** (1) The rules and procedures for payment of federal aid grants shall apply to continuing general assistance except that vendor payments may be made when payment by warrant is not possible or practical.

(2)(a) When incapacity is established a continuing grant shall be authorized to continue for the probable duration of the incapacity. The recipient shall be notified of the termination date at the time the grant is opened.

(b) Beginning April 15, 1981, if more than forty-five days are required to determine incapacity, and if incapacity is determined to have existed on the date of application, assistance shall be granted effective the forty-fifth day after application, per WAC 388-33-115.

A continuing grant shall not be authorized until incapacity is established by the review team.

(3) Continuing assistance shall not be authorized following the termination date specified in subsection (2) of this section until continuing incapacity has been redetermined by the review team.

((††)) (4) If assistance is terminated because the redetermination of incapacity is delayed for reasons beyond the recipient's control, and continuing incapacity is subsequently redetermined ((within thirty days)), assistance shall be authorized effective the day following the date of termination.

((††) If the recipient is responsible for the delay in redetermining incapacity, continuing assistance shall be authorized effective the date incapacity is redetermined:))

**AMENDATORY SECTION** (Amending Order 1241, filed 9/23/77)

**WAC 388-38-120 DISPOSAL ACTIONS.** ((††)) An application for financial assistance shall be disposed of by:

((††)) (1) Approval, that is, determination that the applicant is eligible for assistance;

((††)) (2) Denial, that is, determination that the applicant is ineligible for assistance; or that eligibility could not be determined due to lack of information or verification(-): PROVIDED, That, beginning April 15, 1981, a delay in obtaining medical information which is beyond the control of both the applicant and the department, when said information is essential to a determination of eligibility, shall not be the basis for denial of financial assistance.

((††)) (3) Withdrawal, that is,

((††)) (a) Applicant during or following interview with ((ESSO)) CSO staff voluntarily requests no further consideration be given to his application. Preferably the applicant should write "withdrawn" on the application form and sign his name. If the applicant verbally requests withdrawal a notation shall be made on the application form and in the case record that the application has been withdrawn at applicant's request; and that a notice has been sent to the applicant confirming his notification to the agency that he does not desire to continue his application.

((††)) (b) Applicant for medical assistance fails to file a written application on forms prescribed by the department.

((††)) (c) Applicant fails to report for scheduled interview;

((††)) (d) Death occurred before determination of eligibility was completed.

**WSR 81-09-037****ADOPTED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)**

[Order 153—Filed April 15, 1981]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to Leave—Newborn or adoptive child care—Provision, amending WAC 356-18-150.

This action is taken pursuant to Notice No. WSR 81-07-032 filed with the code reviser on March 13, 1981. 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 April 9, 1981.

By Leonard Nord  
Secretary  
State Personnel Board

**AMENDATORY SECTION** (Amending Order 90, filed 9/9/76)

**WAC 356-18-150 LEAVE—NEWBORN OR ADOPTIVE CHILD CARE—PROVISION.** Child care leave without pay may be authorized to a permanent employee who is the parent of a newborn child or is the adoptive parent of a child if the leave is requested in advance by the employee (leave must be requested within 60 days of adoption). The duration of the leave shall be no more than six months. Prior to taking child care leave, employees shall indicate in writing the duration of the leave. Employees shall be allowed to use their accrued ((annual)) vacation leave, or any portion thereof, in conjunction with unpaid child care leave granted in accordance with this Rule. Because of operational necessity, an agency may deny child care leave. In such cases employees shall be informed of their right to petition this decision to the Director of Personnel. The Director may require that child care leave be granted by the agency upon petition by the employee. When an agency denies child care leave under this Rule, and the Director of Personnel does not require it, an employee who vacates her/his position for the purpose of child care may request reemployment at anytime within a six(=)month period after vacating the position, and after such request to the Department of Personnel shall be offered the first opening in the former class and work location. This offer of employment shall take precedence over all registers except the reduction-in-force register.

**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 81-09-038**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Filed April 15, 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 356-14-085 Salaries—Reduction-in-force register appointment.
- Amd WAC 356-34-180 Subpoenas—Issuance—Consent—Service.
- Amd WAC 356-34-220 ((Orders for)) Discovery;

that such agency will at 10:00 a.m., Thursday, May 14, 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, May 14,

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 May 12, 1981, and/or orally at 10:00 a.m., Thursday, May 14, 1981, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 81-06-053 and 81-07-032 filed with the code reviser's office on March 2, 1981 and March 13, 1981.

Dated: April 10, 1981  
By: Leonard Nord  
Secretary

**WSR 81-09-039**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Filed April 15, 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 relating to Disciplinary actions—Appeals;

that such agency will at 10:00 a.m., Thursday, May 14, 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, May 14, 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 May 12, 1981, and/or orally at 10:00 a.m., Thursday, May 14, 1981, Board Hearing Room, 600 South Franklin, Olympia, WA 98504.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-07-031 filed with the code reviser's office on March 13, 1981.

Dated: April 10, 1981  
By: Leonard Nord  
Secretary

**WSR 81-09-040**  
**REVIEW OF RULES**  
**DEPARTMENT OF TRANSPORTATION**  
[Filed April 15, 1981]

Notice is hereby given in accordance with Executive Order 80-20, that the Department of Transportation intends to review the following rules:



chapter 468-14 WAC	Small business and minority contractors (design group).
chapter 468-30 WAC	Highway property (design group).
chapter 468-34 WAC	Utility lines—Franchises and permits (design group).
chapter 468-54 WAC	Limited access hearings (design group).
chapter 468-58 WAC	Limited access highways (design group);

that such agency will at 10:00 a.m., Monday, June 15, 1981, in the Board Room, 1D 2, Highway Administration Building, Olympia, Washington, conduct a hearing relative thereto.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 15, 1981, and/or orally at 10:00 a.m., Monday, June 15, 1981, Board Room, 1D 2, Highway Administration Building, Olympia, Washington.

Dated: April 14, 1981  
By: V. W. Korf  
Deputy Secretary

**WSR 81-09-041**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1635—Filed April 15, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to supplemental payments for AFDC recipients, amending WAC 388-29-115.

This action is taken pursuant to Notice No. WSR 81-06-005 filed with the code reviser on February 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 15, 1981.

By David A. Hogan  
Director, Client and  
Community Relations Division

**AMENDATORY SECTION** (Amending Order 1500, filed 4/16/80)

**WAC 388-29-115 SUPPLEMENTAL PAYMENTS FOR AFDC RECIPIENTS.** (1) Effective February 11, 1980, recipients of AFDC are eligible for a supplemental grant payment whenever the total of their actual income and available cash resources during a payment month are less than eighty percent of the (~~appropriate monthly standard for basic requirements for~~

~~the size of the assistance unit~~) amount that would be paid to a similar family with no income.

(2) Supplemental payments shall be paid in the amount of the difference between eighty percent of the (~~assistance unit's monthly standard for basic requirements~~) amount that would be paid to a similar family with no income and the actual anticipated net income and available cash resources, for the month in which the supplemental payment is requested.

(3) The following are included in determining total income received and expected to be received, and total cash resources available during the payment month:

- (a) Public assistance payments including any amounts credited against previous overpayments;
- (b) Net earned income prior to thirty dollars plus one-third earnings exemption;
- (c) Indian per capita payments;
- (d) Alaska Native payments;
- (e) CETA incentive payments;
- (f) Youth employment and training allowances and earnings;
- (g) Retroactive public assistance payments resulting from a court order or fair hearing;
- (h) Social security benefits;
- (i) Veterans' benefits;
- (j) Cash compensation to action volunteers;
- (k) Any lump sum;
- (l) Cash on hand;
- (m) Cash in an account available to the recipient during the month of request, to include cash exempted for the purposes of determining eligibility for AFDC and SSI recipients.

(4) Not included as income or resources for purposes of determining eligibility for supplemental payments are the following:

- (a) Relocation assistance;
- (b) Student grants or loans under programs administered by the U.S. commissioner of education;
- (c) Payments to federally sponsored foster grandparents, senior health aids, senior companions, SCORE, or ACE participants;
- (d) Payments made under the federal experimental housing allowance programs;
- (e) Work-related expenses as contained in WAC 388-28-515(4) and (5) and the payment of child care expenses as contained in WAC 388-28-515(7);
- (f) Any adjustments for prior underpayments;
- (g) Assistance paid under Public Law 96-126 federal energy allowance program.

(5) AFDC recipients shall be notified of their right to receive supplemental payments in writing each time they are notified that the department intends to reduce, or suspend their assistance.

(6) Supplemental payments are only paid upon request, and shall be issued within five working days of the request for a supplemental payment.

(7) A request for a supplemental payment must be received within the month for which the payment is requested. A request is received when a recipient provides the CSO with a written statement requesting a supplemental payment, and verifies his/her eligibility for a supplemental payment.

**WSR 81-09-042**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1634—Filed April 15, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to foster care, amending chapter 388-70 WAC.

This action is taken pursuant to Notice No. WSR 81-06-008 filed with the code reviser on February 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 15, 1981.

By David A. Hogan  
 Director, Client and  
 Community Relations Division

**AMENDATORY SECTION** (Amending Order 1445, filed 10/24/79)

**WAC 388-70-042 PAYMENT STANDARDS—REGULAR FOSTER FAMILY CARE.** Effective July 1, ~~((1979))~~ 1980, foster care payment standards shall be as follows:

(1) The board payment for foster care of a child in a family foster home is one hundred and ~~((seven dollars))~~ fourteen dollars and fifty cents per month for a child less than six years of age, one hundred and ~~((thirty-nine dollars))~~ forty-eight dollars and seventy-five cents per month for children six through eleven years of age and one hundred and ~~((sixty-seven dollars))~~ seventy-eight dollars and seventy cents per month for a child twelve and over. For the purposes of determining the payment for board, the child's birthdate is considered to be the first of the month in which his birthday occurs.

(2) Foster parents shall be provided seventeen dollars and sixty-eight cents per month for personal incidentals including school supplies. A monthly clothing allowance of fourteen dollars and eighty-two cents is paid for children under twelve years, while seventeen dollars and sixty-seven cents is paid for children twelve years and older.

(3) An initial clothing allowance for children placed in foster care is provided to supplement a child's clothing supply, where necessary, at the time a child is placed in foster care. This allowance may not exceed one hundred dollars unless otherwise authorized by a regional office.

**AMENDATORY SECTION** (Amending Order 1445, filed 10/24/79)

**WAC 388-70-044 PAYMENT STANDARDS—RECEIVING HOME CARE—STANDARDS FOR USING.** (1) The purpose and/or use of receiving home is to allow the department or private agency to care for a child in a foster family home on a temporary, emergent or interim basis in order that there be sufficient time for the development of a plan which includes the involvement of the child whenever possible.

(2) The two types of placements in receiving homes are emergency and regular. Placements under the conditions described in WAC 388-70-047 are classified as "emergency." All others are classified as "regular."

(3) Receiving homes supported by the department shall be limited to the number the CSO administrator determines necessary in his geographical area. The criteria to be followed are:

(a) Each department or private agency shall document its need for a receiving home and present the request in writing, giving the specifics, to the CSO administrator or to the regional director when more than one CSO administrator is involved.

(b) All receiving homes shall be licensed as foster family homes.

(c) Receiving homes are developed to provide care up to thirty days.

(d) The need for receiving home(s) must carry a direct relationship to the department's or private agency's type of program and service responsibilities.

(e) The intent of the service is to allow the department or private agency to develop and carry out a suitable plan for the child.

(4) Every six months the CSO administrator shall receive a written report on each receiving home, resubstantiating its continued use and need.

(5) Foster family homes which regularly provide care for children on a temporary, emergent, or interim basis and are available for placement twenty-four hours per day shall be designated as receiving homes. These homes shall be paid ~~((twenty-six))~~ twenty-eight dollars and ~~((seventy-five))~~ forty cents per month for each bed which is kept available for the emergency placement of children. In addition, the daily rate for receiving home care shall be nine dollars and ~~((thirty))~~ ninety-five cents per day per child. Other foster homes which occasionally provide temporary, emergent, or interim care shall not be designated as receiving homes nor receive the retainer fee, but shall be reimbursed for such care at the receiving home rate of nine dollars and ~~((thirty))~~ ninety-five cents per day per child.

(6) Temporary or emergency care for a child shall not exceed thirty days. After thirty days, the rate for children who remain in care in a receiving home shall be that for regular full time foster care except as authorized by the regional director. Clothing and personal incidentals are purchased for the child in receiving home care as needed.

(7) Private group care facilities may, at the discretion of the CSO administrator, be utilized to provide interim care for children and youths requiring care in a group

setting. Unless otherwise contracted group care facilities shall be paid for providing interim care at their established daily rate.

AMENDATORY SECTION (Amending Order 1445, filed 10/24/79)

WAC 388-70-048 PAYMENT STANDARDS—SPECIALIZED FOSTER FAMILY CARE—CHILD WITH SPECIAL NEEDS. In addition to the basic rate for regular foster family home care specified in this chapter, an additional amount may be paid for the specialized care of a child with special needs as determined by the department. The additional amounts are:

(1) Children with behavior problems	<del>\$(+12.00)</del> 119.85 per month
(2) Intellectual/physically handicapped children	<del>\$(+12.00)</del> 119.85 per month
(3) Emotionally handicapped children	<del>\$(+12.00)</del> 119.85 per month

**WSR 81-09-043**  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Order 1636—Filed April 15, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Residence—Establishing, amending WAC 388-26-055.

This action is taken pursuant to Notice No. WSR 81-06-033 filed with the code reviser on February 27, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 15, 1981.

By David A. Hogan  
Director, Client and  
Community Relations Division

AMENDATORY SECTION (Amending Order 1490, filed 2/22/80)

WAC 388-26-055 RESIDENCE—ESTABLISHING. (1) A resident is a person who:

(a) Is living in the state of Washington voluntarily with the intention of making his/her home in the state and not for a temporary purpose; that is, one who has indicated intent to maintain his/her residence in the

state and has no intention of presently leaving the state to take up residence; or

(b) ~~((At the time of application;))~~ Is living in the state, is not receiving assistance from another state, and entered the state with a job commitment or seeking employment in the state whether or not currently employed.

(2) The CSO is not required to find that an applicant is a resident of Washington if he/she is determined to be a bona fide resident of another state; in other words, that he/she is temporarily absent from another state and has not chosen to acquire residence in this state.

**WSR 81-09-044**  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 1637—Filed April 15, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to AFDC and GAU—Grant or vendor payment, amending chapter 388-33 WAC.

This action is taken pursuant to Notice No. WSR 81-06-071 filed with the code reviser on March 4, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 15, 1981.

By David A. Hogan  
Director, Client and  
Community Relations Division

AMENDATORY SECTION (Amending Order 906, filed 2/14/74)

WAC 388-33-020 PAYMENT OF GRANT—MONTHLY BASIS. ~~((+))~~ Continuing grants shall be based upon ~~((a monthly assistance plan))~~ monthly standards of assistance and payment made accordingly, except as provided in WAC 388-33-382 to comply with the advance notification requirement.

~~((2) For one-time grants see WAC 388-33-595. For emergency assistance payments see WAC 388-33-630.))~~

AMENDATORY SECTION (Amending Order 534, filed 3/31/71)

WAC 388-33-080 GRANT AUTHORIZATION, REAUTHORIZATION AND COMPUTATION—

**AUTHORIZING DOCUMENTS.** ~~((†) AH))~~ Payments and changes in continuing public assistance grants are reported and authorized by the ~~((welfare eligibility examiner))~~ financial services technician by signature on:

~~((a))~~ (1) Forms 5822-M to authorize;

~~((†))~~ (a) Initial, adjusting and regular payment of a prepaid continuing assistance grant and subsequent changes in the amount of grant;

~~((†))~~ (b) Postpayment to a vendor for nursing home care in a licensed classified private nursing home, or for care in an intermediate care facility(;) .

~~((b))~~ (2) Form 5822-G for one-time grant, ~~((public assistance emergency assistance warrants,))~~ child care payments, and vendor payments.

**AMENDATORY SECTION** (Amending Order 906, filed 2/14/74)

**WAC 388-33-085 GRANT AUTHORIZATION, REAUTHORIZATION AND COMPUTATION—LOCAL OFFICE FUNCTION.** (1) The terms "~~((welfare eligibility examiner))~~ financial services technician", "community service office", "local office", or "~~((local))~~ CSO administrator or his designee" are used interchangeably in chapter 388-33 WAC.

(2) All grants to new, reopened and reinstated cases shall be authorized for payment by the local office. The authorization of grant form shall be signed and dated by the ~~((welfare eligibility examiner))~~ financial services technician who prepares it, as indicated in WAC 388-33-080. In signing the form the ~~((welfare eligibility examiner))~~ financial services technician attests in behalf of the state of Washington and the department that the eligibility of the individual(s) listed on the form has been established and that a decision has been made as of the effective date to grant assistance in an amount determined by the recipient's circumstances according to department standards.

(3) All changes in grants shall be certified by the worker specifying the change(s) in circumstances except as provided in WAC 388-33-095. The state office authorizes payment of the changed grant as determined by the certified circumstances of the recipient.

(4) The term "regular grant" includes "initial grant" and "adjusting grant". The regular grant authorization includes the initial or adjusting grant and does not require separate authorization. See definitions in WAC 388-22-030.

(5) The effective date of eligibility is determined and specified by the worker when authorizing new, reopened, reinstated, and one-time grants as provided in WAC 388-33-115 and WAC 388-33-120. When grant re-computation is certified, the effective date is determined according to the rules in WAC 388-33-135 through 388-33-190.

(6) Payment of a grant shall continue in the amount authorized unless and until a change in amount, suspension or termination is certified.

(7) When eligibility factors indicate that an applicant will be eligible for not to exceed approximately a ~~((30))~~ thirty day period, the local office shall authorize on the certification and computation of grant form an opening and closing date and determine the amount of assistance

for which the applicant is eligible according to the department's monthly continuing assistance standards prorated for the period for which eligibility is authorized. ~~((Assistance is paid in cash to an eligible applicant as indicated in WAC 388-33-630. The certification and computation of grant form is forwarded to the state office as in any continuing case with the proper entry indicating that payment has been made to the applicant.))~~ The local office shall issue the applicant an award letter, including the date of opening, the amount of assistance and the date of termination. See WAC 388-33-380 regarding additional content of this notice relative to termination.

**AMENDATORY SECTION** (Amending Order 906, filed 2/14/74)

**WAC 388-33-090 GRANT AUTHORIZATION, REAUTHORIZATION AND COMPUTATION—STATE OFFICE FUNCTION.** (1) ~~((Except as specified in WAC 388-33-085(7))~~ Continuing assistance as authorized by the local office shall be computed by the state office. The amount of a grant (regular and initial or adjusting) shall be computed from the data on the certification and computation of grant form according to the department's ~~((cost))~~ standards ~~((for requirements))~~ of assistance.

~~((2))~~ The personal and household data shown on the authorization of grant form shall be converted into money amounts without changing the information recorded by the local office on the form. The result of this computation shall show on the certification and computation of grant form in a manner which permits verification of amount by comparison with the department's cost standards.)

~~((3))~~ (2) The certification and computation of grant form prepared by the state office shall be sent to the ~~((local office))~~ CSO and retained in the financial case record until further action is indicated.

~~((4))~~ (3) The state office prepares the (regular or supplemental warrant registers and the warrants, and completes the payment process. No change may be made by the state office except as described in WAC 388-33-090 and 388-33-095.

**AMENDATORY SECTION** (Amending Order 906, filed 2/14/74)

**WAC 388-33-125 NOTIFICATION OF GRANT APPROVAL.** ~~((†) Except as indicated in WAC 388-33-085(7))~~ A continuing assistance applicant or recipient shall be notified when the local office authorizes payment of his/her first regular grant or a change in grant. ~~((The state office mails form 5822-M-4, notice of grant approval, to the payee not later than three working days after receipt of the authorization. Form 5822-M-4 is mailed to the payee independently of his warrant.))~~

~~((2))~~ The procedure in subsection (1) applies to grant authorizations submitted to the state office by the local office for new, reopen, reinstate, program change and recompute transactions. For recompute transactions resulting in a changed grant amount, the notice of grant

approval shows the former grant amount and the new grant amount. The notice of grant approval is sent to a recipient each time a change in grant is recomputed. See WAC 388-34-180 for notification to an applicant or recipient in an institution.

~~(3) The notice of grant approval is printed and mailed at the same time that the certification and computation of grant form is issued and sent to the local office. The receipt of this form by the local office is notification that the recipient has been notified of the change in amount of grant.))~~

AMENDATORY SECTION (Amending Order 906, filed 2/14/74)

WAC 388-33-190 EFFECTIVE DATE OF GRANT—MONTHLY DEDUCTION OF OVERPAYMENT. (1) A deduction from the monthly grant when required by WAC 388-44-145 takes effect with the first regular warrant following state office receipt of the certification and computation of grant form, taking into account the warrant roll deadline date and the advance notice period provided in WAC ~~((388-33-380))~~ 388-33-376.

(a) The certification and computation of grant form shall not be submitted to start the monthly deduction until after the advance notice period has expired, and it has been confirmed that a fair hearing has not been requested.

(b) If, during the ten day period, the recipient requests a fair hearing regarding the monthly deduction of overpayment, no monthly deduction can be made until after the decision on the fair hearing has been made or the hearing request is withdrawn in writing by the claimant or abandoned.

(2) The local office shall certify discontinuance of the monthly deduction as soon as restitution is completed.

(3) A one-time grant shall be authorized expeditiously to compensate the recipient for an underpayment due to an erroneous monthly deduction. Also see WAC 388-33-595(2)(c)(vii).

AMENDATORY SECTION (Amending Order 747, filed 12/7/72)

WAC 388-33-370 TERMINATION OF SUSPENDED GRANT. ~~((+))~~ A suspended grant shall be terminated when:

~~((a))~~ (1) The individual dies while the grant is suspended;

~~((b))~~ (2) The individual does not request reinstatement of grant within fifteen days after leaving an institution, or completing restitution of overpayment by monthly grant deduction((-));

~~((c))~~ (3) The individual's resources and/or income increase during the suspension period to the extent he would not be eligible for medical care;

~~((d))~~ (4) A period of temporary ineligibility has ended and individual is ineligible for some other reason.

AMENDATORY SECTION (Amending Order 700, filed 7/27/72)

WAC 388-33-448 PROTECTIVE OR VENDOR PAYMENT DUE TO MISMANAGEMENT OF AFDC GRANT—PERIODIC REVIEW OF PLAN. ~~((+))~~ The social services supervisor or local office administrator shall review the conditions relating to the protective or vendor payment plan every three months or more often, if indicated. The review includes evaluation whether:

~~((a))~~ (1) Conditions justify continuation of the plan or its modification,

~~((b))~~ (2) Protective payee's responsibilities are being carried out appropriately,

~~((c))~~ (3) The relative payee can be expected to resume the payee function,

~~((d))~~ (4) A court appointed guardian or foster care is needed because the relative payee cannot learn the payee functions and it appears the plan will continue beyond two years.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-33-460 PAYMENT TO VENDOR OF GOODS AND SERVICES. (1) A vendor payment may be used in place of a one-time payment to provide assistance for an individual who is in emergent need ~~((from the date his continuing assistance grant is authorized to the date of payment of such grant when public assistance emergency assistance fund warrant or state office cash payment is not feasible. The vendor payment shall be deducted from the initial and/or regular grant and shall not exceed the standards for the continuing program. No vendor payment is authorized to the extent the recipient can meet his emergent need from his exempt cash savings. Payment is restricted to those basic items for which the emergency exists, that is, food, shelter, utilities. See WAC 388-33-630:))~~ only if:

(a) The individual has been served a sheriff's notice of eviction, and

(i) It is verified that the landlord will not forestall eviction until a one-time payment is received, and

(ii) It is verified that the landlord will not evict the individual after receiving the vendor payment; or

(b) The individual has been served a utility shut-off notice, and

(i) It is verified that the vendor will not forestall shut-off until a one-time grant is received, and

(ii) It is verified that the vendor will not shut off the utility after the vendor payment is received; or

(c) The individual is requesting transportation to his/her state of residence and the means of transportation is provided by a vendor who will accept vendor payment.

(d) The individual requests in writing that a vendor payment be made.

(2) Vendor payments listed in item (1) of this section shall:

(a) Be deducted from the initial and/or regular grant, unless they are issued in place of one-time grant as specified in WAC 388-33-595(2)(c).

(b) Not be authorized to the extent that the individual can meet the emergent need from his/her cash savings.

~~((2)) (3) A vendor payment may be used to provide assistance when a recipient dies before receiving or endorsing a warrant due him and owes for personal and household service, housekeeping service, or board and room. The amount authorized for vendor payment shall equal the portion of the cancelled warrant actually owed to the vendor.~~

~~((3) A vendor payment may be used to provide assistance for any individual or family eligible for general assistance when cash payment is not possible or practical.~~

~~(4) A vendor payment may be used to provide assistance for a person repeatedly convicted of criminal offenses. Repeated convictions for criminal offenses lead to a presumption of the inability of the individual to utilize a cash grant in a manner that is beneficial to the individual and to the community. This presumption can be overcome by showing that there is no relationship between the types of offenses committed and the ability to handle cash. If a presumption is not overcome, alternative plans, if possible, are made along the following lines:~~

~~(a) Appointment and payment to a legal guardian following a determination of incompetency by the court;~~

~~(b) Payment to another relative with whom the recipient lives (general assistance or aid to families with dependent children);~~

~~(c) Appointment and payment to a protective payee;~~

~~(d) Vendor payment;~~

~~(e) A person adjudged "a common drunk" and eligible for public assistance for whom subsection (4)(a), (b), and (c) are not practical or possible, may be granted assistance as follows:~~

~~(i) Board and room paid directly to a boarding home or mission(s). The disbursing order is written to authorize an expenditure on a daily basis. The vendor bills the department at the end of the designated period for the cost of the board and room.~~

~~(ii) Clothing according to the assistance standard purchased by voucher or authorized as a cash payment to the recipient.~~

~~(iii) A cash payment to the recipient for personal items and necessary incidentals.~~

~~(5) A vendor payment may be used under the conditions described in WAC 388-33-595 when direct cash payment is not feasible.~~

~~(6)) (4) A vendor payment may be used for an AFDC recipient when:~~

~~(a) The local office determines that protective payments are necessary due to mismanagement of the grant by the relative payee - see WAC 388-33-440.~~

~~(b) A person certified to the WIN program is determined by the state employment service to have refused employment or to participate in the WIN program without good cause, and vendor payments are the necessary form of payment - see WAC 388-33-450.~~

~~(c) A parent or other caretaker relative refuses to assign support rights, to cooperate in identifying and locating absent parents, establishing paternity or obtaining support payments.~~

~~((7)) (5) A vendor payment may be used to provide assistance for a recipient in a licensed and classified nursing home - see WAC 388-34-035 through 388-34-055, or for a recipient in an intermediate care facility - see WAC 388-34-370 through 388-34-384.~~

#### AMENDATORY SECTION (Amending Order 1331, filed 8/24/78)

WAC 388-33-576 LOSS, THEFT OR DESTRUCTION OF WARRANT PAYABLE TO RECIPIENT. (1) The legal authority for issuing a duplicate warrant is found in RCW 43.08.064 and 43.08.066.

(2) A recipient payee reporting to the ~~((ESSO))~~ CSO that he has not received his warrant or that his unendorsed warrant has been lost, stolen or destroyed is given full consideration. The ~~((ESSO))~~ CSO shall have the recipient payee complete an affidavit or affidavits attesting to the reported facts.

(3) The ~~((ESSO))~~ CSO shall secure all facts surrounding the nonreceipt or loss reported in subsection (2), assess the reported facts and make a judgment as to the validity of the report, determine a course of appropriate action, and inform the recipient, record the details of the report and the decision in the financial record.

(4) In cases where the facts surrounding the nonreceipt or loss are clear and the ~~((ESSO))~~ CSO is satisfied a loss has occurred a replacement warrant shall be issued.

(5) In cases where the facts surrounding the nonreceipt or loss are not clear and question remains as to the validity of the nonreceipt or loss, a request for replacement is made directly to the disbursements section. Replacement will be made only after further investigation is completed and validity of the nonreceipt or loss is verified.

(6) A report which indicates a warrant is lost in the mail system will be held in abeyance for ~~((five))~~ ten working days from the mailing date of the warrant to allow the warrant to be delivered or returned to the ~~((ESSO))~~ CSO. If the recipient has an emergent situation, the ~~((five))~~ ten day period may be waived by the ~~((ESSO))~~ CSO administrator.

(7) Replacement must be requested directly from disbursements when a loss or nonreceipt is reported to the ~~((ESSO))~~ CSO sixty days or more after the mailing date of the warrant.

(8) An unendorsed warrant which is lost, stolen or destroyed shall be replaced in full. Restrictively or specially endorsed warrants shall be deemed to be unendorsed warrants for the purposes of this subsection.

(9) An endorsed warrant which is lost, stolen or destroyed shall be considered under the rules in WAC 388-33-577 for lost, stolen or destroyed proceeds from the warrant.

(10) The state and economic and social service offices shall take appropriate action to protect the state from loss if the original unendorsed warrant is redeemed by the state treasurer.

AMENDATORY SECTION (Amending Order 1332, filed 8/25/78)

WAC 388-33-595 ONE-TIME GRANT—AUTHORIZATION—DISBURSEMENT. (1) See WAC 388-22-030 for definition of "one-time grant."

(2) A one-time grant may be authorized and disbursed in the amount necessary subject to the following rules:

(a) A one-time grant shall be authorized for a recipient of continuing assistance only.

(b) A one-time grant authorization is a single payment procedure. It expires when the warrant is mailed. It does not change the amount of the continuing (regular) grant currently authorized.

(c) A one-time grant shall be authorized when:

(i) An additional requirement recognized by department standards will be needed.

(ii) Income or assistance budgeted as available to the assistance unit or family is not received.

(iii) Supplemental assistance is needed from the date a recipient leaves an institution to the receipt of the regular, adjusting, or reinstated grant.

(iv) The fair hearing decision or the court decision on an appeal requires initiating, reinstating or increasing a grant.

(v) A recipient is to be compensated for an underpayment due to erroneous monthly deduction(s).

(vi) Any one-time grant that is approved by the state office under chapter 388-20 WAC for reasons other than those listed in this section.

(vii) A person who is added to an assistance unit requires assistance prior to the effective date of his inclusion in a regular grant.

(viii) A canceled warrant is to be reissued and the recipient cannot wait for payment by adjusting grant.

(ix) A change in the basic requirements which results in an increase in the regular grant occurs.

(x) Assistance is being continued in compliance with the 10-day advance notice rules on reduction, suspension or termination of a grant and a partial month payment is required.

(xi) Underpayment due to the departmental error is to be corrected. Such payment shall be limited to the amount due for not to exceed twelve months including the month in which the corrective payment is authorized.

(d) Except as provided in items (2)(c)(iv), (2)(c)(v), and (2)(c)(xi), a retroactive one-time grant shall not cover a period of more than sixty days before the date of authorization.

(e) The effective date of a one-time grant shall be the ((authorization)) date the circumstances change, subject to the limitations and conditions stated in this section.

REPEALER

The following section of the Washington Administrative Code is repealed.

(1) WAC 388-33-630 IMMEDIATE WARRANTS ISSUED BY ESSO.

**WSR 81-09-045**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1638—Filed April 15, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Overpayment—Repayment, amending chapter 388-44 WAC.

This action is taken pursuant to Notice No. WSR 81-06-035 filed with the code reviser on February 27, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 15, 1981.

By David A. Hogan  
 Director, Client and  
 Community Relations Division

AMENDATORY SECTION (Amending Order 1058, filed 10/1/75)

WAC 388-44-010 OVERPAYMENT—DEFINED. (1) "Overpayment" means any assistance paid to a person (~~((assistance unit))~~) who is not eligible or assistance paid to an eligible person in excess of (~~((need))~~) the amount he/she was eligible to receive.

(2) An overpayment includes vendor payments for medical care provided during a period when the individual was not eligible for public assistance.

(3) Funeral expenses paid by the department are an overpayment to the extent the value of the estate is not used as a resource in determining eligibility. However, the department's funeral expense payment is not repayable when the ~~((surviving spouse and/or dependent child(ren) receive from the))~~ estate consists only ((those)) of assets (resources) which are exempt in determining ((their)) eligibility for public assistance for the surviving spouse and/or dependents.

AMENDATORY SECTION (Amending Order 843, filed 8/9/73)

WAC 388-44-020 FRAUD—DEFINED. (1) "Fraud" shall mean a deliberate, intentional, and willful act, with the specific purpose of deceiving the department with respect to any material fact, condition, or circumstance affecting eligibility or need.

(a) "Act" as used here includes the ~~((willful))~~ willful failure to act when there is a lawful duty to act, and the willful concealment of or failure to reveal information when there is a lawful duty to reveal such information.



(b) An act based on ignorance, confusion, or mistake and done without intention to deceive shall not be considered fraudulent.

(c) An applicant or recipient shall not be charged with fraud when an overpayment is directly due to any omission, neglect, or error by the department in securing, recording, or acting on information, but shall be responsible for repayment of the overpayment pursuant to the applicable rules in WAC 388-44-127, 388-44-130, and 388-44-140.

(2) The failure of any recipient of public assistance to notify the department within twenty days of any change in circumstances affecting eligibility or need, including receipt or possession of all income or resources not previously declared to the department, shall be prima facie evidence of fraud. When a local office finds that an applicant or recipient has misstated or failed to reveal any material fact affecting eligibility or need, it shall presume that such act was done intentionally.

(3) It shall be the duty of the department, whenever it finds misstatement or failure to reveal pertinent facts or circumstances, to secure further evidence, whenever possible, which enables it to formulate a firm opinion as to whether or not the act was committed intentionally and fraudulently. In the absence of such further evidence, the presumption is not overcome; however, such presumption is rebuttable.

~~((4)) Evidence to consider in determining whether the existence of fraud is established or negated may include, but is not limited to, the following:~~

~~(a) A statement of the applicant or recipient;~~

~~(b) Names, addresses, and statements of persons who can verify or refute the statement of the applicant or recipient;~~

~~(c) Documents such as birth certificates, medical records, letters, affidavits, receipts, deeds, contracts, and any other type of written or printed communication;~~

~~(d) Any elements in the applicant/recipient's situation which reasonably explain any misstatements or failure to reveal information. Such elements might include physical or mental conditions of the applicant/recipient, language difficulties, problems due to distance, and failure of the local office to fully advise the applicant/recipient.~~

~~(5)) (4) ((It is of paramount importance that)) The ((local office)) department must inform all applicants and recipients of their rights and responsibilities concerning eligibility for and receipt of assistance. ((Primary among the responsibilities of applicants and recipients is the obligation to report all circumstances which affect eligibility and need. Fundamental among the rights of applicants and recipients is the right to be informed by the local office what those circumstances are.~~

~~(6)) (5) See chapter 388-46 WAC for referral to county prosecutor for possible criminal action.~~

AMENDATORY SECTION (Amending Order 539, filed 3/31/71, effective 5/1/71)

WAC 388-44-035 OVERPAYMENT—((DUE TO FACTORS OTHER THAN NEED)) AMOUNT.

(1) The amount of the overpayment to an individual ~~((who is ineligible for reasons other than financial need))~~ shall be determined as follows((-):

(a) If assistance is obtained as a result of a willful act of the recipient to deceive the department, the overpayment shall be ~~((125))~~ one hundred twenty-five ((per cent)) percent of the amount of assistance, including medical care, to which he/she was not entitled ~~((during such period of ineligibility))~~.

(b) If no willful act to deceive is involved, the overpayment shall be the amount of assistance, including medical care, to which he/she was not entitled ~~((during the period of ineligibility, provided that such overpayment shall be reduced by))~~.

(c) To determine the amount to which he/she was not entitled in (a) and (b) of this subsection the overpayment shall be reduced by:

(i) The amount of assistance that the recipient would have been eligible to receive during the period of ineligibility from any other category of assistance.

(ii) The amount of any child care paid by a recipient while earning unreported wages in the amount which the department would have paid if the employment and child care had been properly reported.

(iii) The amount of child support, paid by the absent parent for the month of overpayment, in excess of the amount of assistance to which the individual was actually entitled.

(2) Any overpayment in any month prior to the effective date of the latest recomputation of grant shall be reduced by the amount of any underpayment in any month prior to the effective date of the latest recomputation.

AMENDATORY SECTION (Amending Order 965, filed 8/29/74)

WAC 388-44-145 INVOLUNTARY REPAYMENT OF OVERPAYMENT—MANDATORY GRANT DEDUCTION. (1) An overpayment shall be recouped by mandatory deduction from future continuing assistance grants only when the department has made a determination that the overpayment resulted from recipient fraud as defined in WAC 388-44-020.

(2) If an overpayment is the result of recipient fraud and if the recipient has cash, bank accounts, or marketable securities which he refuses to use in full or partial satisfaction of an overpayment, a monthly deduction of up to one hundred percent of future grant(s) shall be established until such time as the amount of the grant(s) the recipient would be otherwise eligible to receive equals the value of the cash, bank accounts, or marketable securities which have been withheld.

(3) When deductions have been made pursuant to subsection (2) of this section and the recipient still owes money, or when subsection (2) of this section does not apply,

(a) The department shall, on a case-by-case basis, limit the amount of the monthly deduction so as not to cause undue hardship. The deduction shall not exceed ten percent of the recipient's total monthly requirements unless the recipient requests a larger deduction in writing.

(b) Deleted.

(c) Deleted.

(d) When a recipient is in a nursing home, intermediate care facility, or hospital, a monthly deduction may be made against the clothing and incidental grant to the recipient. A monthly deduction shall not be made against the vendor payment to the nursing home or intermediate care facility.

(e) The grant shall be suspended when the monthly deduction is equal to or more than the grant which would have been paid had no overpayment occurred.

(f) A deduction shall not be made from a noncontinuing general assistance-employable grant to liquidate an overpayment.

(4) A letter confirming the repayment plan shall be sent to the recipient. The letter shall state the percentage of monthly requirements to be deducted. It shall state the amount of the current grant before and after the deduction is made, the date the deduction begins, the total amount of overpayment to be recouped by grant deduction, and the approximate number of months the deduction will be made.

(5) Mandatory deductions from public assistance grants shall recoup no more than one hundred percent of the amount of assistance that the individual was ineligible to receive.

**REPEALER**

The following section of the Washington Administrative Code is repealed.

(1) WAC 388-44-040 OVERPAYMENT—DUE TO NEED FACTOR.

**WSR 81-09-046  
RULES OF COURT  
STATE SUPREME COURT  
[April 13, 1981]**

IN THE MATTER OF THE PUBLICATION OF PROPOSED AR 2. NO. 25700-A-318 ORDER

The Judicial Council having recommended the adoption of proposed AR 2, and it appearing to the Court that comments from the Bench and Bar would be of assistance to the Court in determining whether the rule as proposed will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby:

**ORDERED:**

That proposed AR 2 as shown below be published expeditiously in the Washington Reports and that comments from the Bench and Bar are to be submitted to the Judicial Council, 1100 N.E. Campus Parkway, Seattle, WA 98105, by July 1, 1981.

DATED at Olympia, Washington, this 13th day of April, 1981.

Robert F. Brachtenbach  
Chief Justice

**RULE AR 2**

**WASHINGTON PATTERN FORMS AND STYLE MANUAL**

(a) Washington Pattern Forms. [Reserved]

(b) WPF Style Manual. Standard forms for pleadings and other documents developed by the court, court clerk, prosecuting attorney, or the attorney general for use in superior court shall comply with the Washington Pattern Forms Style Manual as approved by the Supreme Court. The style manual, as approved by the Supreme Court, is reproduced as an appendix to these [general, administrative, or other appropriate term] rules.

**WSR 81-09-047  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Institutions)**

[Order 1639—Filed April 16, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Impact account—Criminal justice cost reimbursement, amending chapter 275-110 WAC.

I, David A. Hogan, 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 certain cities and counties not presently on the list in WAC 275-110-040 now have qualifying institutions and it would be inequitable to make them wait for regular adoption of these rules.

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

This rule is promulgated pursuant to RCW 72.72.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 15, 1981.

By David A. Hogan  
Director, Client and  
Community Relations Division

**AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)**

**WAC 275-110-020 DEFINITIONS. The following words and phrases shall have the following meaning when used in these regulations(:):**

(1) "Department" means the department of social and health services (and the department of corrections if Substitute Senate Bill No. 235 is enacted).

(2) "Political subdivisions" means counties, cities, and towns.

(3) "Institution" means any state institution operated by the department for the confinement of adult offenders committed pursuant to chapters 10.64, 10.77, and 71.06 RCW or juvenile offenders committed pursuant to chapter 13.40 RCW.

(4) "Secretary" means the secretary of social and health services or his designee(s) (and the secretary of corrections if Substitute Senate Bill No. 235 is enacted).

(5) "Incremental" means efforts or costs incurred by cities, towns, and/or counties that are not otherwise incurred and are specifically and exclusively attributable to criminal behavior of state institutional residents.

(6) "Law enforcement cost" means costs incurred to apprehend escapees or to investigate crimes committed by institutional residents within or outside state institutions defined herein.

(7) "Inmate" means any person committed to a state institution by the courts for confinement as an adult offender pursuant to chapters 10.64, 10.77, and 71.06 RCW, or as a juvenile offender pursuant to chapter 13.40 RCW.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-040 INSTITUTIONS AND ELIGIBLE IMPACTED POLITICAL SUBDIVISIONS. Reimbursement shall be limited to the following city, town, and county governments impacted by the offenses from inmates assigned to institutions listed in this section.

<u>Institution</u>	<u>Cities/County</u>
(1) Washington state penitentiary	Walla Walla/ Walla Walla
(2) Washington state reformatory ((3) Washington) (corrections center)	Monroe/Snohomish
(3) McNeil Island corrections center ((4) Purdy treatment center) (for women)	Stellacoom/Pierce
(4) Washington corrections center ((5) Firland) (correctional center)	Shelton/Mason
(5) Purdy treatment center for women ((6) Larch) (corrections center)	Purdy/Pierce
(6) Firland correctional center ((7) Clearwater) (correctional center)	Seattle/King
(7) Larch corrections center ((8) Indian Ridge treatment center)	Yacolt/Clark
(8) Clearwater correctional center ((9) Pine Lodge) (correctional center)	Seattle/King Arlington/Snohomish
(9) Olympic corrections center ((10) Cedar Creek)	Forks/Clallam Forks/Clallam

(correctional center)	((Littlerock/Thurston))
(10) Indian Ridge treatment center ((11) Echo Glen children center)	Arlington/Snohomish ((Snoqualmie/King))
(11) Pine Lodge correctional center	Medical Lake/ Spokane/Spokane ((Chehalis/Lewis))
((12) Green Hill school)	Littlerock/Thurston
(12) Cedar Creek correctional center	((Rochester/Thurston))
((13) Maple Lane school)	Monroe/Snohomish
(13) Special offender center ((14) Cascadia juvenile reception and (diagnostic center))	((Tacoma/Pierce))
(14) Echo Glen children center	Snoqualmie/King
((15) Mission Creek youth camp)	((Belfair/Mason))
(15) Green Hill school	Chehalis/Lewis
((16) Nascite youth camp)	((Nascite/Pacific))
(16) Maple Lane school	Centralia/Lewis
((17) Woodinville group home)	((Woodinville/)) ((Snohomish))
((18) Canyon View group home)	((East Wenatchee/)) ((Douglas))
(17) Mission Creek youth camp	Belfair/Mason
((19) Sunrise group home)	((Ephrata/Grant))
(18) Naselle group camp	Naselle/Pacific
((20) Twin Rivers group home)	((Richland/Benton))
(19) Woodinville group home	Woodinville/Snohomish
((21) Oakridge group home)	((Tacoma/Pierce))
(20) Canyon View group home	East Wenatchee/Douglas
((22) Pioneer group home)	((Tacoma/Pierce))
(21) Sunrise group home	Ephrata/Grant
((23) Western state hospital)	((Stellacoom/Pierce))
(22) Twin Rivers group home	Richland/Benton
((24) Eastern state hospital)	((Medical Lake/)) ((Spokane/Spokane))
(23) Oakridge group home	Tacoma/Pierce
(24) Park Creek group home	Kittitas/Kittitas
(25) Ridgeview group home	Yakima/Yakima
(26) Pioneer group home	Tacoma/Pierce
(27) Western state hospital	Stellacoom/Pierce
(28) Eastern state hospital	Medical Lake/ Spokane/Spokane
(29) Evergreen hospital for children and adolescents*	Stellacoom/Pierce

((25)) (30) For any institution which is not listed above, reimbursement shall be limited to the political subdivisions in which the institution is located. Such institutions include adult work release facilities and juvenile group homes housing inmates as defined in WAC 275-110-020(7).

NOTE: \*If Second Substitute House Bill No. 353 is enacted.

AMENDATORY SECTION (Amending Order 1569, filed 11/7/80)

WAC 275-110-080 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JAIL FACILITIES. Jail

facility cost reimbursement shall be strictly limited to incremental costs as defined in WAC 275-110-020 and to political subdivisions listed in WAC 275-110-040. Requests for reimbursement must be fully documented and must include the inmate's name and all appropriate admission and release dates. Reimbursement shall be limited to (~~(\$3.50)~~) three dollars and fifty cents per inmate day. Reimbursement shall not be made for costs incurred for holding persons regarding parole revocations or for holding persons involved in civil litigation. Costs of providing security when inmates require hospitalization will be reimbursed at the rate of nine dollars per hour. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

**AMENDATORY SECTION** (Amending Order 1569, filed 11/7/80)

**WAC 275-110-090 BILLING PROCEDURE.** Requests for reimbursement should be made on the standard Washington State Invoice Voucher, Form A19, with supporting and justifying materials attached. Such documentation may be subject to periodic audits at the discretion of the secretary, per WAC 275-110-120.

(1) All requests for reimbursement under this section shall note the name of the offender for whom costs were incurred, and the institution to which the offender was assigned.

(2) Requests for reimbursement may only be submitted by the jurisdiction's responsible fiscal officer, e.g., city manager, city supervisor, county auditor, county administrator, etc.

(3) All requests for reimbursement must be submitted to: DSHS, Office of Accounting Services, Mail Stop OB-24, Olympia, Washington 98504.

(4) If the appropriation for a biennium is fully expended prior to the end of the biennium, political subdivisions should continue to submit claims for the purpose of providing justification for requests for adequate funding levels in future biennia.

(5) The department shall include in its biennial appropriation requests proposed rates based on studies of local government costs to be conducted biennially.

**WSR 81-09-048**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Institutions)  
[Filed April 16, 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 Impact account—Criminal justice cost reimbursement, amending chapter 275-110 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on or about April 15, 1981.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
Client and Community  
Relations Division  
Department of Social and Health Services  
Mailstop OB-44 D  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by May 13, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 27, 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, June 10, 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 72.72.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 27, 1981, and/or orally at 10:00 a.m., Wednesday, May 27, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: April 15, 1981

By: David A. Hogan  
Director, Client and

Community Relations Division

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.045.

Amend chapter 275-110 WAC.

Purpose of the rule or rule change is to add certain cities and counties to the list of those eligible for reimbursement in accordance with this chapter.

Statutory authority: RCW 72.72.040.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Fred C. Jamison

Title: Director

Office: Budget and Fiscal Services Division

Mailstop: OB-23 A

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

**AMENDATORY SECTION** (Amending Order 1569, filed 11/7/80)

**WAC 275-110-020 DEFINITIONS.** The following words and phrases shall have the following meaning when used in these regulations(-):

(1) "Department" means the department of social and health services (and the department of corrections if Substitute Senate Bill No. 235 is enacted).

(2) "Political subdivisions" means counties, cities, and towns.

(3) "Institution" means any state institution operated by the department for the confinement of adult offenders committed pursuant to chapters 10.64, 10.77, and 71.06 RCW or juvenile offenders committed pursuant to chapter 13.40 RCW.

(4) "Secretary" means the secretary of social and health services or his designee(s) (and the secretary of corrections if Substitute Senate Bill No. 235 is enacted).

(5) "Incremental" means efforts or costs incurred by cities, towns, and/or counties that are not otherwise incurred and are specifically and exclusively attributable to criminal behavior of state institutional residents.

(6) "Law enforcement cost" means costs incurred to apprehend escapees or to investigate crimes committed by institutional residents within or outside state institutions defined herein.

(7) "Inmate" means any person committed to a state institution by the courts for confinement as an adult offender pursuant to chapters 10.64, 10.77, and 71.06 RCW, or as a juvenile offender pursuant to chapter 13.40 RCW.

**AMENDATORY SECTION** (Amending Order 1569, filed 11/7/80)

WAC 275-110-040 INSTITUTIONS AND ELIGIBLE IMPACTED POLITICAL SUBDIVISIONS. Reimbursement shall be limited to the following city, town, and county governments impacted by the offenses from inmates assigned to institutions listed in this section.

<u>Institution</u>	<u>Cities/County</u>
(1) Washington state penitentiary	Walla Walla/ Walla Walla
(2) Washington state reformatory (((3) Washington)) ((corrections center))	Monroe/Snohomish  ((Shelton/Mason))
(3) McNeil Island corrections center (((4) Purdy treatment center)) ((for women))	Steilacoom/Pierce  ((Purdy/Pierce))
(4) Washington corrections center (((5) Firland)) ((correctional center))	Shelton/Mason  ((Seattle/King))
(5) Purdy treatment center for women (((6) Larch)) ((corrections center))	Purdy/Pierce  ((Yacolt/Clark))
(6) Firland correctional center (((7) Clearwater)) ((correctional center))	Seattle/King  ((Forks/Clallam/)) ((Jefferson)) Yacolt/Clark ((Arlington/Snohomish))
(7) Larch corrections center (((8) Indian Ridge treatment center))	Forks/Clallam
(8) Clearwater correctional center (((9) Pine Lodge)) ((correctional center))	Medical Lake/) Spokane/Spokane) Forks/Clallam
(9) Olympic corrections center (((10) Cedar Creek)) ((correctional center))	(((Littlerock/Thurston)) Arlington/Snohomish ((Snoqualmie/King))
(10) Indian Ridge treatment center (((11) Echo Glen children center))	Medical Lake/ Spokane/Spokane ((Chehalis/Lewis))
(11) Pine Lodge correctional center (((12) Green Hill school))	Littlerock/Thurston ((Rochester/Thurston)) Monroe/Snohomish
(12) Cedar Creek correctional center (((13) Maple Lane school))	(((Tacoma/Pierce)) Snoqualmie/King ((Belfair/Mason))
(13) Special offender center (((14) Cascadia juvenile reception and)) ((diagnostic center))	Chehalis/Lewis ((Naselle/Pacific)) Centralia/Lewis
(14) Echo Glen children center (((15) Mission Creek youth camp))	
(15) Green Hill school (((16) Naselle youth camp))	
(16) Maple Lane school	

(((17) Woodinville group home))

(((18) Canyon View group home))

(17) Mission Creek youth camp

(((19) Sunrise group home))

(18) Naselle group camp

(((20) Twin Rivers group home))

(19) Woodinville group home

(((21) Oakridge group home))

(20) Canyon View group home

Wenatchee/Douglas

(((22) Pioneer group home))

(21) Sunrise group home

(((23) Western state hospital))

(22) Twin Rivers group home

(((24) Eastern state hospital))

(23) Oakridge group home

(24) Park Creek group home

(25) Ridgeview group home

(26) Pioneer group home

(27) Western state hospital

(28) Eastern state hospital

(29) Evergreen hospital for

children and adolescents\*

(((25))) (30)

For any institution which is not listed above, reim-

bursement shall be limited to the political subdivisions in which the in-

stitution is located. Such institutions include adult work release

facilities and juvenile group homes housing inmates as defined in WAC

275-110-020(7).

NOTE: \*If Second Substitute House Bill No. 353 is enacted.

((Woodinville/))

((Snohomish))

((East Wenatchee/))

((Douglas))

Belfair/Mason

((Ephrata/Grant))

Naselle/Pacific

((Richland/Benton))

Woodinville/Snohomish

((Tacoma/Pierce))

East

((Tacoma/Pierce))

Ephrata/Grant

((Steilacoom/Pierce))

Richland/Benton

((Medical Lake/))

((Spokane/Spokane))

Tacoma/Pierce

Kittitas/Kittitas

Yakima/Yakima

Tacoma/Pierce

Steilacoom/Pierce

Medical Lake/

Spokane/Spokane

Steilacoom/Pierce

**AMENDATORY SECTION** (Amending Order 1569, filed 11/7/80)

WAC 275-110-080 MAXIMUM ALLOWABLE REIMBURSEMENT FOR JAIL FACILITIES. Jail facility cost reimbursement shall be strictly limited to incremental costs as defined in WAC 275-110-020 and to political subdivisions listed in WAC 275-110-040. Requests for reimbursement must be fully documented and must include the inmate's name and all appropriate admission and release dates. Reimbursement shall be limited to ~~(\$3.50)~~ three dollars and fifty cents per inmate day. Reimbursement shall not be made for costs incurred for holding persons regarding parole revocations or for holding persons involved in civil litigation. Costs of providing security when inmates require hospitalization will be reimbursed at the rate of nine dollars per hour. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100.

**AMENDATORY SECTION** (Amending Order 1569, filed 11/7/80)

WAC 275-110-090 BILLING PROCEDURE. Requests for reimbursement should be made on the standard Washington State Invoice Voucher, Form A19, with supporting and justifying materials attached. Such documentation may be subject to periodic audits at the discretion of the secretary, per WAC 275-110-120.

(1) All requests for reimbursement under this section shall note the name of the offender for whom costs were incurred, and the institution to which the offender was assigned.

(2) Requests for reimbursement may only be submitted by the jurisdiction's responsible fiscal officer, e.g., city manager, city supervisor, county auditor, county administrator, etc.

(3) All requests for reimbursement must be submitted to: DSHS, Office of Accounting Services, Mail Stop OB-24, Olympia, Washington 98504.

(4) If the appropriation for a biennium is fully expended prior to the end of the biennium, political subdivisions should continue to submit claims for the purpose of providing justification for requests for adequate funding levels in future biennia.

(5) The department shall include in its biennial appropriation requests proposed rates based on studies of local government costs to be conducted biennially.

**WSR 81-09-049**

ATTORNEY GENERAL OPINION  
Cite as: AGLO 1981 No. 8  
[April 15, 1981]

COURTS—JUSTICE—JUDGMENTS—EXAMINATION OF  
JUDGMENT DEBTORS

A district justice court has the authority, under RCW 6.32.010 and .015, to order examination of judgment debtors personally or by written interrogatories.

## Requested by:

Honorable David F. Thiele  
Prosecuting Attorney  
Island County  
Courthouse  
Coupeville, Washington 98239

**WSR 81-09-050**

EMERGENCY RULES  
DEPARTMENT OF  
NATURAL RESOURCES  
[Order 353—Filed April 16, 1981]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to the adoption of an emergency rule describing areas of hazardous forest fuels protected by the Department of Natural Resources which are closed to entry from midnight April 29, 1981 through midnight May 3, 1981, adopting WAC 332-26-080.

I, Brian J. Boyle, 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 above described forest lands contain forest fuels that are undergoing early increases in drying from warm weather thus posing a potentially severe wildfire risk to forest resources, life, and property. This wildfire risk is multiplied substantially during the above dates from large numbers of uncontrollable camp fires occurring on said forest land as a result of a nearby public festival.

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

This rule is promulgated pursuant to RCW 76.04.140 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 16, 1981.

By Brian J. Boyle  
Commissioner of Public Lands

**NEW SECTION**

**WAC 332-26-080 (EMERGENCY REGULATION PURSUANT TO RCW 76.04.140).** For the protection against fire in the area described below, the following will be enforced: entry into this area is prohibited except those conducting industrial operations, public work, or permanent residents to their own property. No one may use this area for recreational purposes.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

In Township 21 North, Range 20 East, W.M., all of Sections 1, 2, and 3; that portion of Section 4 lying east of the Wenatchee Heights County Road; that portion of Section 8 lying east and south of the Wenatchee Heights County Road; that portion of Section 9 lying south of the Wenatchee Heights County Road, all of Sections 10, 11, 12, 13, 14, 15, 16; that portion of Section 17 lying south and east of the Wenatchee Heights County Road and all of the following Sections: 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36.

Effective from Midnight, April 29, 1981 to Midnight, May 3, 1981.

**WSR 81-09-051**

EMERGENCY RULES  
DEPARTMENT OF  
EMERGENCY SERVICES  
[Order 81-01—Filed April 17, 1981]

I, Hugh H. Fowler, director of the Department of Emergency Services, do promulgate and adopt at 4220 East Martin Way, Olympia, WA, the annexed rules relating to the Mt. St. Helens closure, rules for permitted entry and/or occupation, chapter 118-03 WAC.

I, Hugh H. Fowler, 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 on April 16, 1981, the Governor issued Executive Order 81-09 closing to entry by all persons with certain exceptions an area around Mt. St. Helens. These WAC's are necessary to implement the Governor's Executive Order 81-09.

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

This rule is promulgated pursuant to chapters 43.06 and 38.52 RCW and is intended to administratively implement that statute.

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

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

APPROVED AND ADOPTED April 16, 1981.

By Hugh H. Fowler  
Director

#### NEW SECTION

**WAC 118-03-010 PURPOSE.** The purpose of this chapter is to adopt emergency rules, regulations, and guidelines to implement Executive Order 81-09, prohibiting any person or persons with certain exceptions from entering the high risk danger zone known as the Red Zone, and prohibiting any person or persons with certain exceptions from entering the lower risk administrative Blue Zone of the Mt. St. Helens volcano as described in that Executive Order, and providing entry permit procedures for persons excepted. These rules may be amended from time to time as conditions warrant. Executive Order issued by the Governor on April 15, 1981, recognizes the continuing danger from additional eruptions, earthquakes, and other related events from Mt. St. Helens.

#### NEW SECTION

**WAC 118-03-030 DEFINITIONS.** "Red Zone" shall mean that high hazard area immediately adjacent or surrounding the Mt. St. Helens volcano closed to public access by the Governor of the state of Washington pursuant to the Revised Code of Washington (hereinafter RCW) 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. The Red Zone boundary area may change from time to time as conditions warrant. "Blue Zone" shall mean that less hazardous, administrative area immediately adjacent or surrounding the Red Zone closed to public access by the Governor of the state of Washington pursuant to RCW 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. The Blue Zone boundary area may change from time to time as conditions warrant. The abbreviation "DES" as used hereinafter shall mean the Washington State Department of Emergency Services. The term "Director" used hereinafter shall mean the Director of the Department of Emergency Services. "DOL" shall mean the Washington State Department of Licensing. "News media" shall include journalists, publishers, television and radio broadcast persons who are regularly engaged in the business of publishing or broadcasting. "ECC" shall mean the Emergency Coordinating Center located at the U.S. Forest Service Office in Vancouver, Washington. "Individual(s)" shall mean a person, partnership, joint venture, private or public corporation, association, firm, public service company, public utility district, or any other entity, public or private, however organized. "Control" shall mean to lease or rent. "DLE" shall mean Driver's License Examiner. "USFS" shall mean United States Forest Services. "USGS" shall mean United States Geological Survey.

#### NEW SECTION

**WAC 118-03-050 EXEMPTED PERSONNEL.** The following shall be exempted from Executive Order 81-09, rules prohibiting entry and/or occupation of the Blue or Red Zone subject to the limitations in paragraphs below.

(1) U.S. Geological Survey personnel who are performing official duties related to scientific evaluation and hazard assessment requiring their presence in Blue and Red Zones.

(2) U.S. Forest Service personnel in performance of their official duties requiring entry into Blue and Red Zones.

(3) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the Blue or Red Zones. The sheriffs of Lewis, Cowlitz, Clark, and Skamania Counties or their designee(s) shall have the authority to approve entry and/or occupation by search and rescue personnel under their supervision.

(4) Federal, state, county or local law enforcement and fire fighting personnel whose jurisdiction is within the Blue or Red Zone and who are on official business within the Blue or Red Zone.

(5) If permitted by the Director, or his designee(s), federal, state, county or local administrative personnel on official business within the Blue or Red Zone.

(a) The Director of DES, or his designee(s), shall have the authority to approve entry and/or occupation of state, county and local administrative personnel on official business.

(b) Federal administrative personnel other than those exempted in section (1) and (2) above, will be required to obtain and possess a permit.

(6) Individual(s) whose official permanent residence is within the Blue or Red Zone, provided they comply with the requirements and conditions under WAC 118-03-130 and WAC 118-03-210, and only for purposes of going to and coming from their residences.

(7) Individual(s) with a legitimate business reason for being within the Blue or Red Zone, provided their entry is approved by the DES Director or his designee(s).

(8) Persons who own, lease, or rent property for recreational purposes may be admitted upon showing substantial need to enter the Blue and Red Zone provided they are approved by the DES Director or his designee(s).

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

#### NEW SECTION

**WAC 118-03-070 CONDITIONS FOR ENTRY.**

(1) All permit holders must have two-way communications available within the Blue or Red Zone with a base station located outside of the zone. The base station must be monitored at all times while the permittee is in the Blue or Red Zone.

(2) The Red Zone will be open only when volcanic monitoring instruments are functioning properly. The



Red Zone will be closed when volcanic monitoring instruments are unreliable. The Red and Blue Zone will be closed also during eruptions, when there is an alert issued by the U.S. Geological Survey, and occasionally during advisories issued by the U.S. Geological Survey.

(3) Entry and occupancy of the Blue and

Red Zone will normally be one-half hour before sunrise to one-half hour before sunset, as established by the National Weather Service. (4) Extended hours of certain operations

within the Blue Zone may be granted by the Director of DES or his designee for good cause.

(5) Overnight stays in the Blue or Red Zone will be granted only by special permission by the Director of DES or his designee. The permit holder must be doing work requiring night time operations and have constant radio communications.

(6) The permit for entry into the Blue or Red Zone will contain specified routes of travel, duration of stay, type of vehicle or aircraft and description, destination, evacuation route, alternative routes, and names of those entering.

(7) A permittee may leave the vehicle or aircraft while in the Red Zone, but must not be more than thirty (30) minutes from the vehicle or aircraft and must maintain two-way radio contact with the vehicle, aircraft, or the base station.

(8) A permittee may leave the vehicle or aircraft while in the Blue Zone, but must not be more than sixty (60) minutes from the vehicles or aircraft and must maintain two-way radio contact with the vehicle, aircraft, or base station.

(9) No one is to work alone in the Red Zone. Unaccompanied work in the Blue Zone is permitted as long as two-way radio contact is maintained.

(10) Permit holders will stop work when requested by proper authorities and will leave the Blue or Red Zone when requested.

(11) It is strongly recommended that all who enter the Blue or Red Zone carry emergency equipment and a first aid kit.

(12) Recommended minimal emergency equipment should include: hard hat, respirator or face mask, goggles, and water.

**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 118-03-090 WASHINGTON STATE DEPARTMENT OF LICENSING TO PROCESS PERMITS.** The DOL shall process Blue and/or Red Zone entry permit applications at the following locations:

Longview, 773 Third Avenue, 98632  
 Vancouver, 915 MacArthur Blvd., 98661  
 Morton, 141 North 2nd, 98356  
 Centralia, 112 Harrison Ave., 98531  
 Seattle, King County Administrative Bldg.  
 Room 615, 500 4th Avenue

The DOL, under the direction of the Director of DES or his designee(s), may issue a permit for entry to the Blue and/or Red Zone, only to such individuals and for such

purposes as are clearly permitted by this chapter and Executive Order. The DOL shall compile a daily status list of approved and denied entry permits to the Blue and/or Red Zone. DOL shall also maintain a daily status list of those permanent residents or property owners who are currently occupying their property within the Blue or Red Zone. Permanent residents or property owners will keep DOL advised by telephone of the dates that they plan to occupy their property and the names and number of visitors and the dates that the visitors will be present. Permanent residents or property owners will also advise DOL when they leave the Red or Blue Zone. Phone numbers of DOL offices:

Longview — 206-577-2235 or 2236  
 Vancouver — 206-696-6671 or 6672  
 Morton — 206-496-5637  
 Centralia — 206-736-2855 or 2856  
 Seattle — 206-464-5846

### NEW SECTION

#### WAC 118-03-110

**APPLICATION/PROCESSING PROCEDURES — NON-PERMANENT RESIDENTS.** (1) Individuals desiring access to the Red or Blue Zones should contact one of the designated DOL Driver's License Examiners at the locations listed during regular business hours, Tuesday through Saturday, 8:30 a.m. to 5 p.m., and complete an application form for a permit stating the nature and need for access and sign the waiver contained on the application form. Federal, state and local governmental personnel on official business will only be required to complete and submit a permit application form. Upon completion and submission of this application to DOL, the application will be approved or disapproved within five (5) regular working days by DOL. After approval of the application a permit will be issued immediately.

(2) Individuals who are employers or government entities applying for a permit under WAC 118-03-230 may complete and submit an industrial application form to be issued an industrial permit which would allow the entry and/or occupation within the Blue or Red Zone by its authorized employees, contractors or agents for business reasons.

(3) DOL will screen applicants according to the criteria published herein and will issue permits to those that have demonstrated a need to enter and/or occupy the Blue or Red Zone. The DLE will assure that all pertinent data such as time of entry, duration of need, and mode of travel has been presented and will inform the applicant of entry requirements as stated herein.

(4) DOL will provide the Director, DES; the Director, USFS Emergency Coordination Center, and the sheriffs of Clark, Cowlitz, Lewis, and Skamania Counties with a daily list of permits issued.

### NEW SECTION

**WAC 118-03-130 PERMIT AND WAIVER ISSUANCE PROCEDURES — PERMANENT RESIDENTS.** (1) Permanent resident permits issued prior to April 15, 1981, remain valid.

(2) Permanent residence applicants must present proof of ownership or control of real property or personal property being used as a residence and a permanent residence status at the time of application.

(3) Permanent residence applicants eighteen (18) years of age and older shall be required to obtain a permit and sign a waiver.

(4) Permanent residence applicants between sixteen (16) years of age or older, but who have not attained eighteen (18) years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(5) All permanent residence applicants under sixteen (16) years of age must be included on the application of their parent/guardian.

(6) DOL will maintain a current list of permanent residents within the Blue or Red Zone.

(7) Permanent residents must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

#### NEW SECTION

**WAC 118-03-150 PERMIT AND WAIVER ISSUANCE PROCEDURES — RECREATION PROPERTY OWNERS, RENTERS, OR LESSEES.** (1) Recreation property owners, renters, or lessees must comply with the following conditions:

(a) Applicants must present proof of ownership or control of real property or personal property.

(b) Applicants eighteen (18) years of age and older shall be required to obtain a permit and sign a waiver.

(c) Applicants between sixteen (16) years of age or older, but who have not attained eighteen (18) years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(d) Applicants under sixteen (16) years of age must be included on the application of their parent/guardian.

(2) Recreation property owners, renters, or lessees must notify a DOL office in person or by telephone of the dates that they plan to occupy their property and further notify a DOL office then they leave the Red or Blue Zone.

(3) DOL will maintain a current list of recreation property owners, renters, or lessees within the Blue or Red Zone.

(4) Recreation property owners, renters, or lessees must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

#### NEW SECTION

**WAC 118-03-170 PERMIT AND WAIVER ISSUANCE PROCEDURES — VISITORS TO PERMANENT RESIDENTS OR RECREATIONAL PROPERTY OWNERS.** (1) Visitors must maintain a signed waiver on file with DOL.

(a) All visitors eighteen (18) years of age and older shall sign a waiver.

(b) All visitors between sixteen (16) years of age or older, but who have not attained eighteen (18) years of

age must have a waiver signed on their behalf by their parent or guardian.

(c) All visitors under sixteen (16) years of age must be included on the waiver signed by their parent or guardian.

(2) Permanent residents or recreational property owners must notify DOL by phone in advance of the names of visitors and the dates the visitors will be with them in the Blue or Red Zone.

#### NEW SECTION

**WAC 118-03-190 PERMIT AND WAIVER ISSUANCE PROCEDURES — MEDIA AND SCIENTIFIC RESEARCH.** (1) Media permit applications will be reviewed by a Mt. St. Helens Review Committee composed of members of the media community.

(2) Scientific research permit applications will be reviewed by a Mt. St. Helens Scientific Research Review Committee composed of members of the scientific community.

(3) Requests for permits by both media and scientific research personnel will be forwarded to the USFS Volcano Center coordinator for distribution and consideration by the appropriate review committee.

(4) Applicants must meet all criteria contained in WAC 118-03-070 and 118-03-230.

#### NEW SECTION

**WAC 118-03-210 CONDITIONS FOR ENTRY — PERMANENT RESIDENTS AND RECREATION PROPERTY OWNERS.** (1) Individuals who establish proof of permanent residence in communities or areas within the Blue or Red Zone will be issued a permit by DOL.

(2) Movement within the Blue or Red Zone will be restricted to the most direct access/exit route, the generally recognized boundaries of the community and service and supply locations with the zone.

(3) The permit does not allow the holder unlimited movement or access to any other areas within the Blue or Red Zone unless a specific permit has been issued.

#### NEW SECTION

**WAC 118-03-230 CONDITIONS FOR ENTRY — EMPLOYEES, CONTRACTORS, AND AGENTS OF INDIVIDUAL(S) OR GOVERNMENT ENTITY(S) ISSUED INDUSTRIAL PERMITS.** (1) Individual(s) or governmental entity(s) issued a permit under WAC's 118-03-050, 118-03-110, and 118-03-270 shall:

(a) Have a method to identify the location(s) of each authorized employee, agent and contractor who is within the Blue or Red Zone for the permittee's business.

(b) Inform each authorized employee, agent and contractor of predesignated escape routes.

(c) Monitor the local sheriff's department or other governmental agency radio frequency which is established for transmitting emergency messages related to Mt. St. Helens.

(d) Maintain a daily check-in and check-out procedure for all authorized employee(s), agent(s) and

contractor(s) who are within the Blue or Red Zone under the permittee's business.

(e) Issue an identification card, tag or other form of identification approved by the Director of DES or his designee to each authorized employee, agent and contractor who is within the Blue or Red Zone for the permittee's business.

(f) Provide the foreman of each work crew, or one member of each group working together with a two-way radio and require them to make regular contact with a central dispatcher.

(g) Inform each employee, agent and contractor authorized to enter the Red Zone for permittee's business to stay within thirty (30) minutes walking distance from their vehicles, and within the Blue Zone to stay within (60) minutes walking distance from their vehicles.

(h) Make every reasonable effort to ensure compliance from their authorized employee(s), agent(s), and contractor(s) according to WAC's 118-03-070, 118-03-230, and all other applicable safety regulations and procedures.

(2) Individual(s) other than government entity(s) shall indemnify the United States, the state of Washington, all political subdivisions thereof and their officer(s), agent(s) and employee(s), against all claims and liabilities which may be asserted against them for any damages, injuries, or losses suffered by any person while within the Blue or Red Zones or as a result of entering or occupying those zones, under the authority of the industrial permit.

(3) Entry and occupancy of the Blue or Red Zone for industrial permittees will be authorized during the hours from one-half hour before sunrise to one-half hour before sunset as established by the U.S. Weather Bureau Service.

(4) Entry and occupancy of the Blue or Red Zone for continuous 24-hour periods by industrial permittees will be permitted on a case-by-case basis by the Director of DES or his designee(s) upon a showing of overriding necessity.

(5) Each individual(s) at the time of application for an industrial permit issued under WAC 118-03-050 and 118-03-110 or prior to application must file with DES an evacuation, emergency communication and warning plan.

(6) The evacuation plan must include the following:

(a) A description of the areas of operation by township, range, and section.

(b) Number of personnel to be engaged within these areas.

(c) Type and number of vehicles to be used for evacuation.

(d) Primary and alternate escape routes to be used.

(7) The emergency communication and warning plans must include the following:

(a) Manner in which the industrial permit holder would receive notification of a volcanic event.

(b) Procedures which the industrial permit holder would use to warn his/her personnel in the Blue or Red Zone.

#### NEW SECTION

WAC 118-03-250 INDUSTRIAL PERMIT RE-APPLICATION PROCEDURE. (1) Industrial permits issued for the Red Zone prior to April 15, 1981, are valid until the expiration date on the permit has been attained and then only if all requirements under WAC 118-03-230 have been complied with.

(2) Industrial permittee(s) may request a new permit prior to the existing permit date via telephone or personal contact with/or in person to the DLE whose DOL office issued the application and permit.

(3) The DLE must be advised of the date and approximate time an authorized agent of the industrial permittee will arrive to sign and pickup the new permit.

(4) The industrial permittee must also give all necessary information required to process the application.

(5) On assigned day, the authorized industrial agent must go to the DOL identify him/herself to the DLE, review the application form and permit for accuracy, and sign the waiver.

#### NEW SECTION

WAC 118-03-270 FEDERAL, STATE, AND LOCAL GOVERNMENT ADMINISTRATIVE PERSONNEL. Federal, state or local government administrative personnel on official business shall be authorized entry into the Blue or Red Zones when:

(1) Such entry will not burden official search and rescue missions or other emergency operations in the Blue or Red Zone, and

(2) Such entry be limited, to the extent possible, to specified destination(s) and route(s) within the Blue or Red Zone, and

(3) Approval for permit issue has been made by the Director, DES or his designee(s), and

(a) Such entry is necessary to provide for the health, safety, and welfare of citizens in the disaster area, or

(b) Such entry is necessary to assess damages caused by the volcanic eruption for the purpose of mitigating further damage or providing for the well being of disaster victims, or

(c) Such entry will provide information necessary for federal, state or local officials responsible for disaster response.

#### NEW SECTION

WAC 118-03-290 OTHER PERMIT APPLICANTS. (1) The Director, DES, or his designee(s) may authorize persons not included in the above specific categories to enter the Blue or Red Zones when:

(1) Such entry be limited, to the extent possible, to specified designations and routes within the Blue or Red Zone, and

(2) Such entry will not burden official search and rescue missions or other emergency operations, and

(3) Such entry is limited in duration and by type of transportation to minimize, to the extent consistent with urgency of the entry, the safety of those granted entry permits, and

(a) Such entry is necessary for or will contribute to the health, safety, and welfare of the citizens in the disaster area, or

(b) Such entry is necessary for maintenance of privately owned property within the Blue or Red Zone, or

(c) Such entry is necessary or will contribute to the successful mitigation of damages caused by volcanic activity.

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

**NEW SECTION**

**WAC 118-03-310 REVOCATION AND SUSPENSION.** (1) In the event that volcanic activity or other events increase the danger already present in the Blue or Red Zone, permits, except permanent residents and scientific personnel approved by the Director of DES or his designee(s), may be suspended or revoked by the Director, DES, or his designee(s). This decision will be based on available scientific information and/or joint evaluation by the USFS (ECC Director) and DES. This evaluation will be made on a daily basis or as necessary. Notification of revocation/suspension will be made by DES in accordance with established DES operational procedures.

(2) The Director of DES or his designee(s) may suspend or revoke any permit issued under this chapter of the Washington Administrative Code, except for permanent residents, upon the failure of the permit holder(s) to meet the conditions of the permit of this chapter.

**NEW SECTION**

**WAC 118-03-330 UNIFORM PROCEDURAL RULES.** The Washington State Department of Emergency Services, hereinafter designated as the Department, adopts as its own rules or practice all those uniform procedural rules promulgated by the Code Reviser, now codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, subject to any additional rules the Department may add from time to time. The Department reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the Department, said determination to be in accordance with the spirit and intent of the law.

**WSR 81-09-052**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [April 14, 1981]

IN THE MATTER OF THE  
 PUBLICATION OF PROPOSED  
 AMENDMENTS TO MPR 4.3  
 AND 5.2.

NO. 25700-A-319  
 ORDER

The Judicial Council having recommended proposed amendments to MPR 4.3 and 5.2, and it appearing to

the Court that comments from the Bench and Bar would be of assistance to the Court in determining whether the amendments as proposed will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

**ORDERED:**

That the proposed amendments to MPR 4.3 and 5.2 as attached hereto be published expeditiously in the Washington Reports and that comments from the Bench and Bar are to be submitted to the Judicial Council, 1100 N.E. Campus Parkway, Seattle, WA 98105, by July 1, 1981.

DATED at Olympia, Washington, this 14th day of April, 1981.

Robert F. Brachtenbach

Chief Justice

MPR 4.3

~~PETITION AND ORDER OF APPREHENSION AND DETENTION — SERVICE MODIFICATION OR REVOCATION OF CONDITIONS — SERVICE~~

[Change in title only — no change in text.]

MPR 5.2

~~CONDITIONAL RELEASE HEARING HEARING ON REVOCATION OF CONDITIONAL RELEASE OR LESS RESTRICTIVE TREATMENT~~

~~The Notice of apprehension and detention and the petition for hearing required in RCW 71.05.340, shall be filed in the county ordering the commitment from which the person was conditionally released. Upon motion for good cause, the court may order the proceeding transferred to the court in the county in which the person was receiving out patient care or the county of the person's residence.~~

(a) Notice of Apprehension and Detention. The notice of apprehension and detention required by RCW 71.05.340 shall be filed in the court originally ordering the respondent's commitment within 2 judicial days after respondent's detention.

(b) Petition. The petition for hearing required by RCW 71.05.340 shall be filed in the county in which the respondent is being detained or, if the respondent is not being detained, in the county in which the respondent is receiving outpatient care.

(c) Change of Venue. Upon motion, for good cause, the court in which the petition is filed may order the proceedings transferred to another county.

(d) Original Court to be Notified of Disposition. If the hearing on the petition is held in a court other than the court originally ordering the respondent's commitment, the clerk of the court in which the hearing is held shall file a copy of the order disposing of the petition with the original court.

Comment on Proposed MPR 5.2

Sect. (a) is a reminder of the requirement found in RCW 71.05.340(3).

Sect. (b) eliminates the requirement that a petition for revocation be filed in the court which originally ordered the respondent's commitment. The proposed rule allows the petition to be filed in the county in which the respondent is being detained or, if the respondent is not being detained, in the county in which the respondent is receiving outpatient care.

Sect. (c) allows the court in which the petition is filed to order proceedings transferred to another county. The court, for example, might find it more appropriate to order the hearing conducted in the county of the respondent's residence or the county which originally ordered the respondent's commitment.

Sect. (d) requires the court disposing of the petition for revocation to send a copy of the order of disposition to the court originally ordering the respondent's commitment. The proposed rule is in harmony with a perceived statutory intent to maintain a complete file in the court originally ordering a commitment.

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

**WSR 81-09-053**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 81-24—Filed April 17, 1981]

I, Rolland A. Schmitt, director of the State 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 this closure is necessary to protect Puget Sound herring stocks.

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

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

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

APPROVED AND ADOPTED April 17, 1981.

By Rolland A. Schmitt  
Director

NEW SECTION

**WAC 220-49-02000E ROE HERRING FISHERY.** Notwithstanding the provisions of WAC 220-49-020 and WAC 220-49-021, effective immediately until further notice, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess herring, anchovy, candlefish or pilchards for commercial purposes with any type of gear in Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, 21A and 21B.

REPEALER

The following sections of the Washington Administrative Code are repealed:

**WAC 220-49-02000C CLOSED AREA — HERRING (81-4)**

**WAC 220-49-02000D CLOSED AREA — HERRING (81-14)**

**WSR 81-09-054**  
**PROPOSED RULES**  
**CHIROPRACTIC DISCIPLINARY BOARD**  
[Filed April 17, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Chiropractic Disciplinary Board intends to adopt, amend, or repeal rules concerning Scope of practice—Revocation or suspension of license authorized for practice outside scope, adopting WAC 113-12-200. (NOTE: The board has held four previous hearings at which oral testimony was taken. This meeting will be for the purpose of taking action on the proposed rules only and not for the purpose of taking further testimony. However, the board will accept further written submissions received by May 7, 1981.);

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Thursday, May 21, 1981, in the Seattle Room, Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.26.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 7, 1981.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-16-046, 81-01-066, 81-04-020 and 81-06-045 filed with the code reviser's office on 11/4/80, 12/16/80, 1/29/81 and 2/27/81.

Dated: April 17, 1981  
By: Joanne Redmond  
Assistant Administrator

**WSR 81-09-055**  
**ADOPTED RULES**  
**GAMBLING COMMISSION**  
 [Order 106—Filed April 17, 1981]

Be it resolved by the Washington State Gambling Commission, acting at Vancouver, Washington, that it does promulgate and adopt the annexed rules relating to the licensing and regulation of gambling activities, amending WAC 230-02-210 and 230-02-405.

This action is taken pursuant to Notice No. WSR 81-06-074 filed with the code reviser on March 4, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 9.46.070(4) as relating to WAC 230-02-210 and 230-02-405 is promulgated pursuant to RCW 9.46.070(10) as directed by RCW 9.46.020(18)(e) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 9, 1981.

By Harold Walsh  
 Chairman

AMENDATORY SECTION (Amending Order No. 80, filed 12/28/77)

WAC 230-02-210 DISTRIBUTOR DEFINED. A "distributor" is any person who purchases or otherwise obtains equipment for use in authorized gambling activities, including but not limited to punchboards or pull tabs, from any person and sells or otherwise furnishes such equipment, with or without merchandise to be awarded as prizes in connection therewith, to another person for the resale of or the display or operation of that equipment.

As used in these rules, the term "distributor" shall include a person who services and repairs pull tab dispensing devices, which shall be authorized so long as the person performing such servicing or repairs is licensed as a distributor or distributor's representative, and makes no addition to, or modification or alteration of, the device.

A manufacturer who sells or otherwise furnishes such equipment not manufactured by him to any other person for resale or for display or operation of that equipment is also a "distributor".

AMENDATORY SECTION (Amending Order No. 29, filed 1/23/75)

WAC 230-02-405 SPECIFIC AUTHORIZED CARD GAMES. These games include, and are limited to, ((E))each card game authorized ((by name)) by the commission under WAC 230-40-010 ((except mah-jongg, means the basic game listed and defined by that name in Hoyle's Modern Encyclopedia of Card Games

~~by Walter B. Gibson, published by Doubleday & Company, Inc., April 1974 edition. PROVIDED, That immaterial modifications to the published definitions may be made by each licensee if each modification is posted upon the premises where it can be clearly seen by the players in the card games)) when played as permitted by that rule.~~

**WSR 81-09-056**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 81-7—Filed April 17, 1981]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to NPDES Delegation, adopting WAC 173-06-065.

This action is taken pursuant to Notice No. WSR 81-06-048 filed with the code reviser on February 27, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21A-.090 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 7, 1981.

By Donald W. Moos  
 Director

NEW SECTION

WAC 173-06-065 NPDES DELEGATION. The sole and complete responsibility for administration of the National Pollutant Discharge Elimination System permit program is delegated by the director to John F. Spencer, the deputy director, and, in the absence of John F. Spencer, to Bruce A. Cameron, an assistant director, both of whom qualify under 33 U.S.C. 1314(i) and implementing regulations to administer the program.

**WSR 81-09-057**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 81-8—Filed April 17, 1981]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to San Juan County, amending WAC 173-19-360.

This action is taken pursuant to Notice Nos. WSR 81-05-034 and 81-09-019 filed with the code reviser on 2/18/81 and 4/10/81. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.50.200[90.58.200] and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 13, 1981.

By John F. Spencer  
Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-360 SAN JUAN COUNTY. San Juan County master program approved May 28, 1976. Revision approved October 29, 1976. Revision approved April 13, 1981.

**WSR 81-09-058**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1640—Filed April 20, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-15-030 Rights of applicant for services.  
Amd WAC 388-33-377 Grant continuation pending fair hearing.

This action is taken pursuant to Notice No. WSR 81-06-009 filed with the code reviser on February 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED April 15, 1981.

By David A. Hogan  
Director, Client and  
Community Relations Division

AMENDATORY SECTION (Amending Order 1420, filed 7/31/79)

WAC 388-15-030 RIGHTS OF APPLICANT FOR SERVICES. (1) Any individual has the right to request services from the department, make a service application and have his eligibility for services determined.

(2) Eligible individuals shall be given requested services, or other needed services, that are offered by the department, and included in the department's service plan, to meet the goal appropriate to his service need.

(3) Applicants or recipients may request a fair hearing concerning the denial, reduction or termination of a service, or failure to act upon a request for services with reasonable promptness.

(4) Services may not be provided prior to the date of application, nor if federal matching is to be received, provided prior to the date of determination of eligibility unless the determination is made within thirty days of the date of application and the individual was found to be eligible when service was initiated.

(5) Eligibility must be determined on an individual basis for each person in a family, unless specifically designated otherwise as in group eligibility.

(6) Notice shall be given to applicants for or recipients of services to indicate that they have been found eligible or ineligible for services. ~~((In cases of intended action to discontinue, terminate, suspend, or reduce the services of a recipient, the department will provide that recipient notice, in writing, of this action and the individual's right to request a fair hearing at least ten days prior to the effective date of that action. The ten day notice is not required when a service is provided and at time of authorization there are specified beginning and end dates. The client shall be given a copy of the written agreement at the time of initiation of services, and a termination notice shall be sent dated no later than the specified ending date))~~ Notice shall be given to a recipient of the department's planned action to reduce, suspend, or terminate; such notices shall follow and be in accord with WAC 388-33-376, 388-33-382, and 388-33-385.

(7) Service applications may be made by the individual, or others acting in his behalf, or may be the result of referral from another agency or member of the community. Where the individual is unable, too incompetent, or in a protective service case unwilling, to sign his own application, another responsible or appropriate individual may sign on his behalf, including a member of agency staff.

(8) Services may be only provided to accomplish the specific goals for the particular services as designated in the state service plan and rules.

(9) ~~((Services shall not be suspended, reduced, discontinued, or terminated until the fair hearing decision is rendered if a hearing is requested within ten days prior to the effective date. There are two exceptions to this policy. The first exception is when it has been determined at the hearing that the sole issue is the result of a change or application of state or federal law or policy. The second exception is when a change affecting the recipient's service eligibility occurs while a hearing decision is pending and the recipient fails to request a subsequent hearing after notice of the change has been given by the department. If, under these exceptions, service is to be discontinued, the department will notify the recipient of this action, in writing, at least ten days prior to the effective date of that action.))~~ WAC 388-33-377 is incorporated by reference to determine the



circumstances under which services will be continued pending a hearing when a recipient of services requests a fair hearing to appeal the department's planned action to reduce, suspend, or terminate services.

AMENDATORY SECTION (Amending Order 1320, filed 7/20/78)

WAC 388-33-377 GRANT CONTINUATION PENDING FAIR HEARING. (1) When a recipient ((f))of medical benefits, AFDC, ((or)) refugee assistance, general assistance ((payments)) continuing and/or services files a request for fair hearing according to chapter 388-08 WAC ((and the request is filed)) within the advance notice period ((specified in WAC 388-33-376)), assistance shall not be ((continued, if the decision being appealed relates to proposed reduction, suspension, or termination.

Such payment continues through the month of the fair hearing in all cases in which a fair hearing is requested, unless the request is withdrawn in writing by the claimant or abandoned)) suspended, reduced, or terminated; except assistance shall not be continued when the sole issue is one of state or federal law requiring automatic grant adjustments for classes of recipients, unless the reason for an individual appeal is incorrect grant, benefit, or service computation. Assistance will also not be continued if an automatic grant adjustment required either by state or federal law results in termination of a program.

(2) When a recipient requests a fair hearing within the advance notice period ((relative to a proposed reduction, suspension, or termination of)) to appeal the department's planned action to reduce, suspend, or terminate assistance, which is not an automatic grant adjustment required by either state or federal law, the determination of whether the issue is one of policy or is an issue of fact or judgment will be determined at the fair hearing by the hearing examiner.

(a) If there is an issue of fact or judgment including the correctness of application of the department's rules and policy, assistance will then continue through the month in which a fair hearing decision is rendered.

(b) If the issue is one of policy, assistance is discontinued at the end of the month in which the hearing is held. The department shall promptly inform the client in writing if assistance will not be continued, based on the above determination that the issue is one of policy.

(3) Assistance shall be reinstated in any case where the notice to reduce, suspend or terminate the grant does not require advance notice, if the recipient requests a fair hearing within ten days of the mailing of the notice of action. Subsections (1) ((applies)) and (2) of this section apply.

(((4) When a monthly payment has been prorated as provided in WAC 388-33-382(2)(a), and (1)(a) and (1)(b) of this section apply, assistance shall be restored immediately to meet the recipient's needs according to rules and procedures.

(5)) (4) Assistance shall not be continued under the provisions in this section if the claimant requests in writing that assistance not be continued, or if the request is withdrawn in writing by the claimant or abandoned.

(((6)) (5) When the ((claimant)) appellant requests a ((hearing date delay)) delay in the hearing, the ((state office)) hearings examiner shall determine the reasonableness of the request and whether assistance will be continued during the extended period. Assistance shall be discontinued if the hearings examiner determines that the hearing has been unreasonably delayed by the appellant.

#### WSR 81-09-059

#### NOTICE OF PUBLIC MEETINGS WASHINGTON STATE LIBRARY (Library Commission) [Memorandum—April 17, 1981]

The Washington State Library Commission's next meeting is scheduled for: June 1, 1981 in the Seattle area.

The notice originally sent gave a date of June 11, 1981.

#### WSR 81-09-060

#### ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Health) [Order 1641—Filed April 20, 1981]

I, David A. Hogan, Director, Client and Community Relations Division of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to adjustment of certificate of need expenditure thresholds, adopting chapter 248-156 WAC.

This action is taken pursuant to Notice No. WSR 81-06-007 filed with the code reviser on February 19, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.38.025 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 April 15, 1981.

By David A. Hogan  
Director, Client and  
Community Relations Division

#### Chapter 248-156 WAC ADJUSTMENT OF CERTIFICATE OF NEED EX- PENDITURE THRESHOLDS

#### NEW SECTION

WAC 248-156-010 PURPOSE OF CHAPTER 248-156 WAC. These rules and regulations are adopted pursuant to RCW 70.38.025 (6) and (12) for the purpose of establishing the index to be used and procedures

for making adjustments to the "expenditure minimum" for capital expenditures and to the annual operating costs for new "institutional health services" which are subject to the requirements of the certificate of need program established under the provisions of chapter 70.38 RCW.

#### NEW SECTION

WAC 248-156-020 DEFINITIONS. For the purposes of chapter 248-156 WAC, the following words and phrases shall have the following meanings:

(1) "Certificate of need program" means that program established in accordance with the provisions of chapter 70.38 RCW.

(2) "Department" means the department of social and health services.

#### NEW SECTION

WAC 248-156-030 INDEX AND PROCEDURES FOR ADJUSTMENT. (1) Index to be used. For the purposes of the certificate of need program, the United States Department of Commerce Composite Construction Cost Index shall be used in the annual adjustments of the following:

(a) The "expenditure minimum" as this term is defined in RCW 70.38.025 and WAC 248-19-220; and

(b) The minimum annual operating costs entailed in the provision of new "institutional health services," as this term is defined in RCW 70.38.025 and WAC 248-19-220, which will cause a new institutional health service to be subject to the provisions of chapter 248-19 WAC, the certificate of need rules and regulations.

(2) Procedure for adjustment.

(a) On or before the first day of each January, the department shall adjust and publish the adjusted expenditure minimum for capital expenditures and the adjusted minimum annual operating costs for institutional health services. Such adjusted minimums shall be in effect during the entire calendar year for which they are established.

(b) The adjustments in the minimums shall be based on the changes which occurred in the Department of Commerce Composite Construction Cost Index during the twelve month period ending the preceding October.

(c) The adjusted minimums shall be published by the department by public notice in one or more newspapers of general circulation within the state and through a written notice sent to each health systems agency, the hospital commission, each health care facility subject to the requirements of the certificate of need program, each statewide organization of such health care facilities, and the State Health Coordinating Council.

#### **WSR 81-09-061**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF NATURAL RESOURCES**

[Order 355—Filed April 20, 1981]

Be it resolved by the Department of Natural Resources, acting at Olympia, Washington, that it does

promulgate and adopt the annexed rules relating to entry of summary orders in administrative contested case hearings.

We, the Department of Natural Resources, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is several administrative contested case appeals have recently been filed and are now pending. RCW 34.04.090(3) and (9)(h) were recently enacted to specifically and expressly authorize the entry of summary orders in contested cases. The proposed rule is intended to implement that statutory enactment immediately on an emergency basis to apply to all pending cases.

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

This rule is promulgated pursuant to RCW 34.04.090(3) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 20, 1981.

By Brian J. Boyle  
Commissioner of Public Lands

#### NEW SECTION

WAC 332-08-445 SUMMARY ORDERS. *In any proceeding the department of natural resources or its designated hearings officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may enter summary orders in part or in whole after notice and hearing to all parties. The motion shall be granted if the pleadings, depositions, evidence, interrogatories and admissions on file, together with the affidavits, if any, show there is no genuine issue as to any material fact and that the moving party is entitled to the order as a matter of law.*

#### **WSR 81-09-062**

#### **PROPOSED RULES**

#### **GREEN RIVER**

#### **COMMUNITY COLLEGE**

[Filed April 20, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Green River Community College, Community College District No. 10, intends to adopt, amend, or repeal rules concerning the amending of traffic and parking rules and regulations, WAC 132J-116-010 through 132J-116-240;

that such institution will at 4 p.m., Thursday, June 18, 1981, in the Board Room, AD 15B, Green River Community College, Auburn, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 4 p.m., Thursday, June 18, 1981, in the Board Room, AD 15B, Green River Community College, Auburn, Washington.

The authority under which these rules are proposed is chapter 28B.51.40[28B.50.140].

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to June 18, 1981, and/or orally at 4 p.m., Thursday, June 18, 1981, Board Room, AD 15B, Green River Community College, Auburn, Washington.

Dated: April 16, 1981

By: James P. Chadbourne  
President

### STATEMENT OF PURPOSE

Title: Amendment of traffic and parking rules and regulations, WAC 132J-116-010 through 132J-116-240.

Description of purpose: Updating parking rules.

Statutory authority: RCW 28B.51.40[28B.50.140].

Summary of rule: WAC 132J-116-040 Permits required for vehicles on campus. WAC 132J-116-050 Authorization for issuance of permits. WAC 132J-116-060 Valid permit. WAC 132J-116-220 Fines and penalties.

Reasons for supporting proposed action: The proposed changes are required to update the code for current needs.

Agency personnel responsible for:

Drafting: Dr. Earl Norman

Mr. Nicholas Smith

Green River Community College

12401 S.E. 320th

Auburn, WA 98002

Telephone: 833-9111

Implementation: Same as above

Enforcement: Mr. Nicholas Smith, Director of Parking and Security

Person or organization proposing rule, and whether public, private, or governmental: Green River Community College, Public State Agency.

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) Does not apply.

### AMENDATORY SECTION

WAC 132J-116-040 PERMITS REQUIRED FOR VEHICLES ON CAMPUS. Students, faculty members, staff members, guests or visitors shall not stop, park, or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to WAC 132J-116-050. ~~((All persons parking on the campus will be~~

~~given five (5) academic days to secure and display a temporary or permanent permit from the dean for students, or his designee. Exceptions to this rule will be by the dean for students or his designee.))~~

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

**Reviser's Note:** RCW 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.

WAC 132J-116-050 AUTHORIZATION FOR ISSUANCE OF PERMITS. The dean of students, or his designee, is authorized to issue parking permits to students, administrators, faculty members, staff members, guests and visitors of the college, pursuant to the following regulations:

(1) A person may be issued a parking permit upon the proper registration of his vehicle with the college.

(2) The dean of students, or his designee, may issue temporary, permanent or special parking permits when such permits are necessary to enhance the business or operation of the college.

(3) Additional permits are available at the current fee schedule, ~~((as published in the current college catalog,))~~ to an individual who may be registered to drive any one of several vehicles. It shall be agreed that only one vehicle registered to an individual shall be permitted to park on campus at any one time.

(4) Persons who pay the current fee for parking permits and later request a refund shall receive refunds according to the refund policy. ~~((published in the current college catalog.))~~

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

**Reviser's Note:** RCW 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.

WAC 132J-116-060 VALID PERMIT. A valid parking permit is:

(1) An unexpired permanent parking permit registered and properly displayed; or

(2) A temporary parking permit authorized by the dean of students, or his designee, and properly displayed; or

(3) A special parking permit authorized by the dean of students, or his designee, and properly displayed; or

(4) A visitor's permit authorized by the dean for students, or his designee, and properly displayed; or

(5) No permit will be valid for more than one (1) year ~~((and temporarily properly displayed.))~~

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

**Reviser's Note:** RCW 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.

WAC 132J-116-220 FINES AND PENALTIES. The dean for students, or his designee, is authorized to impose the following fines and penalties for the violation of the rules and regulations contained in this chapter:

(1) Except as provided under Subsection (2), fines will be levied for all violations of the regulations contained in this chapter.

(2) Vehicles parked in violation of current traffic and parking regulations ~~((parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas,))~~ will be subject to a fine and may be impounded and taken to such place for storage as the dean for students, or his designee, selects. The expenses of such impoundings and storage shall be the responsibility of the registered owner or driver of the vehicle. ~~((Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.))~~ The college shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(3) At the discretion of the dean for students, an accumulation of traffic violations by a student, staff, administrator or faculty will be cause for disciplinary action, and the dean for students shall initiate disciplinary proceedings against such a violator.

(4) At the discretion of the dean for students, an accumulation of traffic citations by a student, staff, administrator or faculty member may be turned over to a private collection agency for the collection of fines not previously received by the dean for students, or his designee. Other appropriate collection procedures may be initiated as deemed necessary.

(5) Vehicles involved in violations of these regulations may be impounded as provided for in Subsection (2) herein.

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

**Reviser's Note:** RCW 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 81-09-063

#### NOTICE OF PUBLIC MEETINGS HUMAN RIGHTS COMMISSION

[Memorandum—April 20, 1981]

The State Human Rights Commission, at its regular meeting on April 16, 1981, voted to hold a Special Meeting on Thursday, June 11, 1981, beginning at 9:30 a.m. in the Seattle office of the State Human Rights Commission, 1601 Second Avenue, Seattle, Washington.

The purpose of the special meeting is to schedule hearings on Petitions for Reconsideration from petitioners in the Seattle area.

This meeting is in addition to the regularly scheduled meetings on the third Thursday of each month. This schedule was previously sent to you.

The Human Rights Commission also voted to hold a Special Meeting on Wednesday evening, May 20, 1981, beginning at 7:00 p.m., in Yakima, location to be announced, for the purposes of discussing legislation enacted and the budget.

### WSR 81-09-064

#### NOTICE OF PUBLIC MEETINGS DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Memorandum—April 20, 1981]

The Department of Social and Health Services requests that the following notice relating to a public hearing on a state plan be published in the Washington State Register scheduled for issuance on May 6, 1981.

Department of Social and Health Services  
State Plan for Fiscal Year 1982  
Supplemental Food Program for Women,  
Infants and Children (WIC)

A public hearing has been scheduled by the Department of Social and Health Services for the purpose of encouraging public participation in the development of the annual State Plan of Program Operation and

Administration for the Supplemental Food Program for Women, Infants, and Children (known as the WIC program). The proposed plan to be reviewed and discussed is for the federal fiscal year 1982. The hearing will take place in the auditorium of State Office Building #2 located at 12th and Franklin Streets in Olympia, Washington. The hearing is scheduled for 2:00-4:00 pm, Wednesday, May 27, 1981. Parking is available in the parking lot located across the street from the entrance to the building on 12th street.

As required by federal statute, the proposed plan will include the following items:

The names and addresses of participating state and local agencies and applicant agencies.

A map identifying the areas served within the state.

An Affirmative Action Plan which ranks areas of the state according to need.

Description of the financial management system utilized.

The fair hearing procedures.

State agency monitoring procedures.

Description of the agency outreach program.

Plan for the provision of nutrition education.

Method of certification of participants.

Specific nutritional risk criteria used in eligibility determination.

Any other information required by Federal regulations or deemed desirable by those participating in the plan formulation.

The hearing site is in a location which is barrier free. Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. If either is required, please contact William B. Pope, Chief, Office of Administrative Regulations, Department of Social and Health Services, Olympia, Washington - Telephone (206) 753-7015 by May 13, 1981.

### WSR 81-09-065

#### EMERGENCY RULES DEPARTMENT OF EMERGENCY SERVICES [Order 81-02—Filed April 21, 1981]

I, Hugh H. Fowler, director of the Department of Emergency Services, do promulgate and adopt at 4220 East Martin Way, Olympia, WA, the annexed rules relating to the Mt. St. Helens closure, rules for permitted entry and/or occupation, amending chapter 118-03 WAC.

I, Hugh H. Fowler, 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 on April 16, 1981, the Governor issued Executive Order 81-09 closing to entry

by all persons with certain exceptions an area around Mt. St. Helens. These rules are necessary to implement the Governor's Executive Order 81-09.

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

This rule is promulgated pursuant to chapters 43.06 and 38.52 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 21, 1981.

By Hugh H. Fowler  
Director

AMENDATORY SECTION (Amending Em. Order 81-01, filed 4/17/81)

WAC 118-03-090 WASHINGTON STATE DEPARTMENT OF LICENSING TO PROCESS PERMITS. The DOL shall process Blue and/or Red Zone entry permit applications at the following locations:

Longview, 773 Third Avenue, 98632  
Vancouver, 915 MacArthur Blvd., 98661  
Morton, 141 North 2nd, 98356 (P.O. Box 774)  
Centralia, 112 Harrison Ave., 98531  
Seattle, King County Administrative Bldg.  
Room 615, 500 4th Avenue

The DOL, under the direction of the Director of DES or his designee(s), may issue a permit for entry to the Blue and/or Red Zone, only to such individuals and for such purposes as are clearly permitted by this chapter and Executive Order. The DOL shall compile a daily status list of approved and denied entry permits to the Blue and/or Red Zone. DOL shall also maintain a daily status list of those permanent residents or property owners who are currently occupying their property within the Blue or Red Zone. Permanent residents or property owners will keep DOL advised by ~~((telephone))~~ mail ~~((the dates that they plan to occupy their property and))~~ the names and number of visitors and the dates that the visitors will be present. ~~((Permanent residents or property owners will also advise DOL when they leave the Red or Blue Zone. Phone numbers of DOL offices:))~~

Phone Number of DOL Offices

Longview — 206-577-2235 or 2236  
Vancouver — 206-696-6671 or 6672  
Morton — 206-496-5637  
Centralia — 206-736-2855 or 2856  
Seattle — 206-464-5846

AMENDATORY SECTION (Amending Em. Order 81-01, filed 4/17/81)

WAC 118-03-150 PERMIT AND WAIVER ISSUANCE PROCEDURES — RECREATION PROPERTY OWNERS, RENTERS, OR LESSEES. (1) Recreation property owners, renters, or lessees must comply with the following conditions:

(a) Applicants must present proof of ownership or control of real property or personal property.

(b) Applicants eighteen (18) years of age and older shall be required to obtain a permit and sign a waiver.

(c) Applicants between sixteen (16) years of age or older, but who have not attained eighteen (18) years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(d) Applicants under sixteen (16) years of age must be included on the application of their parent/guardian.

~~((2) Recreation property owners, renters, or lessees must notify a DOL office in person or by telephone on the dates that they plan to occupy their property and further notify a DOL office when they leave the Red or Blue Zone.))~~

~~((3))~~ (2) DOL will maintain a current list of recreation property owners, renters, or lessees within the Blue or Red Zone.

~~((4))~~ (3) Recreation property owners, renters, or lessees must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system.

AMENDATORY SECTION (Amending Em. Order 81-01, filed 4/17/81)

WAC 118-03-170 PERMIT AND WAIVER ISSUANCE PROCEDURES — VISITORS TO PERMANENT RESIDENTS OR RECREATIONAL PROPERTY OWNERS. (1) Visitors must maintain a signed waiver on file with DOL.

(a) All visitors eighteen (18) years of age and older shall sign a waiver.

(b) All visitors between sixteen (16) years of age or older, but who have not attained eighteen (18) years of age must have a waiver signed on their behalf by their parent or guardian.

(c) All visitors under sixteen (16) years of age must be included on the waiver signed by their parent or guardian.

(2) Permanent residents or recreational property owners must notify DOL by ~~((phone))~~ mail in advance of the names of visitors and the dates the visitors will be with them in the Blue or Red Zone.

(3) Visitor(s) will obtain their pending permit that is being held at the DOL office where the visitor permit application was mailed.

AMENDATORY SECTION (Amending Em. Order 81-01, filed 4/17/81)

WAC 118-03-230 CONDITIONS FOR ENTRY — EMPLOYEES, CONTRACTORS, AND AGENTS OF INDIVIDUAL(S) OR GOVERNMENT ENTITY(S) ISSUED INDUSTRIAL PERMITS. (1) Individual(s) or governmental entity(s) issued a permit under WAC's 118-03-050, 118-03-110, and 118-03-270 shall:

(a) Have a method to identify the location(s) of each authorized employee, agent and contractor who is within the Blue or Red Zone for the permittee's business.

(b) Inform each authorized employee, agent and contractor of predesignated escape routes.

(c) Monitor the local sheriff's department or other governmental agency radio frequency which is established for transmitting emergency messages related to Mt. St. Helens.

(d) Maintain a daily check-in and check-out procedure for all authorized employee(s), agent(s) and contractor(s) who are within the Blue or Red Zone under the permittee's business.

(e) Issue an identification card, tag or other form of identification approved by the Director of DES or his designee to each authorized employee, agent and contractor who is within the Blue or Red Zone for the permittee's business.

(f) Provide the foreman of each work crew, or one member of each group working together with a two-way radio and require them to make regular contact with a central dispatcher.

(g) Inform each employee, agent and contractor authorized to enter the Red Zone for permittee's business to stay within thirty (30) minutes walking distance from their vehicles, and within the Blue Zone to stay within (60) minutes walking distance from their vehicles.

(h) Make every reasonable effort to ensure compliance from their authorized employee(s), agent(s), and contractor(s) according to WAC's 118-03-070, 118-03-230, and all other applicable safety regulations and procedures.

(2) Individual(s) other than government entity(s) shall indemnify the United States, the state of Washington, all political subdivisions thereof and their officer(s), agent(s) and employee(s), against all claims and liabilities which may be asserted against them for any damages, injuries, or losses suffered by any person while within the Blue or Red Zones or as a result of entering or occupying those zones, under the authority of the industrial permit.

(3) Entry and occupancy of the Blue or Red Zone for industrial permittees will be authorized during the hours from one-half hour before sunrise to one-half hour before sunset as established by the U.S. Weather Bureau Service.

(a) Industrial permits will be good for the length of contract, not to exceed three months.

(4) Entry and occupancy of the Blue or Red Zone for continuous 24-hour periods by industrial permittees will be permitted on a case-by-case basis by the Director of DES or his designee(s) upon a showing of overriding necessity.

(5) Each individual(s) at the time of application for an industrial permit issued under WAC 118-03-050 and 118-03-110 or prior to application must file with DES an evacuation, emergency communication and warning plan.

(6) The evacuation plan must include the following:

(a) A description of the areas of operation by township, range, and section.

(b) Number of personnel to be engaged within these areas.

(c) Type and number of vehicles to be used for evacuation.

(d) Primary and alternate escape routes to be used.

(7) The emergency communication and warning plans must include the following:

(a) Manner in which the industrial permit holder would receive notification of a volcanic event.

(b) Procedures which the industrial permit holder would use to warn his/her personnel in the Blue or Red Zone.

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 81-09-066**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
[Order 126—Filed April 21, 1981]

Be it resolved by the undersigned, Frank R. Lockard, 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 Mt. St. Helen's area fishing closure effective April 26, 1981, WAC 232-28-60302.

I, Frank R. Lockard, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is the area described in WAC 232-28-60302 is located in close proximity to Mt. St. Helens and in the past has received considerable damage from the volcanic eruptions of Mt. St. Helens. Rapid evacuation of the area in the event of additional major volcanic activities would be complicated by the presence of large numbers of people attracted to the area to take advantage of open fishing seasons. Because of the above, it is necessary to close this area to fishing. Such a closure will not result in an overescapement or surplus of game fish. This regulation shall become effective April 26, 1981. Such rule is therefore adopted as an emergency rule.

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 April 17, 1981.

Frank R. Lockard  
Director

**NEW SECTION**

**WAC 232-28-60302 MT. ST. HELENS' AREA FISHING CLOSURE EFFECTIVE APRIL 26, 1981.** Notwithstanding the provisions of WAC 232-28-603, it shall be unlawful for any person to take, fish for, or possess any game fish in the Mt. St. Helens' area, described as follows:

From the intersection of township 11 north, range 2 east (southwest corner of section 31) just north of Kid Valley, Cowlitz county go east to the northwest corner of section 5, township 10 north, range 2 east; then south along section line to southwest corner of section 8, township 10 north, range 2 east; then west to west boundary of range 2 east; then south along west boundary of range 2 east to township 7 north, range 2 east, Kalama River road (Weyerhauser 6000 Line); follow road east southeast to Arnold Creek Junction; then southeast along Arnold Creek to south end of section 32, township 7 north, range 2 east; then east along south boundary of township 7 north to the south one-fourth corner of section 33, township 7 north, range 4 east; then north to the north one-fourth corner of section 33; then east to the southeast section corner of section 28, township 7 north, range 4 east; then north to the west one-fourth corner of section 27; then east to the east one-fourth corner of section 27; then north to the north one-sixteenth corner on the east section line of section 27; then east to the Skamania/Cowlitz county line; then south along Skamania/Cowlitz county line to the high water line of the north shore of the Lewis River; thence northwesterly along said high water line to the high water line of Yale Reservoir; thence westerly along said high water line to Cougar Creek; thence south to the southerly high water line of Yale Reservoir; thence northeasterly along said high water line to the south high water line of the Lewis River; thence easterly along the high water line of the Lewis River to Swift Reservoir Dam; then easterly along south high water line of Swift Reservoir to the center of section 35, township 7 north, range 6 east; then northeast to N90, southwest corner of section 25, township 7 north, range 6 east; then easterly northeast along the south side of road N90 to its intersection with Forest Service road N836; then north across N90; then northeast, north along the north side of N90 to N863; then easterly along the north side of road N90 to Quartz Creek (section 18, township 8 north, range 8 east); then northeasterly (upstream) along Quartz Creek to its confluence with Straight Creek (section 8, township 8 north, range 8 east); then northerly (upstream) along Straight Creek to Minor Tributary's confluence (northwest 1/4, section 20, township 9 north, range 8 east); then northwesterly (upstream) along the Tributary to Forest Service Trail 3; then northerly along trail 3 to boundary trail 1; then westerly along boundary trail to the southwest corner of section 33, township 10 north, range 7 east; then north along the section line to Forest Service road 119; then westerly along road 119 to Forest Service road 125 intersection; then southerly along road 125 to its intersection with Forest Service road 115; then along road 115 to the northeast corner of section 23, township 11 north, range 6 east; then westerly to the

northwest corner section 19, township 11 north, range 5 east, Wakeawasis Creek area; then north to northeast corner of section 13, township 11 north, range 4 east; then west to the northwest corner of section 18, township 11 north, range 3 east; then south to the northwest corner of section 19, township 11 north, range 3 east; then west to the northwest corner of section 19, township 11 north, range 2 east; then south to the intersection of township 11 north, range 2 east, just north of Kid Valley (starting point).

*This regulation shall become effective April 26, 1981.*

**WSR 81-09-067****EMERGENCY RULES****EMPLOYMENT SECURITY DEPARTMENT**

[Order 1-81—Filed April 21, 1981]

I, Commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to computation of pension deductions under RCW 50.04.323; definition of regular payable benefits, RCW 50.20.120; special re-qualification under RCW 50.20.050(4) when payable or extended benefits are in issue, RCW 50.22.020(7); interpretation of "good prospect for work within a reasonably short period of time", RCW 50.22.020(3); interpretation of RCW 50.22.020(4) relating to failure to apply for or accept work; application of RCW 50.20.080 in work refusal situations when shareable or extended benefits are at issue; standards to establish "tangible evidence of a systematic and sustained effort to obtain work", RCW 50.22.020(5).

I, Norward J. Brooks, Commissioner, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the proposed rules are a response to recently passed state law, chapter 35, Laws of 1981, and are necessary for the proper administration of the act and the timely payment of benefits.

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

This rule is promulgated pursuant to RCW 50.12.010, 50.12.040, 50.04.323, 50.20.120, 50.20.050(4), 50.22.020(7), 50.22.020(3), 50.22.020(4), 50.20.080 and 50.22.020(5).

This rule is promulgated under the general rule-making authority of the Commissioner of the Employment Security Department as authorized in RCW 50.12.010.

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



APPROVED AND ADOPTED April 21, 1981.

By Norward J. Brooks  
Commissioner

#### NEW SECTION

**WAC 192-16-030 INTERPRETATIVE REGULATION—COMPUTATION OF PENSION DEDUCTIONS UNDER RCW 50.04.323.** RCW 50.04.323 provides, in part, that the amount of any reduction under that section shall take into account contributions made by the individual for the pension, retirement or retired pay, annuity, or other similar periodic payment, in accordance with regulations prescribed by the commissioner. There will be presumed to have been no employee contribution unless the claimant provides evidence satisfactory to the department that such a contribution was made.

In the absence of a written certification from the administrators of the plan under which the claimant is receiving the pension, retirement or retired pay, annuity, or other similar periodic payment which verifies the specific percentage of the individual's contributions to the plan, the deductible pension amount will be calculated in the manner set forth in the following paragraph.

The deductible pension amount shall be determined as of the last pay period in the individual's base year for which contributions were made. For example, during such period the employees contributed 6% of gross wages and the employer contributed 7% of gross wages. The total contributions is 13% of gross wages. Dividing the employer's contributions by the total results in an employer share of contributions of 54%. The employer share represents that portion of the gross monthly pension that is deductible.

#### NEW SECTION

**WAC 192-16-033 INTERPRETATIVE REGULATIONS—REGULAR SHAREABLE BENEFITS DEFINED.** The term "regular shareable benefits" refers to regular benefits in excess of 26 times an individual's weekly benefit amount, paid with respect to weeks of unemployment which occur during an extended benefit period.

#### NEW SECTION

**WAC 192-16-036 INTERPRETATIVE REGULATION—REQUALIFICATION FOR REGULAR SHAREABLE OR EXTENDED BENEFITS UNDER RCW 50.20.050(4).** RCW 50.22.020(7) provides that individuals cannot requalify for regular shareable or extended benefits unless such requalification is based upon employment subsequent to the date of the disqualifying separation.

An individual disqualified under RCW 50.20.050(4) who has requalified on the basis of reporting for ten weeks will not be eligible for regular shareable or extended benefits unless such individual has, subsequent to the disqualifying separation, performed work in each of five weeks earning not less than his or her suspended weekly benefit amount in each of such weeks.

#### NEW SECTION

**WAC 192-16-040 INTERPRETATIVE REGULATION—GOOD PROSPECTS OF OBTAINING WORK WITHIN A REASONABLY SHORT PERIOD OF TIME UNDER RCW 50.22.020(3)—SHAREABLE OR EXTENDED BENEFITS.** For the purpose of RCW 50.22.020(3) an individual shall be deemed to have a good prospect for work within a reasonably short period of time if said individual has (1) a definite recall or hire date, within five weeks, or (2) a probable recall or hire date within five weeks, based on an extremely favorable position on a union out-of-work list, seasonal factors, or historical experience.

#### NEW SECTION

**WAC 192-15-042 INTERPRETATIVE REGULATION—FAILURE TO APPLY FOR OR ACCEPT WORK UNDER RCW 50.22.020(4)(b)—SHAREABLE OR EXTENDED BENEFITS** RCW 50.22.020(4) provides, in part:

"Extended compensation shall not be denied under subsection (1)(a) of this section to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work if: . . . (b) The position was not offered to such individual in writing and was not listed with the Employment Security Department; . . .

This section means that a person will be disqualified from receiving extended or shareable benefits for failure to accept or apply for suitable work, as defined in RCW 50.22.020(3), if the job at issue was either offered to the person in writing or was listed with the Employment Security Department and the other requirements of that subsection have been met.

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 192-16-045 INTERPRETATIVE REGULATION—DISQUALIFICATION FOR FAILING TO ACCEPT AN OFFER OF OR TO APPLY FOR SUITABLE WORK—SHAREABLE OR EXTENDED BENEFITS.** If, during a week for which an individual has claimed regular shareable or extended benefits, he or she fails to accept any offer of work or fails to apply for any work to which he or she was referred by the Employment Security Department:

(a) Such individual will be disqualified from benefits under the terms of RCW 50.20.080 if the work was "suitable" under the provisions of RCW 50.20.100 and RCW 50.20.110 and if the individual's failure was without "good cause";

(b) Such individual, if disqualified from benefits under RCW 50.20.080 as provided in subparagraph (a) above, will further be disqualified from regular shareable and extended benefits under RCW 50.22.020(1)(a) and (2) unless this additional disqualification is precluded by RCW 50.22.020(4);

(c) Such individual may be disqualified from regular shareable or extended benefits under only the provisions of RCW 50.22.020(1)(a) and (2) if the work was not "suitable" under the provisions of RCW 50.20.100 or if the individual had "good cause" in refusing the work.

### NEW SECTION

**WAC 192-16-047 INTERPRETATIVE REGULATION—INTERPRETATION OF REQUIREMENTS OF RCW 50.22.020(5)—TANGIBLE EVIDENCE OF A SYSTEMATIC AND SUSTAINED EFFORT TO OBTAIN WORK—SHAREABLE OR EXTENDED BENEFITS.** Work search efforts for individuals claiming shareable and extended benefits must be of a quality and frequency that would clearly indicate that the individual is making sincere efforts to immediately return to gainful employment.

The completed work search section of the continued claim form which includes the date of work seeking contact, the name of the employer or union involved, and the type of work sought will be considered as tangible but not conclusive evidence of a systematic and sustained effort to obtain work.

An individual engaged in a training program approved by the commissioner in accordance with the requirements of 26 U.S.C. § 3304(a)(8), WAC 192-12-182, and WAC 192-12-184 will be deemed to meet the requirements of RCW 50.22.020(5).

**WSR 81-09-068  
PROPOSED RULES  
COUNCIL FOR  
POSTSECONDARY EDUCATION**

[Filed April 21, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.05.050, that the Council for Postsecondary Education, intends to adopt, amend, or repeal rules concerning the Educational Services Registration Act, chapter 28B.05 RCW, amending chapter 250-55 WAC. (Copy of proposed rules is shown below, but right reserved to make changes in content);

that such agency will at 9:30 a.m., Wednesday, June 10, 1981, in The Evergreen State College, Room CAB 108, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:40 a.m., Wednesday, June 10, 1981, in The Evergreen State College, Room CAB 108, Olympia, Washington.

The authority under which these rules are proposed is RCW 28B.05.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 20, 1981, and/or orally at 9:30

a.m., Wednesday, June 10, 1981, The Evergreen State College, Room CAB 108, Olympia, Washington.

Dated: April 21, 1981

By: Chalmers Gail Norris  
Executive Coordinator

### STATEMENT OF PURPOSE

RE: The Education Services Registration Act (chapter 28B.05 RCW) chapter 250-55 WAC.

Statement of Purpose: This statement of purpose is written in compliance with section 23, chapter 186, Laws of 1980 and to accompany the Notice of Intention to Adopt, Amend, or Repeal Rules by the Council for Postsecondary Education.

Title: Amendments modifying rules regarding the Educational Services Registration Act.

Summary: These amendments are intended to make the following changes in the Council's regulations for the administration of the Educational Services Registration Act:

WAC 250-55-020, correct RCW citation to comply with Substitute Senate Bill 3315, 1981 Legislative session; WAC 250-55-030, addition of clear prohibition statement against diploma mills to comply with Substitute Senate Bill 3315, 1981 Legislative session; WAC 250-55-030(5)(a), extends accreditation exemption to encompass degrees that (1) are covered by the institution's accreditation or (2) have achieved candidacy status with the agency or association that has accredited the institution; WAC 250-55-030(6), addition to grant executive coordinator discretionary authority to provide agency exemption(s) to comply with Substitute Senate Bill 3315, 1981 Legislative session; WAC 250-55-040, corrects technical language; WAC 250-55-050(1), revised to include tuition fees from student sponsors for educational services; WAC 250-55-050(2), clarifies release of security provisions should institution replace security with surety bond; WAC 250-55-070(9), specifies procedures and criteria for prior learning credit; WAC 250-55-100, modifies catalog statement regarding registration; deletes requirement pertaining to student conduct; corrects subsection numbers; WAC 250-55-110(2), identifies educational credentials and specifies institutions' responsibilities for such; WAC 250-55-120, identifies "academic records," specifies procedures for transfer of academic records to CPE, should registered institution close; clarifies procedures for permanent maintenance of records; WAC 250-55-150, deletes specific reference to items to be covered on an enrollment agreement and substitutes a

general statement regarding such agreements; WAC 250-55-160, deletes specific requirements for residence, correspondence, and home study cancellation and refund policy; substitutes a general cancellation and refund policy; and WAC 250-55-220, provides procedure for recognition of accrediting agencies or associations; corrects technical language.

Institutional Person Responsible for Drafting, Implementation and Enforcement of Rule: Mark Johnson, Council for Postsecondary Education, 908 East Fifth Avenue, Olympia, Washington 98504; (206) 753-1149.

Governmental Organization Proposing the Rule: Council for Postsecondary Education. Institutional Comments Regarding Statutory Matters: Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 20, 1981, and/or orally at 9:30 a.m., Wednesday, June 10, 1981, The Evergreen State College, Room CAB 108, Olympia, Washington.

Reason for Proposed Rule Change: To comply with certain modifications to chapter 28B.05 RCW, pursuant to Substitute Senate Bill 3315, 1981 Legislative session; clarify and improve certain administrative policies and procedures.

**Reviser's Note:** The material contained in this filing will appear in a subsequent issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

**WSR 81-09-069**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed April 21, 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 Monthly maintenance standard—Applicant not in own home, adopting WAC 388-83-036.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
 Client and Community  
 Relations Division  
 Department of Social and Health Services  
 Mailstop OB-44 D  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at

State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by May 13, 1981.

The meeting site is in a location which is barrier free; that such agency will at 10:00 a.m., Wednesday, May 27, 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., Tuesday, June 2, 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 May 27, 1981, and/or orally at 10:00 a.m., Wednesday, May 27, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: April 21, 1981

By: David A. Hogan

Director, Client and  
 Community Relations Division

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

New WAC 388-83-036

Purpose of the rule or rule change is to establish a monthly maintenance standard for persons not in their own homes (medical program).

Statutory authority: RCW 74.08.090.

Person or persons responsible for the drafting, implementation and enforcement of the rule:

Name of initiator: Rita Longthorpe

Title: Program Coordinator

Office: Division of Medical Care

Phone: 3-7313

Mailstop: LK-11

These rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

#### NEW SECTION

WAC 388-83-036 MONTHLY MAINTENANCE STANDARD—APPLICANT NOT IN OWN HOME. (1) The monthly standard for a Title XVI related individual or GA-U recipient living in a CCF, adult family home or group home shall be the cost standard of the facility. Cost plus \$32.50 CPI may not exceed \$714.00 a month (300% of the current SSI federal benefit level).

(2) The AFDC recipient receiving intensive (30 day or less) alcohol treatment may be granted GA-U funds within the maximum which are paid to the facility for the cost of care.

(3) For the Title XVI related person with income, all earned and unearned exemptions allowed by SSI may be retained for personal needs. The GA-U recipient is subject to GA-U income and resource standards.

(4) If income available to the recipient is less than the CPI standard, a state payment is authorized to the recipient to meet his or her personal needs.

(5) Payment is made by the department to the facility for the difference between income available for payment on care and the cost standard of the facility.

**WSR 81-09-070**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed April 21, 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 Effect of resources and income on financial need—Personal property exemptions—Ceiling values, amending WAC 388-28-430.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director  
 Client and Community  
 Relations Division  
 Department of Social and Health Services  
 Mailstop OB-44 D  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Jefferson, Olympia, Washington, Phone (206) 753-7015, by May 13, 1981. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Wednesday, May 27, 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., Tuesday, June 2, 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 May 27, 1981, and/or orally at 10:00 a.m., Wednesday, May 27, 1981, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: April 20, 1981

By: David A. Hogan

Director, Client and  
 Community Relations Division

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 388-28-430.

Purpose of the rule or rule change is to increase resource limits for personal property in the public assistance program.

The reason(s) these rules are necessary is to comply with RCW 74.04.005.

Statutory authority: RCW 74.08.090.

Summary of the rule or rule change: Effective July 1, 1981 the exempt resource limit for the total of cash, marketable securities, cash discount values of real estate, chattel

mortgage and sales contracts, and certain other excess resource values shall be increased from \$750.00 to \$1500.00 for a single person, and from \$1,250.00 to \$2,250.00 for a family of two or more persons. Effective July 1, 1981 the cash surrender value of life insurance shall have the exempt limit increased from \$750.00 to \$1,500.00.

Person or persons responsible for the drafting implementation and enforcement of the rule:

Name of initiator: Dave Anderson

Title: Program Manager

Office: Bureau of Income Maintenance

Phone: 3-4373

Mailstop: OB-31 C

There rules are not necessary as a result of federal laws, federal court decisions or state court decisions.

#### AMENDATORY SECTION (Amending Order 1547, filed 10/1/80)

WAC 388-28-430 EFFECT OF RESOURCES AND INCOME ON FINANCIAL NEED—PERSONAL PROPERTY EXEMPTIONS—CEILING VALUES. (1) Personal property without ceiling value. The following personal property is an exempt resource. There is no ceiling value on such property.

(a) Used and useful household furnishings and personal clothing. Household furnishings and personal clothing which are in storage shall be presumed to be not used and useful, but all other household furnishings and personal clothing shall be presumed to be used and useful and both presumptions stand in the absence of evidence to the contrary.

(b) Personal property of "great sentimental value" may be exempted when the applicant establishes the circumstances and conditions which give it this value. When the intrinsic value is relatively high (stamp or coin collections, etc.) there may be need to review it carefully.

(c) Livestock or any other similar property owned by a child for the sole purpose of participating in an organized group or school activity, such as 4-H Club or FFA, shall be exempt, providing any net profit derived from the use of such property is reserved for future educational purposes.

(d) Other personal property, such as tools, farm machinery, livestock, business equipment, and inventory, can be declared an exempt resource by the CSO on the basis of an agreed plan. The following conditions apply:

(i) The exempted property must either produce income which reduces the applicant/recipient's need for public assistance, or aid in rehabilitating him or his dependents by providing self-employment experience which can reasonably be expected to lead to full or partial self-support.

(ii) If stock, raw materials, or inventory of a business are exempted, any increase in their value must be examined to determine whether the increase is necessary to the health of the enterprise. Such increase shall not be used as a means of diverting funds which might reasonably constitute income to the recipient.

(iii) The plan shall be reviewed at least once every six months.

(e) One cemetery plot for each member of an assistance household is exempt personal property. Any additional plots are nonexempt.

(f) Effective June 12, 1980, term and/or burial insurance for the use of the applicant or recipient.

(2) Exempt personal property with ceiling value. Property holdings in the form of cash and marketable securities, life insurance, real estate or chattel mortgages, sales contracts and used and useful automobiles are exempt resources to the extent that the values of such items are within the maxima or "ceiling" values specified in the following paragraph:

(a) Ceiling values on combinations of individual items. Effective ~~((June 12, 1980))~~ July 1, 1981, the total value of cash, marketable securities, cash discount value of real estate or chattel mortgages and sales contracts, and any excess of values exempted under (2)(d) and (e) of this section shall not exceed ~~(((\$750))~~ \$1,500.00 for a single person, or ~~(((\$1,250))~~ \$2,250.00 for a family of two or more.

Effective ~~((June 12, 1980))~~ July 1, 1981, the following are the resource limits for the total of cash, marketable securities, and any excess of values exempted under (2)(d) and (e) of this section:

Family Size	
1	<del>((750))</del> \$ 1,500
2 or more	<del>((250))</del> 2,250

(i) Funds represented by values within the ceiling values are not used to determine financial need and to compute grants.

(ii) Funds represented by values in excess of the maxima or ceilings are nonexempt; that is, they are used to determine financial need and to compute grants.

(b) Cash and marketable securities—ceiling.

(i) Cash. All cash savings held by the applicant or held jointly with any other person shall be considered. Any funds on deposit, in hand or in any place from which cash may be drawn by the applicant is a cash fund. A cash fund includes a bank account, savings, funds held in trust for future use (when applicant can make withdrawals), savings bonds, advance insurance premium payments, interest, etc.

(ii) A joint account shall be considered the property of the applicant/recipient since the entire amount is at his/her disposal, except when the applicant/recipient can show that all or a portion of the funds deposited within the joint account is derived from funds exclusively the other joint holder's and held/utilized solely for the benefit of that joint account holder. All funds within the joint account so verified shall not be considered actually available to the applicant/recipient.

(c) Real estate or chattel mortgages and sales contracts.

(i) Real estate or chattel mortgages or sales contracts held by the applicant will be considered exempt resources in combination with the value of other exempt personal property, within the limitation allowed in subsection (2).

(ii) The cash discount value of a mortgage or contract represents the value of the resource.

(iii) Any payments on mortgages or contracts received by an applicant or recipient shall be considered income as specified in WAC 388-28-580.

(d) Life insurance.

(i) Cash surrender ceiling value. Effective ~~((June 12, 1980))~~ July 1, 1981, life insurance may have a cash surrender value not to exceed ~~((750))~~ \$1,500.00 considered as an exempt resource.

(ii) Other considerations.

(A) Net value of unassignable policy. When the equity of another person in an unassignable policy held by an applicant can be established, the amount of such equity may be deducted in determining the applicant's holdings in insurance, provided that person holding the equity is named as beneficiary of the proceeds to the extent of such equity and without power or revocation by the insured.

(B) Assignment of policy. An insurance policy legally assigned belongs to the assignee and may not be regarded as the property of the insured. However, the assignment of a policy within two years prior to application or by a recipient must be evaluated as the transfer of a resource.

(e) Used and useful vehicles.

(i) Effective June 12, 1980, used and useful vehicles with an equity value of \$1500 or less are an exempt resource.

(ii) (A) In determining the resource value of automobiles, the national automobile dealers association official used car guide shall be used. For automobiles listed in this guide "average loan" value in the current edition shall be presumed to be the resource value.

(B) In determining the resource value of recreational vehicles the Kelley bluebook R.V. guide shall be used. For vehicles listed in this guide "wholesale" value in the current edition shall be presumed to be the resource value.

(C) For vehicles not listed in these guides the method of determining the resource value shall be documented in the case record.

(D) The values listed in these guides can be overcome by positive evidence to the contrary. Such evidence shall be documented in the case record.

**WSR 81-09-071**

**WITHDRAWAL OF PROPOSED RULES  
HORSE RACING COMMISSION**

[Filed April 21, 1981]

This is to inform you that the Washington Horse Racing Commission is withdrawing the proposed amendment to WAC 260-40-120, as originally filed in Notice No. WSR 81-01-060 and continued in Notice Nos. WSR 81-07-020 and 81-08-012.

**WSR 81-09-072**

**ADOPTED RULES  
COMMISSION FOR  
VOCATIONAL EDUCATION**

[Order 81-1, Resolution 81-45-2—Filed April 22, 1981]

Be it resolved by the Washington State Commission for Vocational Education, acting at Educational Services District #113, 601 McPhee Road S.W., Olympia, that it does promulgate and adopt the annexed rules relating to minimum standards of state agency personnel, amending WAC 490-28A-013.

This action is taken pursuant to Notice No. WSR 81-03-052 filed with the code reviser on January 19, 1981. 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 Vocational Education as authorized in RCW 28C.04.060.

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

APPROVED AND ADOPTED March 26, 1981.

By Homer J. Halverson  
Executive Director

**AMENDATORY SECTION (Amending Order 79-1,  
Resolution 78-32-3, filed 1/16/79)**

**WAC 490-28A-013 MINIMUM STANDARDS OF STATE AGENCY PERSONNEL.** ~~((Minimum Standards for State Agency Administrators (state vocational education program administrators, state vocational education program directors, vocational education program specialists and vocational education teacher educators). In accordance with federal (Public Law 88-352) and state (chapter 49.60 RCW) laws, Presidential Executive Orders, the Governor's Executive Orders, the rules and regulations of the Equal Employment Opportunity compliance guidelines, and the rules of the State Personnel Merit Systems, the agencies and the commission shall employ their staff without discriminatory practices because of political or religious opinions or affiliations, or race, sex, or age.~~

~~(1) Teaching experience. Must have taught vocational education for at least three years. Those state agency vocational education program specialists who have direct supervision and/or responsibility for vocational curriculum matters shall have had three years of recent vocational teaching experience within the area of specialty.~~

~~(2) Administration or supervision experience. Must have had at least three years experience in supervision, direction or management of personnel in vocational education.~~

~~(3) Education. At least 300 clock hours or 30 quarter credit hours in courses related to the responsibilities or documented evidence of significant accomplishments in the area of responsibilities.)~~ State agency personnel must meet the qualifications for the class in which they are employed (vocational education administrator, vocational education program director, vocational education program specialist) as required by the state personnel board in the appropriate current class specification. Staff are employed in accordance with state personnel merit system rules without discrimination because of race, color, creed, national origin, sex, age, handicap, or veterans' status.

**WSR 81-09-073**  
**ADOPTED RULES**  
**COMMISSION FOR**  
**VOCATIONAL EDUCATION**

[Order 81-2, Resolution 81-45-6—Filed April 22, 1981]

Be it resolved by the Washington State Commission for Vocational Education, acting at Educational Services District #113, 601 McPhee Road S.W., Olympia, that it does promulgate and adopt the annexed rules relating to local program/craft advisory committees, amending WAC 490-36A-030.

This action is taken pursuant to Notice No. WSR 81-05-033 filed with the code reviser on February 18, 1981. 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 Vocational Education as authorized in RCW 28C.04.060.

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

APPROVED AND ADOPTED March 26, 1981.

By Homer J. Halverson  
 Executive Director

AMENDATORY SECTION (Amending Order 79-1, Resolution 78-32-3, filed 1/16/79)

WAC 490-36A-030 LOCAL PROGRAM/CRAFT ADVISORY COMMITTEES.

(1) Each eligible recipient shall provide documentation

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

(a) Written documentation of appointments;

(b) Written documentation of acceptance by the appointees;

(c) Other types of verification.

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

(a) That an adequate number of meetings were held to assure that the input provided a positive effect on the program;

(b) That adequate prior notification of meeting dates and times have been given;

(c) That meetings have been scheduled on dates and at times to assure maximum employer and employee attendance; and

(d) Other corroboration of intent.

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

(4) All applications for new or expanded program implementation shall include a favorable written recommendation from the local program/craft advisory committee. The recommendation shall include evidence, in the form of a listing, of advisory committee knowledge of all like programs offered within the service area by any other public or private agency or school.

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

~~((5))~~ (6) The responsibility for empanelling members of the local advisory committees is exclusively that of the local eligible recipient.

~~((6))~~ (7) The general responsibility of a local program/craft advisory committee is to act in an advisory capacity without administrative or supervisory responsibility. Since a local program/craft advisory committee, to be effective, must provide advice in the planning, development and evaluation of vocational programs, the activities outlined below are not to be considered all inclusive of the activities said committee may perform to assist the vocational educator and/or local eligible recipient.

~~((7))~~ (8) Specific activities in which the program/craft advisory committee can be involved are:

(a) Advise on current job needs;

(b) Evaluate the relevance of programs being offered by the eligible recipient in meeting current job needs in the occupational area for which the advisory committee was organized;

(c) Recommend program startup, continuance, discontinuance and enrollment level, that generally conforms with statewide job opportunities forecasts, unless available data indicates a variance is called for due to changes in the economy. For example, the committee can assist the vocational educator to: Make community surveys; determine and verify need for training; review past accomplishments and forecast trends; counsel and guide students in relation to the world of work; provide accurate occupational information;

(d) Make recommendations that will assure the curriculum content is consistent with current skills and knowledge of the occupations. For example, the committee can assist the vocational educator: To evaluate the programs; to plan facilities and establish standards for shop and lab planning; to establish standards for selecting equipment and instructional materials; to recognize new technical developments which require changes in the curriculum; by offering guidance and support in technical matters; to select production work to be used as instructional vehicles for accomplishing course objectives; to determine criteria for evaluating student performance; and to develop cooperative work experience programs for students;

(e) Make recommendations to assure that the instructors are experienced and knowledgeable in the occupation. For example, the committee can assist the vocational educator to: Encourage teacher training of recruits from industry; determine criteria for selecting instructors; recommend and/or recruit qualified instructors;

(f) Assist the vocational educator: By providing tangible evidence that industry is supporting the program; by providing financial, legislative and moral support; by interpreting the program to the community, to unions, to employers; by securing donations of equipment and supplies; by finding placement opportunities for students; and by placing an emphasis on providing recruitment and placement opportunities to both sexes in programs considered nontraditional in nature.

~~((#))~~ (9) If a bona fide member of an advisory committee is in disagreement with the decision of the appointing eligible recipients to the startup, continuance or discontinuance of a program about which ~~((she/he))~~ the member has been appointed to give advice, said member may achieve recourse by taking the following action:

(a) Presenting ~~((her/his))~~ arguments and evidence to the local administration according to the procedures established by the local agency;

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

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

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

#### WSR 81-09-074

#### PROPOSED RULES

#### OCEANOGRAPHIC COMMISSION

[Filed April 22, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Oceanographic Commission of Washington, intends to adopt, amend, or repeal rules concerning duties of its officers and filling of vacancies on the Board of Trustees of the Oceanographic Institute of Washington, amending WAC 342-10-180 and 342-10-240 and to consider resolutions on the powers, duties and functions of the Oceanographic Commission of Washington and on clam and mussel legislation;

that such agency will at 10:30 a.m., Thursday, May 28, 1981, in the Board Room on the lobby level, Doubletree Plaza Hotel, 16500 Southcenter Parkway, Seattle, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Thursday, May 28, 1981, in the Board Room on the lobby level, Doubletree Plaza Hotel, 16500 Southcenter Parkway, Seattle, WA.

The authority under which these rules are proposed is RCW 43.94.040(10).

Interested persons may submit data, views, or arguments to this agency in writing to 152 Denny Way, Seattle, WA 98109, to be received by this agency prior to May 25, 1981, and/or orally at 10:30 a.m., Thursday, May 21, 1981, Board Room on the lobby level, Doubletree Plaza Hotel, 16500 Southcenter Parkway, Seattle, WA.

Dated: April 22, 1981

By: B. G. Ledbetter  
Executive Secretary

#### STATEMENT OR PURPOSE

Rule Title and Purpose: WAC 342-10-180 Oceanographic Commission—Duties of office and WAC 342-10-240 Oceanographic Institute of Washington—Term of vacancies of institute trustees.

Description of Purpose: Provides for election of Trustees to the Board of the Oceanographic Institute of Washington.

Statutory Authority: RCW 43.94.040(10).

Summary of Rule: Provides authority to the Oceanographic Institute of Washington to elect trustees to fill vacancies.

Reasons supporting proposed action: Administrative clarification.



Agency personnel responsible for drafting, implementation and enforcement: B. G. Ledbetter, Executive Secretary, 152 Denny Way, Seattle, WA 98109, 464-6272.

Person or organization proposing rule: Oceanographic Commission of Washington, a state agency.

Agency comments: None.

(4) Any trustee then holding a position for which the term of office has expired must declare whether he or she is a candidate for re-election to that position.

~~((5) When a vacancy occurs on the Board of Trustees, the Institute shall so notify the Commission.~~

~~((6) When it is the Commission's desire to fill such a vacancy, it shall follow the nominating procedure set forth in WAC 342-10-180(1)(c).))~~

AMENDATORY SECTION (Amending Order 1-76, filed 4/22/76)

WAC 342-10-180 OCEANOGRAPHIC COMMISSION - DUTIES OF OFFICE. (1) The chairman shall:

(a) Preside at all public meetings and executive sessions of the Commission, and at all meetings of the executive committee;

(b) Endorse all resolutions, contracts and instruments on behalf of the Commission as authorized by the Commission, except where such power is delegated by these rules to the executive secretary;

~~((c) Appoint an ad hoc nominating committee of not less than three commissioners to solicit, accept, and make nominations to fill vacancies which exist in the Oceanographic Institute of Washington ("Institute" herein) Board of Trustees when it is the Commission's desire to do so in compliance with RCW 43.94.050;))~~

~~((d))~~ (c) Perform all such other duties as are incident to his office or as properly required of him by the Commission.

(2) The vice-chairman shall:

(a) Exercise all of the functions of the chairman during the absence or disability of the chairman;

(b) Have such powers and discharge such duties as may be assigned to him from time to time by the Commission.

(3) The executive committee shall:

(a) Take emergency administrative action in the name of the Commission when time precludes deliberations by the Commission in full assembly;

(b) Interview and recommend to the Commission appointments of personnel to the permanent staff of the Commission;

(c) Approve all out-of-state travel and that travel requiring the extended absence of any member of the Commission and its staff;

(d) Schedule Commission meetings;

(e) Perform such other and further duties as are properly required of them by the Commission.

(4) The executive secretary, as chief executive officer of the Commission, and with the Commission's approval, shall:

(a) Employ such persons and incur such expenditures as are necessary for the accomplishment of the purposes for which the Commission has been formed;

(b) Ensure an accurate record of all meetings be maintained in the form of meeting minutes, and maintain a record of all motions and resolutions adopted by the Commission which may be so recorded in the form of meeting minutes;

(c) Supervise the maintenance and safekeeping of the Commission's books and records;

(d) Publish, at the direction of the executive committee, all notices of meetings to be held and prepare an agenda for each such meeting, subject to the approval of the Commission chairman;

(e) Perform such other and further duties as are incident to his office as are properly required of him by the Commission and its executive committee.

**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 1-76, filed 4/22/76)

WAC 342-10-240 OCEANOGRAPHIC INSTITUTE OF WASHINGTON - TERM OF VACANCIES OF INSTITUTE TRUSTEES. (1) The term for each trustee's office shall be for four years, expiring on January 15 and until his or her successor shall have been elected.

(2) An office of Trustee shall be filled when any nominee for that position receives a majority vote of the quorum in his favor by the ~~((Commission members))~~ Board of Trustees.

(3) Election to such position shall be for the unexpired term of his predecessor in office or for the next full term associated with that position, as appropriate.

**WSR 81-09-075**

**ADOPTED RULES**

**HORSE RACING COMMISSION**

[Order 81-03—Filed April 22, 1981]

Be it resolved by the Washington Horse Racing Commission, acting at the Washington Horse Breeders' offices, 2600 S.W. Oaksdale, Renton, WA, that it does promulgate and adopt the annexed rules relating to WAC 260-60-050, relating to the requisites for a claim; WAC 260-60-210, relating to cancellation of claims; WAC 260-70-140, relating to hypodermic instruments; WAC 260-36-180, relating to consent to searches and WAC 260-60-115, relating to claims made in bad faith.

This action is taken pursuant to Notice Nos. WSR 81-01-060, 81-07-020 and 81-08-012 filed with the code reviser on 12/15/80, 3/11/81 and 3/24/81. 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 Horse Racing Commission as authorized in RCW 67.16.020 and 67.16.040.

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

APPROVED AND ADOPTED April 15, 1981.

By George McIvor  
Executive Secretary

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-60-050 FORMAL REQUISITES OF CLAIM. All claims must be made in writing(;-) by an owner, a licensed prospective owner, or an authorized agent. Such claims shall be made on forms and in envelopes furnished by the association and approved by the commission. Both forms and envelopes must be filled out completely, and must be sufficiently accurate to identify the claim, otherwise the claim will be void. In addition, all claims must otherwise be in conformance with the requirements of this chapter.

NEW SECTION

WAC 260-60-115 CLAIM IN BAD FAITH. If the stewards find that a person has leased, sold or entered a horse merely for the purpose of entering a claim, that claim shall be invalid.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-60-210 CANCELLATION OF CLAIMS ((BY STEWARDS)). ((Should the stewards within twenty-four hours after the running of a race be of the opinion that the lease, sale or entry of a horse was not made in good faith but was made for the purpose of obtaining the privilege of entering a claim, then in each case they)) If within thirty days from the running of the race in which a horse is claimed the stewards find that such a claim was made in violation of the rules of racing the stewards may disallow ((or)) and cancel any such claim and order the return of ((a)) the horse ((that may have been delivered and refer the case to the commission for further action)) and the claim payment. In deciding whether to cancel a claim the stewards shall consider which party was at fault, the status of the horse at the time the claiming violation is discovered, and such other factors as appropriate. Should the stewards cancel a claim, they may order, as appropriate, payment for the care and maintenance of the horse involved. The stewards may refer to the commission for further action any case involving a violation of the rules of racing with respect to a claim regardless of whether the stewards deem it appropriate to order the cancellation of the claim.

NEW SECTION

WAC 260-36-180 CONSENT TO SEARCH. In order to protect the integrity of horse racing and to protect the interests of the public, any person who accepts a license or occupational permit from the commission and enters upon the grounds of a racing association is deemed to have given consent, subject to the provisions of this section, to a search of his person, effects, and/or any premises which that person may occupy or have the right to occupy upon the grounds. The commission and its stewards shall have the right to authorize personnel to conduct such searches. A licensee's or permit holder's person, effects, or premises may be searched upon the grounds when a person authorized to conduct such searches has reasonable grounds to believe that the licensee or permit holder has in his possession prohibited material or illicit devices; including, but not limited to, prohibited drugs or medication, controlled substances, nonauthorized hypodermic instruments, illicit mechanical or electric devices, and weapons. When possible such searches shall be conducted in a manner to avoid undue intrusion of privacy, but a dispute as to the appropriate conditions for a search shall not be grounds for failing to permit an otherwise appropriate search. Failure to permit a search as authorized herein shall result in revocation of the person's license or permit upon receipt by the commission of a sworn statement that a search was so refused. All persons to be searched shall be advised that failure to permit a search will result in revocation of their license or permit. Upon receipt of a sworn statement that a search has been refused, the commission or board of stewards shall inform the licensee or permit holder in writing that their license or permit has been revoked.

AMENDATORY SECTION (Amending Order 74.1, filed 5/22/74, effective 7/1/74)

WAC 260-70-140 HYPODERMIC INSTRUMENTS. Except by specific written permission of the stewards, no person within the grounds of a racing association ((where horses are lodged or kept)) shall have in or upon the premises which he occupies ((of for)), or has the right to occupy, or in his personal property or effects, any hypodermic instrument which may be used for injection into a horse of any medication prohibited by this rule. Every racing association((, upon the grounds of which race horses are lodged or kept;)) is required to use all reasonable efforts to prevent the violation of this rule upon its grounds. ((Every racing association, the commission and the stewards, or any of them, shall have the right to authorize a person or persons to enter, search and inspect the buildings, stables, rooms or other places within the grounds of such association or at other places where horses which are eligible to race are kept, together with the personal property and effects contained therein. Every licensed person and person permitted to pursue his occupation or employment within the grounds of any association, by accepting his license or such permission, shall consent to such search and to the seizure of any hypodermic instrument and anything apparently intended to be used in connection therewith.))

**WSR 81-09-076****ATTORNEY GENERAL OPINION****Cite as: AGO 1981 No. 5**

[April 20, 1981]

**DISTRICTS—SCHOOLS—TEACHERS—INITIATIVE NO. 62—FUNDING COSTS OF SICK LEAVE CASH OUT—ENFORCEMENT OF INITIATIVE NO. 62**

- (1) School districts are not entitled to be reimbursed by the state under the provisions of Initiative No. 62, § 6(1) for the additional costs resulting from the sick leave cash out provided for by RCW 28A.58.097.
- (2) The added costs resulting from the aforesaid sick leave cash out program are subject to the "full funding" requirement for basic education (K-12) imposed by Washington Const., Article IX, § 1; however, this does not necessarily mean that the total amount paid by a school district to its eligible employees pursuant to RCW 28A.58.097 will have to be covered by the amount which the legislature is constitutionally required to appropriate for basic education.
- (3) Because Initiative No. 62 is not a constitutional amendment, it does not have the effect of voiding legislation imposing additional costs on local taxing districts without compliance with § 6(1) thereof; rather, the legal effect of enacting such legislation would be the inurrence of a potential state liability for reimbursement to the extent, and in the manner, thus required.

## Requested by:

Honorable Ellen Craswell  
St. Sen., 23rd District  
8066 Chico Way N.W.  
Bremerton, WA 98310

**WSR 81-09-077**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 22, 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 designation maps, amending WAC 173-22-060;

that such agency will at 3:00 p.m., Tuesday, May 26, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:20 p.m., Tuesday, June 9, 1981, in Room 273, Department of Ecology, Headquarters Offices, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120, 90.58.200 and 90.58.030(2)(f).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 5, 1981, and/or orally at the hearing as shown above.

Dated: April 22, 1981  
By: John F. Spencer  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-22-060—Designation maps.

Description of purpose: Adoption of revised associated wetland boundaries.

Statutory authority: RCW 90.58.120, 90.58.200 and 90.58.030(2)(f).

Summary of rule: The amendments adopt revised associated wetland boundaries for the Juanita Bay wetland area in King County, Pelican Horn wetland area in Grant County, and Morgan Marsh in Kitsap County.

Reasons supporting proposed action: Associated wetlands are designated according to criteria established in chapter 90.58 RCW—Shoreline Management Act of 1971. The Department of Ecology is the agency responsible for delineating these areas. The amendments proposed at this time represent the latest available site information and is a routine updating action.

Agency personnel responsible for drafting, implementation and enforcement: Michael Rundlett, Department of Ecology, Mail Stop 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.

**Reviser's Note:** The designation maps filed with this notice are not capable of being reproduced in the Register and are therefore omitted pursuant to RCW 34.04.050(3). Copies of the maps may be obtained from the Department of Ecology, Mail Stop PV-11, Olympia, WA 98504, or may be inspected at the office of the code reviser.

**WSR 81-09-078**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 22, 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 lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes, amending WAC 173-20-380;

that such agency will at 3:00 p.m., Tuesday, May 26, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:20 p.m., Tuesday, June 9, 1981, in the Room 273, Department of Ecology, Headquarters Office, St. Martin's College Campus, 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 June 5, 1981, and/or orally at the hearing as shown above.

Dated: April 22, 1981  
By: John F. Spencer  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-20-380—Lakes coming under purview of chapter 90.58 RCW—Kitsap County lakes.

Description of purpose: The proposed amendment adds a lake to the list Kitsap County lakes.

Statutory authority: RCW 90.58.102 and 90.58.200.

Summary of rule: The amendment adopts a 95.0 acre lake, Morgan Lake, as a shoreline of the state.

Reasons supporting proposed action: Lakes are designated according to criteria established in chapter 90.58 RCW. The Department of Ecology is the agency responsible

for designating lakes. The amendment proposed at this time represents the latest available site information and is a routine updating action.

Agency personnel responsible for drafting, implementation and enforcement: Michael Rundlett, Department of Ecology, Mailstop PV-11, Olympia, Washington 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.

Air and Land Offices, 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 June 8, 1981, and/or orally at the hearing as shown above.

Dated: April 22, 1981

By: John F. Spencer  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-19-210—Grant County.

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 revisions to the shoreline master program for Grant County.

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, Mailstop 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 76-16, filed 5/3/76)

**WAC 173-20-380 LAKES COMING UNDER PURVIEW OF CHAPTER 90.58 RCW—KITSAP COUNTY LAKES.**

LOCATION	SECTION	NAME	AREA (ACRES)	USE
(1) T22N-R1W	2-E1/2	Wye Lk.	37.9	R
(2) T22N-R1W	2-E1/2	Carney Lake	18.7 Kitsap Co. 20.5 Pierce Co.	
			39.2 Total	R
(3) T24N-R1E	8-N	Kitsap Lk.	238.4	R
(4) T24N-R1W	2-H	Wildcat Lk.	111.6	R
(5) T24N-R1W	26-M	Union River Res.	93.0	PS
(6) T24N-R1W	31-L	Panther Lk.	74.1 Kitsap Co. 30.0 Mason Co.	
			104.1 Total	R
(7) T24N-R1W	32-C	Mission Lk.	87.7	R
(8) T24N-R1W	35-Q/R	Twin Lks. (Res.)	21.7	PS
(9) T24N-R1W	35-Q/R	Tiger Lk.		
(10) T22N-R1E	10-K/L	Horseshoe Lk.	40.3	R
(11) T23N-R2E	8-E	Long Lk.	314.0	R
(12) T25N-R1E	3-S1/2	Island Lk.	42.7	R
(13) T27N-R2E	21-M	Miller Lk.	25.7	R
(14) T24N-R1W	5	William Symington		
(15) T24N-R1W	17	Tahuya Lk.		R
(16) T24N-R2W	23&26	Three Fingers Pond & Holland Ponds	30.8	R
(17) T28N-R2E	21	Buck Lk.	22.0	R
(18) T24N-R2W		Morgan Marsh	95.0	R

**WSR 81-09-079  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY**  
[Filed April 22, 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 Grant County, amending WAC 173-19-210;

that such agency will at 2:00 p.m., Thursday, May 28, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Thursday, June 11, 1981, in the Hearings Room, Department of Ecology,

**AMENDATORY SECTION** (Amending order DE 79-34, filed 1/30/80)

**WAC 173-19-210 GRANT COUNTY.** Grant County master program approved September 16, 1975. Revision approved June 11, 1981.

**WSR 81-09-080  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY**  
[Filed April 22, 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 Winslow, City of, amending WAC 173-19-2604;

that such agency will at 2:00 p.m., Tuesday, May 26, 1981, in the Hearings Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, 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, June 9, 1981, in Room 273, Department of Ecology, Headquarters Offices, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 5, 1981, and/or orally at the hearing as shown above.

Dated: April 22, 1981  
By: John F. Spencer  
Deputy Director

#### STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2604—Winslow, City of.

Description of purpose: Adoption of revised shoreline master program for the City of Winslow 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 revisions to a local shoreline master program submitted by the City of Winslow.

Reasons supporting proposed action: Shoreline master program revisions are developed at the local government level 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: Michael Rundlett, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 753-4388.

Person or organization proposing rule, and whether public, private, or governmental: Department of Ecology, state government, and City of Winslow.

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 79-34, filed 1/30/80)

WAC 173-19-2604 WINSLOW, CITY OF. City of Winslow master program approved October 3, 1979. Revision approved June 9, 1981.

**WSR 81-09-081**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed April 22, 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 Anacortes, City of, amending WAC 173-19-3701;

that such agency will at 7:30 p.m., Wednesday, May 27, 1981, in the Community Center, Dining Room, Sixth and Q Streets, Anacortes, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 2:10 p.m., Tuesday, June 9, 1981, in Room 273, Department of Ecology, Headquarters Office, St. Martin's College Campus, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 5, 1981, and/or orally at the hearing as shown above.

Dated: April 22, 1981  
By: John F. Spencer  
Deputy Director

#### STATEMENT OF PURPOSE

Title: Amending WAC 173-19-3701—Anacortes, City of.

Description of purpose: Adoption of revised shoreline master program for the City of Anacortes 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 revisions to a local shoreline master program submitted by the City of Anacortes.

Reasons supporting proposed action: Shoreline master programs are developed at the local level 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: Michael Rundlett, Department of Ecology, Mail Stop PV-11, Olympia, WA 98504, 753-4388.

Person or organization proposing rule, and whether public, private, or governmental: Department of Ecology, state government and City of Anacortes.

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 80-41, filed 11/26/81)

WAC 173-19-3701 ANACORTES, CITY OF. City of Anacortes master program approved April 9, 1976. Revision approved November 25, 1980. Revision approved June 9, 1981.

**WSR 81-09-082**  
**PROPOSED RULES**  
**DEPARTMENT OF FISHERIES**  
 [Filed April 22, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries, intends to adopt, amend, or repeal rules concerning commercial fishing regulations;

that such agency will at 7:00 p.m., Wednesday, May 27, 1981, in the South Bend Community Center, South Bend, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, May 29, 1981, in the Washington Department of Fisheries Conference Room, Room 115, General Administration Building, Olympia.

The authority under which these rules are proposed is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 27, 1981, and/or orally at 7:00 p.m., Wednesday, May 27, 1981, South Bend Community Center, South Bend, Washington.

Dated: April 22, 1981  
 By: Rolland A. Schmitt  
 Director

**STATEMENT OF PURPOSE**

WAC 220-22-020, 220-36-021, 220-36-022, 220-36-024, 220-40-021, 220-40-022 and 220-40-024.

Purpose: Sets salmon gill net fishery in Willapa and Grays Harbors. Modifies fishing boundaries in the same areas.

Authority: RCW 75.08.080.

Summary of rule: Same as purpose.

Reasons supporting proposed action: Pre-season estimates indicate there will be a harvestable number of salmon returning to the coastal harbors.

Agency personnel responsible for:

Drafting: S. Shaw, Room 115 General Administration Building, Olympia, 754-2429

Implementation: Morris Barker, Room 115 General Administration Building, Olympia, 753-6699

Enforcement: R. Hachtel, Room 115 General Administration Building, Olympia, 753-6585

Proposed by Washington Department of Fisheries.

Agency comments: None.

This rule is not proposed as the result of any court action or federal law.

AMENDATORY SECTION (Amending Order 80-69, filed 7/18/80)

WAC 220-22-020 COAST, WILLAPA HARBOR, GRAYS HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 1 shall include those waters of District 1 and the Oregon coast westerly of a line projected from the inshore end of the north Columbia River jetty in the state of Washington to the knuckle of the south Columbia River jetty in the state of Oregon, northerly of a line projected true west from Tillamook Head in Oregon and southerly of a line projected true west from Leadbetter Point in Washington.

(2) Area 2 shall include those waters of District 1 northerly of a line projected true west from Leadbetter Point and southerly of a line projected true west from the Queets River mouth.

(3) Area 2A shall include those waters of Grays Harbor and the Chehalis River estuary upstream from the Union Pacific Railroad Bridge at Aberdeen to a line projected from the Standard Oil Dock at a right angle to the thread of the stream to a fishing boundary marker set on the opposite shore.

(4) Area 2B shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis Light, located 123 feet above mean high water at Westport, through lighted buoy 13 to where it intersects with the shore at Point Brown, southerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(5) Area 2C shall include those waters of Grays Harbor northerly of a line projected from a fishing boundary marker at Ocean Shores Marina to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly direction to a point on Chenois Bluff at 47° 0' 32" N latitude, 124° 1' W longitude.

(6) Area 2D shall include those waters of Grays Harbor and the Chehalis River estuary easterly of a line projected from the tripod station at Brackenridge Bluff southward and through channel marker 8 at the mouth of Johns River in the south channel to the mainland and westerly of the Union Pacific Railroad Bridge in Aberdeen and westerly (downstream) of the Highway 105 bridge on Johns River.

(7) Area 2G shall include those waters of Willapa Harbor northerly of a line projected from Needle Point approximately 285° true to the Island Sands Light approximately 2 miles south of Riddle Spit Light No. 10 and thence true west to the North Beach Peninsula, westerly of a line projected from Needle Point northerly to day beacon No. 14 and thence to Ramsey Point, outside and westerly of a line projected from Stony Point to the Bay Center Channel Light (F1 4 seconds, ((+)) 16 feet) to the northern tip of Goose Point, downstream and westerly of a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the Willapa River's south bank, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a straight line projected from the Cape Shoalwater Light through buoy 8A, located between buoy 8 and buoy 10, approximately 1,500 yards from Cape Shoalwater Light on a line 171° true, to Leadbetter Point.

(8) Area 2H shall include those waters of Willapa Harbor and the Willapa River estuary lying upstream from a line projected from the outermost tip of Johnson Point to a fishing boundary marker on the river's south bank and downstream from a line projected true north across the river from a fishing boundary marker on the section line between Section 27 and 28, Township 14N, Range 9W.

(9) Area 2J shall include those waters of Willapa Harbor lying southerly of a line projected from Needle Point approximately 285°

true to the Island Sands Light approximately 2 miles south of Riddle Spit Light No. 10, and thence due west to the North Beach Peninsula, northerly of a line projected true east-west through Marker ((+9)) 20 between Long Island and the North Beach Peninsula, downstream and westerly of the Highway 101 Bridge over the Naselle River, and northerly of a line projected true east from a fishing boundary marker at the south entrance to Baldwin Slough on Long Island to a fishing boundary marker on the shore of Stanley Peninsula on the mainland.

(10) Area 2K shall include those waters of Willapa Harbor easterly of a line projected from the northern tip of Goose Point to the Bay Center Channel Light (F1 4 seconds, ((+8)) 16 feet) to Stony Point and westerly of the Palix River Highway 101 Bridge.

(11) Area 3 shall include those waters of District 1 northerly of a line projected true west from the Queets River mouth and southerly of a line projected true west from Cape Alava.

(12) Area 4 shall include those waters of District 1 northerly of a line projected true west from Cape Alava, westerly of lines projected from the northern tip of Portage Head to the southern tip of Waatch Point and from the Tatoosh Island Light to Bonilla Point and southerly of a line projected true west from the intersection of the Bonilla-Tatoosh line with the U.S.-Canada International Boundary Line.

(13) Area 4A shall include those waters easterly and inside of a line projected from the northern tip of Portage Head to the southern tip of Waatch Point, outside and westerly of the mouth of any river or stream flowing to the sea.

#### AMENDATORY SECTION (Amending Order 80-69, filed 7/18/80)

**WAC 220-36-021 SALMON FISHING AREAS—GILL NET—SEASONS.** It ((shall be)) is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Grays Harbor Fishing Areas except during the seasons provided for hereinafter in each respective fishing area:

##### Area 2A

6:00 p.m. September ((24)) 23 to 6:00 p.m. October ((3, +980)) 2, 1981.

##### Areas 2B, 2C and 2D -

6:00 p.m. July 6 to 6:00 p.m. October ((3, +980)) 29, 1981.

#### AMENDATORY SECTION (Amending Order 80-69, filed 7/18/80)

**WAC 220-36-022 SALMON FISHING AREAS—WEEKLY PERIODS.** It ((shall be)) is unlawful to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Grays Harbor Fishing Areas:

##### Area 2A

September ((24)) 23 to September ((26, +980)) 25, 1981: 6:00 p.m. Wednesday to 6:00 p.m. Friday.  
September ((28)) 27 to October ((3)) 2, 1980: 6:00 p.m. Sunday to 6:00 p.m. Friday.

##### Areas 2B, 2C and 2D

July 6, 6:00 p.m. to August ((+5, +980)) 14, 1981, 6:00 p.m.: Open continuously.  
September ((24)) 23 to September ((26, +980)) 25, 1981: 6:00 p.m. Wednesday to 6:00 p.m. Friday.  
September ((28)) 27, 6:00 p.m. to October ((3, +980)) 2, 1981, 6:00 p.m.: 6:00 p.m. Sunday to 6:00 p.m. Friday.  
October 25, 6:00 p.m. to October 29, 1981, 6:00 p.m.: Open continuously.

#### AMENDATORY SECTION (Amending Order 80-69, filed 7/18/80)

**WAC 220-36-024 SALMON FISHING AREAS—MESH SIZES—GEAR.** (1) It ((shall be)) is unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum sizes or larger than the maximum size stretch measure as hereinafter designated in the following Grays Harbor Fishing Areas:

##### Areas 2A, 2B, 2C and 2D

For the period September ((24)) 23 to October ((3, +980)) 2, 1981: 5-inch minimum and 7-inch maximum mesh.

(2) Except as provided for in subsection (1) of this section, it ((shall be)) is unlawful to fish in Grays Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

#### AMENDATORY SECTION (Amending Order 80-69, filed 7/18/80)

**WAC 220-40-021 WILLAPA HARBOR—GILL NET—SEASONS.** It ((shall be)) is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in the following Willapa Harbor Fishing Areas, except during the seasons provided for hereinafter in each respective fishing area:

Area 2G—6:00 p.m. July 6 to 12:00 midnight November 30, ((+980)) 1981.

Area 2H—6:00 p.m. September ((+4)) 13 to 6:00 p.m. October ((+2)) 11, and 6:00 p.m. November 4 to 12:00 midnight November 30, ((+980)) 1981.

Areas 2J and 2K—6:00 p.m. July 6 to 12:00 midnight November 30, ((+980)) 1981.

#### AMENDATORY SECTION (Amending Order 80-69, filed 7/18/80)

**WAC 220-40-022 WILLAPA HARBOR—WEEKLY PERIODS.** It ((shall be)) is unlawful to take, fish for or possess salmon taken with gill net gear, except during the weekly open periods hereafter designated in the following Willapa Harbor Fishing Areas:

##### Area 2G

July 6, 6:00 p.m. to August 20, ((+980)) 1981, 6:00 p.m.—Open continuously.

August ((20)) 24 to September ((+4, +980)) 13, 1981—6:00 p.m. ((Sunday)) Monday to 6:00 p.m. ((Monday)) Tuesday.

September ((+4)) 13 to October ((+2, +980)) 11, 1981—6:00 p.m. Sunday to 6:00 p.m. Friday.

October ((+2)) 11 to November 4, ((+980)) 1981—6:00 p.m. ((Wednesday)) Sunday, October ((+5)) 11 to 6:00 p.m. ((Thursday)) Monday, October ((+6, +980)) 12; 6:00 p.m. Thursday, October 15 to 6:00 p.m. Friday, October 16; 6:00 p.m. Sunday, October 18 to 6:00 p.m. Monday, October 19; 6:00 p.m. Sunday, October 25 to 6:00 p.m. Monday, October 26.

November 4, 6:00 p.m. to 12:00 midnight November 30, ((+980)) 1981—Open continuously.

##### Area 2H

September ((+4)) 13 to October ((+2, +980)) 11, 1981—6:00 p.m. Sunday to 6:00 p.m. Friday.

November 4, 6:00 p.m. to 12:00 midnight November 30, ((+980)) 1981—Open continuously.

##### Areas 2J and 2K

July 6, 6:00 p.m. to August 20, ((+980)) 1981, 6:00 p.m.—Open continuously.

August ((20)) 24 to September ((+4, +980)) 13, 1981—6:00 p.m. ((Sunday)) Monday to 6:00 p.m. ((Monday)) Tuesday.

September ((+4)) 13 to October ((+2, +980)) 11, 1981—6:00 p.m. Sunday to 6:00 p.m. Monday and 6:00 p.m. Wednesday to 6:00 p.m. Thursday.

October ((+2)) 11 to November 4, ((+980)) 1981—6:00 p.m. ((Wednesday)) Sunday, October ((+5)) 11 to 6:00 p.m. ((Thursday)) Monday, October ((+6, +980)) 12; 6:00 p.m. Thursday, October 15 to 6:00 p.m. Friday, October 16; 6:00 p.m. Sunday, October 18 to 6:00 p.m. Monday, October 19; 6:00 p.m. Sunday, October 25 to 6:00 p.m. Monday, October 26.

November 4, 6:00 p.m. to 12:00 midnight November 30, ((+980)) 1981—Open continuously.

#### AMENDATORY SECTION (Amending Order 80-69, filed 7/18/80)

**WAC 220-40-024 WILLAPA HARBOR—MESH SIZES—GEAR.** (1) It ((shall be)) is unlawful to take, fish for or possess salmon with gill net gear containing mesh smaller than the minimum or larger than the maximum size stretch measure as hereinafter designated in the following Willapa Harbor Fishing Areas:

##### Areas 2G ((and)), 2H, 2J and 2K

For the period September ((+4)) 13 to October ((+2, +980)) 11, 1981: 5-inch minimum to 7-inch maximum mesh.

For the period 12:01 a.m. November 19 to 12:00 midnight November 30, ((+980)) 1981: 7-1/2-inch minimum mesh.



~~((Areas 2J and 2K~~

~~For the period 12:01 a.m. November 19 to 12:00 midnight  
November 30, 1980. 7-1/2-inch minimum mesh:))~~

(2) Except as provided in subsection (1) of this section, it shall be unlawful to fish in Willapa Harbor with gill net gear containing meshes less than 5 inches stretch measure or longer than 1,500 feet in length.

## 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
- REVIEW = Review of previously adopted rule

**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 #
16-54-001	REP-P	81-07-055	16-561-040	AMD	81-09-003
16-54-004	REP-P	81-07-055	16-608-001	NEW	81-05-010
16-54-071	AMD-P	81-07-055	16-608-010	NEW	81-05-010
16-54-082	AMD-P	81-07-055	16-608-020	NEW	81-05-010
16-86-015	AMD-P	81-07-054	16-750-010	AMD-P	81-02-041
16-86-095	REP-E	81-04-025	16-750-010	AMD	81-07-039
16-86-095	AMD-P	81-07-054	34-02-010	NEW-P	81-04-068
16-230-660	AMD-E	81-08-036	34-02-020	NEW-P	81-04-068
16-230-670	AMD-E	81-08-036	34-02-030	NEW-P	81-04-068
16-230-675	AMD-E	81-08-036	34-04-010	NEW-P	81-04-068
16-231-020	AMD-P	81-02-047	34-04-020	NEW-P	81-04-068
16-231-020	AMD-W	81-03-067	34-04-030	NEW-P	81-04-068
16-231-020	AMD-P	81-03-070	34-04-040	NEW-P	81-04-068
16-231-025	AMD-P	81-02-047	34-04-050	NEW-P	81-04-068
16-231-025	AMD-W	81-03-067	34-04-060	NEW-P	81-04-068
16-231-025	AMD-P	81-03-070	34-04-070	NEW-P	81-04-068
16-231-040	NEW-E	81-07-043	34-04-080	NEW-P	81-04-068
16-231-115	AMD-P	81-02-045	34-04-090	NEW-P	81-04-068
16-231-115	AMD-W	81-03-065	34-04-100	NEW-P	81-04-068
16-231-115	AMD-P	81-03-068	34-04-110	NEW-P	81-04-068
16-231-115	AMD-E	81-07-042	34-04-120	NEW-P	81-04-068
16-231-115	AMD	81-07-044	34-06-010	NEW-P	81-04-068
16-231-120	AMD-P	81-02-045	36-12-110	AMD	81-05-005
16-231-120	AMD-W	81-03-065	36-12-190	AMD	81-05-005
16-231-120	AMD-P	81-03-068	36-12-200	AMD	81-05-005
16-231-120	AMD-E	81-07-042	36-12-250	AMD	81-05-005
16-231-120	AMD	81-07-044	36-12-260	AMD	81-05-005
16-231-125	AMD-P	81-02-045	36-12-270	AMD	81-05-005
16-231-125	AMD-W	81-03-065	36-12-480	AMD	81-05-005
16-231-125	AMD-P	81-03-068	67-32-150	AMD-P	81-03-049
16-231-125	AMD-E	81-07-042	67-32-150	AMD	81-07-001
16-231-125	AMD	81-07-044	67-32-180	AMD	81-03-048
16-231-130	AMD-P	81-02-045	67-32-310	AMD-P	81-03-049
16-231-130	AMD-W	81-03-065	67-32-310	AMD	81-07-001
16-231-130	AMD-P	81-03-068	67-32-910	AMD-P	81-03-049
16-231-140	AMD-E	81-07-042	67-32-910	AMD	81-07-001
16-232-010	AMD-P	81-02-046	82-24-130	AMD-P	81-07-056
16-232-010	AMD-W	81-03-066	82-28-050	AMD-P	81-06-073
16-232-010	AMD-P	81-03-069	82-28-050	AMD-P	81-09-010
16-232-010	AMD-E	81-07-040	82-28-06001	AMD-P	81-06-073
16-232-010	AMD	81-07-041	82-28-06001	AMD-P	81-09-010
16-232-025	AMD-P	81-02-046	82-28-080	AMD-P	81-06-073
16-232-025	AMD-W	81-03-066	82-28-080	AMD-P	81-09-010
16-232-025	AMD-P	81-03-069	98-12-020	NEW-P	81-02-055
16-232-045	NEW-E	81-07-040	98-12-020	NEW	81-07-013
16-304-050	AMD-P	81-08-057	98-16-010	NEW-P	81-02-055
16-316-230	AMD-P	81-08-055	98-16-010	NEW	81-07-013
16-316-310	AMD-P	81-08-059	98-16-020	NEW-P	81-02-055
16-316-315	AMD-P	81-08-059	98-16-020	NEW	81-07-013
16-316-315	AMD-E	81-08-062	98-16-030	NEW-P	81-02-055
16-316-326	AMD-P	81-08-059	98-16-030	NEW	81-07-013
16-316-440	AMD-P	81-08-056	98-20-010	NEW-P	81-02-055
16-316-660	AMD-P	81-08-058	98-20-010	NEW	81-07-013
16-316-790	AMD-P	81-08-054	106-116-042	AMD-P	81-04-050
16-316-800	AMD-P	81-08-054	106-116-042	AMD	81-08-010
16-316-820	AMD-P	81-08-054	106-116-050	AMD-P	81-04-050
106-116-050	AMD	81-08-010	106-116-102	AMD-P	81-04-050
106-116-102	AMD-P	81-08-010	106-116-102	AMD	81-08-010
106-116-201	AMD-P	81-04-050	106-116-201	AMD-P	81-04-050
106-116-201	AMD	81-08-010	106-116-201	AMD	81-08-010
106-116-204	AMD-P	81-04-050	106-116-204	AMD-P	81-04-050
106-116-204	AMD	81-08-010	106-116-204	AMD	81-08-010
106-116-205	AMD-P	81-04-050	106-116-205	AMD-P	81-04-050
106-116-205	AMD	81-08-010	106-116-205	AMD	81-08-010
106-116-304	AMD-P	81-04-050	106-116-304	AMD-P	81-04-050
106-116-304	AMD	81-08-010	106-116-304	AMD	81-08-010
106-116-305	AMD-P	81-04-050	106-116-305	AMD-P	81-04-050
106-116-305	AMD	81-08-010	106-116-305	AMD	81-08-010
106-116-306	AMD-P	81-04-050	106-116-306	AMD-P	81-04-050
106-116-306	AMD	81-08-010	106-116-306	AMD	81-08-010
106-116-403	AMD-P	81-04-050	106-116-403	AMD-P	81-04-050
106-116-403	AMD	81-08-010	106-116-403	AMD	81-08-010
106-116-513	AMD-P	81-04-050	106-116-513	AMD-P	81-04-050
106-116-513	AMD	81-08-010	106-116-513	AMD	81-08-010
106-116-514	AMD-P	81-04-050	106-116-514	AMD-P	81-04-050
106-116-514	AMD	81-08-010	106-116-514	AMD	81-08-010
106-116-515	AMD-P	81-04-050	106-116-515	AMD-P	81-04-050
106-116-515	AMD	81-08-010	106-116-515	AMD	81-08-010
106-116-521	AMD-P	81-04-050	106-116-521	AMD-P	81-04-050
106-116-521	AMD	81-08-010	106-116-521	AMD	81-08-010
106-116-603	AMD-P	81-04-050	106-116-603	AMD-P	81-04-050
106-116-603	AMD	81-08-010	106-116-603	AMD	81-08-010
106-116-901	AMD-P	81-04-050	106-116-901	AMD-P	81-04-050
106-116-901	AMD	81-08-010	106-116-901	AMD	81-08-010
113-12-200	NEW-P	81-04-020	113-12-200	NEW-P	81-04-020
113-12-200	NEW-P	81-06-045	113-12-200	NEW-P	81-06-045
113-12-200	NEW-P	81-09-054	113-12-200	NEW-P	81-09-054
114-12-010	REP	81-05-004	114-12-010	REP	81-05-004
114-12-011	NEW	81-05-004	114-12-011	NEW	81-05-004
114-12-020	REP	81-05-004	114-12-020	REP	81-05-004
114-12-021	NEW	81-05-004	114-12-021	NEW	81-05-004
114-12-030	REP	81-05-004	114-12-030	REP	81-05-004
114-12-031	NEW	81-05-004	114-12-031	NEW	81-05-004
114-12-040	REP	81-05-004	114-12-040	REP	81-05-004
114-12-041	NEW	81-05-004	114-12-041	NEW	81-05-004
118-03-010	NEW-E	81-09-051	118-03-010	NEW-E	81-09-051
118-03-030	NEW-E	81-09-051	118-03-030	NEW-E	81-09-051
118-03-050	NEW-E	81-09-051	118-03-050	NEW-E	81-09-051
118-03-070	NEW-E	81-09-051	118-03-070	NEW-E	81-09-051
118-03-090	NEW-E	81-09-051	118-03-090	NEW-E	81-09-051
118-03-090	AMD-E	81-09-065	118-03-090	AMD-E	81-09-065
118-03-110	NEW-E	81-09-051	118-03-110	NEW-E	81-09-051
118-03-130	NEW-E	81-09-051	118-03-130	NEW-E	81-09-051
118-03-150	NEW-E	81-09-051	118-03-150	NEW-E	81-09-051
118-03-150	AMD-E	81-09-065	118-03-150	AMD-E	81-09-065
118-03-170	NEW-E	81-09-051	118-03-170	NEW-E	81-09-051
118-03-170	AMD-E	81-09-065	118-03-170	AMD-E	81-09-065
118-03-190	NEW-E	81-09-051	118-03-190	NEW-E	81-09-051
118-03-210	NEW-E	81-09-051	118-03-210	NEW-E	81-09-051
118-03-230	NEW-E	81-09-051	118-03-230	NEW-E	81-09-051
118-03-230	AMD-E	81-09-065	118-03-230	AMD-E	81-09-065



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132M-150-030	REP-W 81-04-026	143-06-140	AMD 81-07-004	173-511-070	NEW 81-04-028
132M-150-033	REP-W 81-04-026	143-06-150	AMD-P 81-03-034	173-511-080	NEW 81-04-028
132M-150-036	REP-W 81-04-026	143-06-150	AMD 81-07-004	173-511-090	NEW 81-04-028
132M-150-039	REP-W 81-04-026	143-06-990	AMD-P 81-03-034	173-511-100	NEW 81-04-028
132M-150-042	REP-W 81-04-026	143-06-990	AMD 81-07-004	173-515	NEW-P 81-09-020
132M-150-045	REP-W 81-04-026	172-114-010	AMD 81-03-012	174-136-130	NEW-P 81-08-032
132M-150-048	REP-W 81-04-026	172-114-020	AMD 81-03-012	180-16-220	AMD-P 81-04-046
132M-150-051	REP-W 81-04-026	172-114-030	AMD 81-03-012	180-16-220	AMD 81-08-026
132M-150-054	REP-W 81-04-026	172-114-040	AMD 81-03-012	180-44-030	REP-P 81-08-049
132M-150-057	REP-W 81-04-026	172-114-050	AMD 81-03-012	180-46-015	AMD-P 81-08-050
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132M-150-063	REP-W 81-04-026	172-114-070	AMD 81-03-012	180-46-045	AMD-P 81-08-050
132M-160-015	NEW-W 81-04-026	172-114-080	AMD 81-03-012	180-46-060	REP-P 81-08-050
132M-160-020	REP-W 81-04-026	172-114-090	AMD 81-03-012	180-46-065	NEW-P 81-08-050
132M-160-030	REP-W 81-04-026	172-114-100	REP 81-03-012	180-55-005	NEW-P 81-04-044
132M-160-040	NEW-W 81-04-026	172-114-110	REP 81-03-012	180-55-005	NEW 81-08-027
132M-168-010	REP-W 81-04-026	172-120-010	AMD 81-06-023	180-55-005	NEW-P 81-04-044
132M-168-020	REP-W 81-04-026	172-120-020	AMD 81-06-023	180-55-010	NEW-P 81-08-027
132M-168-030	REP-W 81-04-026	172-120-040	AMD 81-06-023	180-55-010	NEW 81-08-027
132M-168-040	REP-W 81-04-026	172-120-050	AMD 81-06-023	180-55-015	NEW-P 81-04-044
132M-168-050	REP-W 81-04-026	172-120-060	AMD 81-06-023	180-55-015	NEW 81-08-027
132S-12-055	NEW-P 81-09-001	172-120-070	AMD 81-06-023	180-55-020	NEW-P 81-04-044
132V-22-010	AMD-E 81-03-047	172-120-080	AMD 81-06-023	180-55-020	NEW 81-08-027
132V-22-010	AMD-P 81-03-061	172-120-090	AMD 81-06-023	180-55-025	NEW-P 81-04-044
132V-22-010	AMD 81-08-002	172-120-100	AMD 81-06-023	180-55-025	NEW 81-08-027
132V-22-020	AMD-E 81-03-047	172-120-110	AMD 81-06-023	180-55-030	NEW-P 81-04-044
132V-22-020	AMD-P 81-03-061	172-120-120	AMD 81-06-023	180-55-030	NEW 81-08-027
132V-22-020	AMD 81-08-002	172-120-130	AMD 81-06-023	180-55-035	NEW-P 81-04-044
132V-22-030	AMD-E 81-03-047	172-120-140	AMD 81-06-023	180-55-035	NEW 81-08-027
132V-22-030	AMD-P 81-03-061	173-06-065	NEW-P 81-06-048	180-55-040	NEW-P 81-04-044
132V-22-030	AMD 81-08-002	173-06-065	NEW-E 81-06-049	180-55-040	NEW 81-08-027
132V-22-040	AMD-E 81-03-047	173-06-065	NEW 81-09-056	180-55-045	NEW-P 81-04-044
132V-22-040	AMD-P 81-03-061	173-14-140	AMD 81-04-027	180-55-045	NEW 81-08-027
132V-22-040	AMD 81-08-002	173-14-150	AMD 81-04-027	180-55-050	NEW-P 81-04-044
132V-22-050	AMD-E 81-03-047	173-14-155	NEW 81-04-027	180-55-050	NEW 81-08-027
132V-22-050	AMD-P 81-03-061	173-14-180	AMD 81-04-027	180-55-055	NEW-P 81-04-044
132V-22-050	AMD 81-08-002	173-14-190	REP 81-04-027	180-55-055	NEW 81-08-027
132V-22-060	AMD-E 81-03-047	173-19-210	AMD-W 81-04-065	180-55-060	NEW-P 81-04-044
132V-22-060	AMD-P 81-03-061	173-19-210	AMD-P 81-09-079	180-55-060	NEW 81-08-027
132V-22-060	AMD 81-08-002	173-19-2503	AMD-P 81-08-071	180-55-065	NEW-P 81-04-044
132V-22-100	AMD-E 81-03-047	173-19-2511	AMD-W 81-08-004	180-55-065	NEW 81-08-027
132V-22-100	AMD-P 81-03-061	173-19-2515	AMD-W 81-08-004	180-55-070	NEW-P 81-04-044
132V-22-100	AMD 81-08-002	173-19-2515	AMD-P 81-08-071	180-55-070	NEW 81-08-027
132V-22-200	AMD-E 81-03-047	173-19-2521	AMD-P 81-02-050	180-55-075	NEW-P 81-04-044
132V-22-200	AMD-P 81-03-061	173-19-2521	AMD 81-06-051	180-55-075	NEW 81-08-027
132V-22-200	AMD 81-08-002	173-19-2521	AMD-P 81-08-071	180-55-080	NEW-P 81-04-044
139-24-010	REP 81-04-014	173-19-2604	AMD-P 81-09-080	180-55-080	NEW 81-08-027
143-06-010	AMD-P 81-03-034	173-19-3506	AMD-W 81-08-004	180-55-085	NEW-P 81-04-044
143-06-010	AMD 81-07-004	173-19-3514	AMD-P 81-03-080	180-55-085	NEW 81-08-027
143-06-020	AMD-P 81-03-034	173-19-3514	AMD 81-08-005	180-55-090	NEW-P 81-04-044
143-06-020	AMD 81-07-004	173-19-360	AMD-P 81-05-034	180-55-090	NEW 81-08-027
143-06-030	AMD-P 81-03-034	173-19-360	AMD-P 81-09-019	180-55-095	NEW-P 81-04-044
143-06-030	AMD 81-07-004	173-19-360	AMD 81-09-057	180-55-095	NEW 81-08-027
143-06-040	AMD-P 81-03-034	173-19-370	AMD-W 81-08-004	180-55-100	NEW-P 81-04-044
143-06-040	AMD 81-07-004	173-19-3701	AMD-P 81-09-081	180-55-100	NEW 81-08-027
143-06-050	AMD-P 81-03-034	173-19-400	AMD-P 81-02-050	180-55-105	NEW-P 81-04-044
143-06-050	AMD 81-07-004	173-19-400	AMD 81-06-052	180-55-105	NEW 81-08-027
143-06-060	AMD-P 81-03-034	173-19-430	AMD-P 81-08-070	180-55-110	NEW-P 81-04-044
143-06-060	AMD 81-07-004	173-19-470	AMD-P 81-02-051	180-55-110	NEW 81-08-027
143-06-070	AMD-P 81-03-034	173-19-470	AMD 81-06-050	180-55-115	NEW-P 81-04-044
143-06-070	AMD 81-07-004	173-20-380	AMD-P 81-09-078	180-55-115	NEW 81-08-027
143-06-080	AMD-P 81-03-034	173-22-060	AMD-P 81-09-077	180-55-120	NEW-P 81-04-044
143-06-080	AMD 81-07-004	173-164-050	AMD-P 81-04-067	180-55-120	NEW 81-08-027
143-06-090	AMD-P 81-03-034	173-164-050	AMD 81-07-037	180-55-125	NEW-P 81-04-044
143-06-090	AMD 81-07-004	173-400-110	AMD 81-03-002	180-55-125	NEW 81-08-027
143-06-100	AMD-P 81-03-034	173-490-020	AMD 81-03-003	180-55-130	NEW-P 81-04-044
143-06-100	AMD 81-07-004	173-490-040	AMD 81-03-003	180-55-130	NEW 81-08-027
143-06-110	AMD-P 81-03-034	173-490-203	AMD 81-03-003	180-55-135	NEW-P 81-04-044
143-06-110	AMD 81-07-004	173-511-010	NEW 81-04-028	180-55-135	NEW 81-08-027
143-06-120	AMD-P 81-03-034	173-511-020	NEW 81-04-028	180-56-305	REP-P 81-04-045
143-06-120	AMD 81-07-004	173-511-030	NEW 81-04-028	180-56-305	REP 81-08-028
143-06-130	AMD-P 81-03-034	173-511-040	NEW 81-04-028	180-56-306	REP-P 81-04-045
143-06-130	AMD 81-07-004	173-511-050	NEW 81-04-028	180-56-306	REP 81-08-028



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212-60-055	REP-P	81-03-051	212-64-067	NEW-P	81-03-051	220-48-09001	NEW	81-02-053
212-60-060	REP-P	81-03-051	212-64-068	NEW-P	81-03-051	220-48-091	AMD	81-02-053
212-60-065	REP-P	81-03-051	212-64-069	NEW-P	81-03-051	220-48-09100C	NEW-E	81-03-031
212-60-070	REP-P	81-03-051	212-64-070	AMD-P	81-03-051	220-48-092	AMD	81-02-053
212-61	REP-P	81-06-022	212-65	NEW-P	81-06-022	220-48-096	AMD	81-02-053
212-61	REP-P	81-08-017	212-65	NEW-P	81-08-017	220-48-098	AMD	81-02-053
212-61-001	REP-P	81-03-051	212-65-001	NEW-P	81-03-051	220-48-100	AMD	81-02-053
212-61-005	REP-P	81-03-051	212-65-005	NEW-P	81-03-051	220-49-02000B	REP-E	81-03-030
212-61-010	REP-P	81-03-051	212-65-010	NEW-P	81-03-051	220-49-02000C	NEW-E	81-03-030
212-61-015	REP-P	81-03-051	212-65-015	NEW-P	81-03-051	220-49-02000D	REP-E	81-09-053
212-61-020	REP-P	81-03-051	212-65-020	NEW-P	81-03-051	220-49-02000E	NEW-E	81-05-023
212-61-025	REP-P	81-03-051	212-65-025	NEW-P	81-03-051	220-49-02000F	REP-E	81-09-053
212-61-030	REP-P	81-03-051	212-65-030	NEW-P	81-03-051	220-49-02000G	NEW-E	81-09-053
212-61-035	REP-P	81-03-051	212-65-035	NEW-P	81-03-051	220-49-022	AMD	81-02-053
212-61-040	REP-P	81-03-051	212-65-040	NEW-P	81-03-051	220-49-023	AMD	81-02-053
212-61-045	REP-P	81-03-051	212-65-045	NEW-P	81-03-051	220-52-019	AMD-P	81-07-016
212-61-050	REP-P	81-03-051	212-65-050	NEW-P	81-03-051	220-52-01900F	NEW-E	81-08-006
212-61-055	REP-P	81-03-051	212-65-055	NEW-P	81-03-051	220-52-05300H	NEW-E	81-04-060
212-61-060	REP-P	81-03-051	212-65-060	NEW-P	81-03-051	220-52-05300H	REP-E	81-08-031
212-61-065	REP-P	81-03-051	212-65-065	NEW-P	81-03-051	220-52-071	AMD-P	81-07-016
212-62	REP-P	81-06-022	212-65-070	NEW-P	81-03-051	220-52-07100A	NEW-E	81-08-006
212-62	REP-P	81-08-017	212-65-075	NEW-P	81-03-051	220-52-075	AMD-P	81-07-016
212-62-001	REP-P	81-03-051	212-65-080	NEW-P	81-03-051	220-52-07500C	NEW-E	81-05-006
212-62-005	REP-P	81-03-051	212-65-085	NEW-P	81-03-051	220-56-105	AMD	81-05-027
212-62-010	REP-P	81-03-051	212-65-090	NEW-P	81-03-051	220-56-131	NEW	81-05-027
212-62-015	REP-P	81-03-051	212-65-095	NEW-P	81-03-051	220-56-135	AMD	81-05-027
212-62-020	REP-P	81-03-051	212-65-100	NEW-P	81-03-051	220-56-16000I	NEW-E	81-06-027
212-62-025	REP-P	81-03-051	220-20-010	AMD	81-02-053	220-56-205	AMD	81-05-027
212-62-030	REP-P	81-03-051	220-20-012	AMD	81-02-053	220-56-225	AMD	81-05-027
212-62-035	REP-P	81-03-051	220-22-020	AMD-P	81-09-082	220-56-285	AMD	81-05-027
212-62-040	REP-P	81-03-051	220-28-002FOA	NEW-E	81-06-028	220-56-295	AMD	81-05-027
212-62-045	REP-P	81-03-051	220-28-00400L	NEW-E	81-02-052	220-56-315	AMD	81-05-027
212-62-050	REP-P	81-03-051	220-28-00400M	NEW-E	81-09-006	220-56-320	AMD	81-05-027
212-62-055	REP-P	81-03-051	220-28-00400N	REP-E	81-09-035	220-56-340	AMD	81-05-027
212-62-060	REP-P	81-03-051	220-28-00400O	NEW-E	81-09-035	220-56-350	AMD	81-05-027
212-62-065	REP-P	81-03-051	220-28-004B0S	NEW-E	81-09-035	220-56-365	AMD	81-05-027
212-62-070	REP-P	81-03-051	220-28-00500W	NEW-E	81-09-035	220-56-380	AMD	81-05-027
212-63	REP-P	81-06-022	220-28-00600U	NEW-E	81-09-035	220-57-137	AMD	81-05-027
212-63	REP-P	81-08-017	220-28-006A0S	NEW-E	81-09-035	220-57-138	NEW	81-05-027
212-63-001	REP-P	81-03-051	220-28-006C0N	NEW-E	81-09-035	220-57-140	AMD	81-05-027
212-63-005	REP-P	81-03-051	220-28-00700N	NEW-E	81-09-035	220-57-150	AMD	81-05-027
212-63-010	REP-P	81-03-051	220-28-007A0M	NEW-E	81-09-035	220-57-155	AMD	81-05-027
212-63-015	REP-P	81-03-051	220-28-007B0S	NEW-E	81-09-035	220-57-160	AMD	81-05-027
212-63-020	REP-P	81-03-051	220-28-007C0Y	NEW-E	81-09-035	220-57-185	AMD	81-05-027
212-63-025	REP-P	81-03-051	220-28-007D0A	NEW-E	81-09-035	220-57-205	AMD	81-05-027
212-63-030	REP-P	81-03-051	220-28-007F0M	NEW-E	81-09-035	220-57-210	AMD	81-05-027
212-63-035	REP-P	81-03-051	220-28-00800D	NEW-E	81-09-035	220-57-215	AMD	81-05-027
212-63-040	REP-P	81-03-051	220-28-008F0M	REP-E	81-02-037	220-57-220	AMD	81-05-027
212-63-045	REP-P	81-03-051	220-28-008F0N	NEW-E	81-09-035	220-57-225	AMD	81-05-027
212-63-050	REP-P	81-03-051	220-28-011A0L	NEW-E	81-09-035	220-57-230	AMD	81-05-027
212-63-055	REP-P	81-03-051	220-28-011F0L	NEW-E	81-09-035	220-57-235	AMD	81-05-027
212-63-060	REP-P	81-03-051	220-28-011G0G	NEW-E	81-09-035	220-57-240	AMD	81-05-027
212-63-065	REP-P	81-03-051	220-28-012F0G	NEW-E	81-02-052	220-57-255	AMD	81-05-027
212-63-070	REP-P	81-03-051	220-28-01300U	NEW-E	81-03-035	220-57-260	AMD	81-05-027
212-64	AMD-P	81-06-022	220-28-013A0E	NEW-E	81-09-035	220-57-265	AMD	81-05-027
212-64	AMD-P	81-08-017	220-28-013F0A	NEW-E	81-09-035	220-57-270	AMD	81-05-027
212-64-001	AMD-P	81-03-051	220-28-013G0H	NEW-E	81-03-035	220-57-275	AMD	81-05-027
212-64-005	AMD-P	81-03-051	220-32-02200E	NEW-E	81-03-044	220-57-300	AMD	81-05-027
212-64-010	REP-P	81-03-051	220-32-03000B	NEW-E	81-04-003	220-57-310	AMD	81-05-027
212-64-015	AMD-P	81-03-051	220-32-03600H	NEW-E	81-06-019	220-57-315	AMD	81-05-027
212-64-020	AMD-P	81-03-051	220-32-04000K	NEW-E	81-03-044	220-57-31500B	NEW-E	81-09-007
212-64-025	AMD-P	81-03-051	220-32-04200D	NEW-E	81-03-043	220-57-319	AMD	81-05-027
212-64-030	AMD-P	81-03-051	220-32-05100Q	NEW-E	81-04-003	220-57-325	AMD	81-05-027
212-64-033	NEW-P	81-03-051	220-32-05700I	NEW-E	81-03-044	220-57-345	AMD	81-05-027
212-64-035	AMD-P	81-03-051	220-32-05900A	NEW-E	81-09-007	220-57-350	AMD	81-05-027
212-64-037	NEW-P	81-03-051	220-36-021	AMD-P	81-09-082	220-57-370	AMD	81-05-027
212-64-039	NEW-P	81-03-051	220-36-022	AMD-P	81-09-082	220-57-375	AMD	81-05-027
212-64-040	AMD-P	81-03-051	220-36-024	AMD-P	81-09-082	220-57-385	AMD	81-05-027
212-64-043	NEW-P	81-03-051	220-40-021	AMD-P	81-09-082	220-57-405	AMD	81-05-027
212-64-045	AMD-P	81-03-051	220-40-022	AMD-P	81-09-082	220-57-420	AMD	81-05-027
212-64-050	AMD-P	81-03-051	220-40-024	AMD-P	81-09-082	220-57-425	AMD	81-05-027
212-64-055	AMD-P	81-03-051	220-44-030	AMD	81-02-053	220-57-435	AMD	81-05-027
212-64-060	AMD-P	81-03-051	220-44-040	AMD	81-02-053	220-57-450	AMD	81-05-027





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232-12-480	REP-P	81-08-064	248-14-160	AMD-P	81-08-047	248-19-490	AMD-E	81-05-030
232-12-490	REP-P	81-08-064	248-14-170	AMD-P	81-08-047	248-19-490	AMD	81-09-012
232-12-500	REP-P	81-08-064	248-14-180	AMD-P	81-08-047	248-19-500	AMD-E	81-05-030
232-12-510	REP-P	81-08-064	248-14-200	AMD-P	81-08-047	248-19-500	AMD	81-09-012
232-12-520	REP-P	81-08-064	248-14-285	AMD	81-03-005	248-22-060	REP-P	81-04-012
232-12-530	REP-P	81-08-064	248-18	AMD-P	81-03-038	248-22-060	REP	81-07-035
232-12-550	REP-P	81-08-064	248-18-001	AMD	81-05-029	248-22-070	REP-P	81-04-012
232-12-570	REP-P	81-08-064	248-18-010	AMD	81-05-029	248-22-070	REP	81-07-035
232-12-630	REP-P	81-08-064	248-18-500	AMD	81-05-029	248-22-080	REP-P	81-04-012
232-12-640	REP-P	81-08-064	248-18-505	AMD	81-05-029	248-22-080	REP	81-07-035
232-12-650	REP-P	81-08-064	248-18-510	AMD	81-05-029	248-22-090	REP-P	81-04-012
232-12-655	REP-P	81-08-064	248-18-515	AMD	81-05-029	248-22-090	REP	81-07-035
232-12-660	REP-P	81-08-064	248-19	AMD-P	81-03-039	248-96-020	AMD-P	81-02-042
232-12-670	REP-P	81-08-064	248-19	AMD-P	81-04-013	248-96-020	AMD	81-05-028
232-12-675	REP-P	81-08-064	248-19-200	AMD-E	81-05-030	248-100-295	AMD-P	81-08-003
232-12-676	REP-P	81-08-064	248-19-200	AMD	81-09-012	248-156-010	NEW-P	81-06-007
232-12-680	REP-P	81-08-064	248-19-210	AMD-E	81-05-030	248-156-010	NEW	81-09-060
232-12-690	REP-P	81-08-064	248-19-210	AMD	81-09-012	248-156-020	NEW-P	81-06-007
232-12-700	REP-P	81-08-064	248-19-220	AMD-E	81-05-030	248-156-020	NEW	81-09-060
232-12-710	REP-P	81-08-064	248-19-220	AMD	81-09-012	248-156-030	NEW-P	81-06-007
232-12-816	REP-P	81-08-064	248-19-230	AMD-E	81-05-030	248-156-030	NEW	81-09-060
232-21-100	REP-P	81-05-031	248-19-230	AMD	81-09-012	250-44-010	AMD-E	81-09-032
232-21-100	REP-P	81-08-064	248-19-240	AMD-E	81-05-030	250-44-020	AMD-E	81-09-032
232-21-100	REP-E	81-09-026	248-19-240	AMD	81-09-012	250-44-030	AMD-E	81-09-032
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232-21-101	NEW-E	81-09-026	248-19-260	AMD-E	81-05-030	250-44-090	AMD-E	81-09-032
232-28-001	REP-P	81-05-031	248-19-260	AMD	81-09-012	250-44-110	AMD-E	81-09-032
232-28-100	REP-P	81-05-031	248-19-270	AMD-E	81-05-030	250-44-120	AMD-E	81-09-032
232-28-200	REP-P	81-05-031	248-19-270	AMD	81-09-012	250-44-130	AMD-E	81-09-032
232-28-203	REP-P	81-08-064	248-19-280	AMD-E	81-05-030	250-44-140	AMD-E	81-09-032
232-28-204	NEW-P	81-08-064	248-19-280	AMD	81-09-012	250-44-150	AMD-E	81-09-032
232-28-300	REP-P	81-05-031	248-19-300	AMD-E	81-05-030	250-44-160	AMD-E	81-09-032
232-28-303	REP-P	81-08-064	248-19-300	AMD	81-09-012	250-44-180	AMD-E	81-09-032
232-28-304	NEW-P	81-08-064	248-19-310	AMD-E	81-05-030	250-44-200	AMD-E	81-09-032
232-28-400	REP-P	81-05-031	248-19-310	AMD	81-09-012	250-44-210	AMD-E	81-09-032
232-28-500	REP-P	81-05-031	248-19-320	AMD-E	81-05-030	250-55-020	AMD-P	81-09-068
232-28-600	REP-P	81-05-031	248-19-320	AMD	81-09-012	250-55-030	AMD-P	81-09-068
232-28-60301	NEW-E	81-08-011	248-19-325	NEW-E	81-05-030	250-55-040	AMD-P	81-09-068
232-28-60302	NEW-E	81-09-066	248-19-325	NEW	81-09-012	250-55-050	AMD-P	81-09-068
232-28-702	REP	81-04-018	248-19-330	AMD-E	81-05-030	250-55-070	AMD-P	81-09-068
232-28-703	NEW	81-04-018	248-19-330	AMD	81-09-012	250-55-100	AMD-P	81-09-068
232-28-802	REP-P	81-05-031	248-19-340	AMD-E	81-05-030	250-55-110	AMD-P	81-09-068
232-28-802	REP-P	81-08-064	248-19-340	AMD	81-09-012	250-55-120	AMD-P	81-09-068
232-28-802	REP-E	81-09-025	248-19-350	AMD-E	81-05-030	250-55-150	AMD-P	81-09-068
232-28-803	NEW-P	81-05-031	248-19-350	AMD	81-09-012	250-55-160	AMD-P	81-09-068
232-28-803	NEW-P	81-08-064	248-19-360	AMD-E	81-05-030	250-55-220	AMD-P	81-09-068
232-28-803	NEW-E	81-09-025	248-19-360	AMD	81-09-012	251-04-020	AMD-P	81-04-051
232-32-126	REP-E	81-02-021	248-19-370	AMD-E	81-05-030	251-10-055	AMD-P	81-04-051
232-32-127	NEW-E	81-02-021	248-19-370	AMD	81-09-012	251-10-110	AMD-P	81-04-051
232-32-128	NEW-E	81-03-009	248-19-390	AMD-E	81-05-030	251-10-112	NEW-P	81-04-051
232-32-129	NEW-E	81-03-010	248-19-390	AMD	81-09-012	251-10-113	NEW-P	81-04-051
232-32-130	NEW-E	81-03-033	248-19-400	AMD-E	81-05-030	251-12-072	AMD-P	81-09-023
232-32-131	NEW-E	81-04-017	248-19-400	AMD	81-09-012	251-12-240	AMD-P	81-04-051
232-32-132	NEW-E	81-04-057	248-19-403	NEW-E	81-05-030	251-18-010	AMD-P	81-09-023
232-32-133	NEW-E	81-05-011	248-19-403	NEW	81-09-012	251-18-020	AMD-P	81-09-023
236-12-430	AMD-P	81-08-015	248-19-405	NEW-E	81-05-030	251-18-025	AMD-P	81-09-023
236-12-430	AMD-E	81-08-016	248-19-405	NEW	81-09-012	251-18-030	AMD-P	81-09-023
236-12-470	AMD-P	81-08-015	248-19-410	AMD-E	81-05-030	251-18-050	REP-P	81-09-023
236-12-470	AMD-E	81-08-016	248-19-410	AMD	81-09-012	251-18-060	AMD-P	81-09-023
237-990	AMD	81-09-016	248-19-415	NEW-E	81-05-030	251-18-070	AMD-P	81-09-023
248-14	AMD-P	81-03-004	248-19-415	NEW	81-09-012	251-18-080	REP-P	81-09-023
248-14-001	AMD-P	81-08-047	248-19-420	AMD-E	81-05-030	251-18-100	REP-P	81-09-023
248-14-100	AMD-P	81-08-047	248-19-420	AMD	81-09-012	251-18-110	AMD-P	81-09-023
248-14-110	AMD-P	81-08-047	248-19-430	AMD-E	81-05-030	251-18-112	NEW-P	81-09-023
248-14-114	NEW-P	81-08-047	248-19-430	AMD	81-09-012	251-18-115	REP-P	81-09-023
248-14-120	AMD-P	81-08-047	248-19-440	AMD-E	81-05-030	251-18-120	REP-P	81-09-023
248-14-125	NEW-P	81-08-047	248-19-440	AMD	81-09-012	251-18-130	AMD-P	81-09-023
248-14-128	NEW-P	81-08-047	248-19-450	AMD-E	81-05-030	251-18-140	AMD-P	81-09-023
248-14-130	AMD-P	81-08-047	248-19-450	AMD	81-09-012	251-18-145	NEW-P	81-09-023
248-14-140	AMD-P	81-08-047	248-19-475	NEW-E	81-05-030	251-18-150	REP-P	81-09-023
248-14-150	AMD-P	81-08-047	248-19-475	NEW	81-09-012	251-18-155	REP-P	81-09-023
248-14-152	NEW-P	81-08-047	248-19-480	AMD-E	81-05-030	251-18-160	REP-P	81-09-023

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251-18-180	AMD-P	81-09-023	275-16-010	AMD-P	81-04-038
251-18-181	AMD-P	81-09-023	275-16-010	AMD	81-08-020
251-18-185	AMD-P	81-09-023	275-16-015	NEW-E	81-04-032
251-18-190	AMD-P	81-09-023	275-16-015	NEW-P	81-04-038
251-18-200	AMD-P	81-09-023	275-16-015	NEW	81-08-020
251-18-330	AMD-P	81-04-051	275-16-035	NEW-E	81-04-032
251-20-010	AMD-P	81-09-023	275-16-035	NEW-P	81-04-038
251-20-030	AMD-P	81-09-023	275-16-035	NEW	81-08-020
251-20-040	AMD-P	81-09-023	275-16-040	REP-E	81-04-032
251-20-050	AMD-P	81-09-023	275-16-040	REP-P	81-04-038
251-20-060	AMD-P	81-09-023	275-16-040	REP	81-08-020
251-22-240	AMD-P	81-04-023	275-16-055	NEW-E	81-04-032
251-22-240	AMD	81-07-002	275-16-055	NEW-P	81-04-038
260-12-010	AMD-P	81-07-020	275-16-055	NEW	81-08-020
260-12-010	AMD	81-08-013	275-16-065	NEW-E	81-04-032
260-12-140	AMD-P	81-07-020	275-16-065	NEW-P	81-04-038
260-12-140	AMD	81-08-013	275-16-065	NEW	81-08-020
260-20-075	NEW-P	81-07-020	275-16-075	NEW-E	81-04-032
260-20-075	NEW	81-08-013	275-16-075	NEW-P	81-04-038
260-20-170	AMD-E	81-08-030	275-16-075	NEW	81-08-020
260-24-280	AMD-P	81-07-020	275-16-085	NEW-E	81-04-032
260-24-280	AMD	81-08-013	275-16-085	NEW-P	81-04-038
260-32-040	AMD-P	81-07-021	275-16-085	NEW	81-08-020
260-32-040	AMD-W	81-08-024	275-16-095	NEW-E	81-04-032
260-36-040	AMD-P	81-07-020	275-16-095	NEW-P	81-04-038
260-36-040	AMD-W	81-08-024	275-16-095	NEW	81-08-020
260-36-180	NEW-P	81-07-020	275-16-105	NEW-E	81-04-032
260-36-180	NEW-P	81-08-012	275-16-105	NEW-P	81-04-038
260-36-180	NEW	81-09-075	275-16-105	NEW	81-08-020
260-40-120	AMD-P	81-07-020	275-20-030	AMD-P	81-02-023
260-40-120	AMD-P	81-08-012	275-20-030	AMD	81-06-004
260-40-120	AMD-W	81-09-071	275-92-407	NEW	81-05-001
260-48-110	AMD-P	81-07-020	275-93-040	AMD	81-03-076
260-48-110	AMD-E	81-08-030	275-110-020	AMD-E	81-09-047
260-48-326	NEW-E	81-08-030	275-110-020	AMD-P	81-09-048
260-52-010	AMD-P	81-07-020	275-110-040	AMD-E	81-09-047
260-52-010	AMD	81-08-013	275-110-040	AMD-P	81-09-048
260-52-040	AMD-P	81-07-020	275-110-080	AMD-E	81-09-047
260-52-040	AMD	81-08-013	275-110-080	AMD-P	81-09-048
260-60-050	AMD-P	81-07-020	275-110-090	AMD-E	81-09-047
260-60-050	AMD-P	81-08-012	275-110-090	AMD-P	81-09-048
260-60-050	AMD	81-09-075	284-15-010	NEW	81-03-082
260-60-115	NEW-P	81-07-020	284-15-020	NEW	81-03-082
260-60-115	NEW-P	81-08-012	284-15-030	NEW	81-03-082
260-60-115	NEW	81-09-075	284-15-040	NEW	81-03-082
260-60-120	AMD-P	81-07-020	284-15-050	NEW	81-03-082
260-60-120	AMD	81-08-013	284-25	AMD-P	81-06-011
260-60-210	AMD-P	81-07-020	284-51-010	NEW-P	81-09-008
260-60-210	AMD-P	81-08-012	284-51-020	NEW-P	81-09-008
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260-70-140	AMD-P	81-08-012	284-51-050	NEW-P	81-09-008
260-70-140	AMD	81-09-075	284-51-060	NEW-P	81-09-008
261-20	AMD-P	81-02-036	284-51-070	NEW-P	81-09-008
261-20-010	NEW-P	81-02-035	284-51-080	NEW-P	81-09-008
261-20-010	NEW	81-06-016	284-51-090	NEW-P	81-09-008
261-20-020	NEW-P	81-02-035	284-51-100	NEW-P	81-09-008
261-20-020	NEW	81-06-016	284-51-110	NEW-P	81-09-008
261-20-030	NEW-P	81-02-035	284-51-120	NEW-P	81-09-008
261-20-030	NEW	81-06-016	284-51-130	NEW-P	81-09-008
261-20-030	AMD	81-06-017	284-51-140	NEW-P	81-09-008
261-20-040	NEW-P	81-02-035	284-51-150	NEW-P	81-09-008
261-20-040	NEW	81-06-016	284-51-160	NEW-P	81-09-008
261-20-050	NEW-P	81-02-035	284-51-170	NEW-P	81-09-008
261-20-050	NEW	81-06-016	289-13-070	AMD	81-03-029
261-20-060	NEW-P	81-02-035	289-13-075	NEW	81-03-029
261-20-060	NEW	81-06-016	289-13-110	AMD	81-03-029
261-20-065	NEW-P	81-02-035	289-13-110	AMD-P	81-08-072
261-20-065	NEW	81-06-016	289-13-170	AMD	81-03-029
261-20-070	NEW-P	81-02-035	289-13-190	AMD-P	81-08-072
261-20-070	NEW	81-06-016	289-14	AMD-P	81-04-062
261-20-080	NEW-P	81-02-035	289-14-005	AMD	81-07-057
289-14-005	AMD	81-08-014			
289-14-010	AMD	81-07-057			
289-14-020	REP	81-07-057			
289-14-030	REP	81-07-057			
289-14-100	NEW	81-08-014			
289-14-120	NEW	81-08-014			
289-14-130	NEW	81-08-014			
289-14-200	NEW	81-07-057			
289-14-210	NEW	81-07-057			
289-14-220	NEW	81-07-057			
289-14-230	NEW	81-07-057			
289-15	NEW-P	81-04-062			
289-15-100	NEW	81-08-014			
289-15-110	NEW	81-08-014			
289-15-120	NEW	81-08-014			
289-15-130	NEW	81-08-014			
289-15-200	NEW	81-07-057			
289-15-210	NEW	81-07-057			
289-15-220	NEW-P	81-04-063			
289-15-220	NEW	81-08-001			
289-15-230	NEW	81-07-057			
289-16	NEW-P	81-04-062			
289-16-010	REP	81-07-057			
289-16-020	REP	81-07-057			
289-16-030	REP	81-07-057			
289-16-040	REP	81-07-057			
289-16-100	NEW	81-08-014			
289-16-110	NEW	81-08-014			
289-16-120	NEW	81-08-014			
289-16-130	NEW	81-08-014			
289-16-140	NEW	81-08-014			
289-16-150	NEW	81-08-014			
289-16-160	NEW	81-08-014			
289-16-200	NEW	81-07-057			
289-16-210	NEW	81-07-057			
289-16-220	NEW	81-07-057			
289-16-230	NEW-P	81-04-063			
289-16-230	NEW	81-07-057			
289-16-230	AMD	81-08-001			
289-16-240	NEW	81-07-057			
289-16-250	NEW	81-07-057			
289-16-260	NEW	81-07-057			
289-18	NEW-P	81-04-062			
289-18-010	REP	81-07-057			
289-18-020	REP	81-07-057			
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289-18-110	NEW	81-08-014			
289-18-120	NEW	81-08-014			
289-18-200	NEW	81-07-057			
289-18-210	NEW	81-07-057			
289-18-220	NEW	81-07-057			
289-19	NEW-P	81-04-062			
289-19-010	NEW	81-08-014			
289-19-100	NEW	81-08-014			
289-19-110	NEW	81-08-014			
289-19-120	NEW	81-08-014			
289-19-130	NEW	81-08-014			
289-19-200	NEW	81-07-057			
289-19-210	NEW	81-07-057			
289-19-220	NEW	81-07-057			
289-19-230	NEW	81-07-057			
289-20	NEW-P	81-04-062			
289-20-010	REP	81-07-057			
289-20-020	REP	81-07-057			
289-20-030	REP	81-07-057			
289-20-040	REP	81-07-057			
289-20-050	REP	81-07-057			
289-20-100	NEW	81-08-014			
289-20-105	NEW	81-08-014			
289-20-110	NEW	81-08-014			
289-20-120	NEW	81-08-014			

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289-20-150	NEW	81-08-014	296-27-16003	NEW-P	81-03-071	296-62-07111	NEW-P	81-07-027
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289-20-220	NEW	81-07-057	296-27-16011	NEW-E	81-08-035	296-62-07304	AMD	81-07-048
289-20-230	NEW	81-07-057	296-27-16013	NEW-P	81-03-071	296-62-07306	AMD-P	81-07-051
289-20-240	NEW	81-07-057	296-27-16013	NEW-E	81-08-035	296-62-07310	AMD	81-07-048
289-20-250	NEW	81-07-057	296-27-16015	NEW-P	81-03-071	296-62-07312	AMD	81-07-048
289-20-260	NEW	81-07-057	296-27-16015	NEW-E	81-08-035	296-62-07329	AMD-P	81-07-051
289-20-265	NEW	81-07-057	296-27-16017	NEW-P	81-03-071	296-62-07341	AMD-P	81-07-051
289-20-270	NEW	81-07-057	296-27-16017	NEW-E	81-08-035	296-62-07345	AMD-P	81-07-051
289-20-280	NEW	81-07-057	296-27-16021	NEW-P	81-03-071	296-62-07347	AMD-P	81-07-051
289-20-290	NEW	81-07-057	296-27-16021	NEW-E	81-08-035	296-62-07349	AMD-P	81-07-051
289-22	NEW-P	81-04-062	296-27-16023	NEW-P	81-03-071	296-62-07501	AMD-P	81-07-051
289-22-010	REP	81-07-057	296-27-16023	NEW-E	81-08-035	296-62-07515	AMD-P	81-07-051
289-22-020	REP	81-07-057	296-27-16025	NEW-P	81-03-071	296-62-07517	AMD-P	81-07-051
289-22-100	NEW	81-08-014	296-27-16025	NEW-E	81-08-035	296-62-07519	NEW-P	81-07-051
289-22-110	NEW	81-08-014	296-37-510	AMD-E	81-02-029	296-62-09011	AMD-P	81-07-027
289-22-200	NEW	81-07-057	296-37-510	AMD	81-07-048	296-62-09015	NEW-P	81-07-027
289-22-210	NEW	81-07-057	296-37-550	AMD-E	81-02-029	296-62-09017	NEW-P	81-07-027
289-24	NEW-P	81-04-062	296-37-550	AMD	81-07-048	296-62-09019	NEW-P	81-07-027
289-24-010	REP	81-07-057	296-45-660	NEW-E	81-07-049	296-62-09021	NEW-P	81-07-027
289-24-010	AMD	81-08-014	296-45-660	NEW-P	81-07-051	296-62-09023	NEW-P	81-07-027
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289-24-030	REP	81-07-057	296-45-66001	NEW-P	81-07-051	296-62-09027	NEW-P	81-07-027
289-24-040	REP	81-07-057	296-45-66003	NEW-E	81-07-049	296-62-09029	NEW-P	81-07-027
289-24-050	REP	81-07-057	296-45-66003	NEW-P	81-07-051	296-62-09031	NEW-P	81-07-027
289-24-100	NEW	81-08-014	296-45-66005	NEW-E	81-07-049	296-62-09033	NEW-P	81-07-027
289-24-110	NEW	81-08-014	296-45-66005	NEW-P	81-07-051	296-62-09035	NEW-P	81-07-027
289-24-120	NEW	81-08-014	296-45-66007	NEW-E	81-07-049	296-62-09037	NEW-P	81-07-027
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289-30-060	NEW	81-07-058	296-45-66011	NEW-P	81-07-051	296-62-09047	NEW-P	81-07-027
296-15-044	AMD-P	81-08-063	296-46	AMD-P	81-05-019	296-62-09049	NEW-P	81-07-027
296-17-895	AMD	81-04-024	296-46	AMD-P	81-05-025	296-62-09051	NEW-P	81-07-027
296-17-904	NEW	81-04-024	296-46-110	AMD	81-06-037	296-62-09053	NEW-P	81-07-027
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296-17-913	NEW	81-04-024	296-46-350	AMD	81-06-037	296-62-100	AMD-P	81-07-051
296-17-914	NEW	81-04-024	296-46-355	NEW	81-06-037	296-62-11015	AMD-P	81-07-051
296-17-915	NEW	81-04-024	296-46-40101	REP	81-06-037	296-62-11019	AMD-P	81-07-051
296-17-916	NEW	81-04-024	296-46-424	AMD	81-06-037	296-62-11021	AMD-P	81-07-051
296-17-917	NEW	81-04-024	296-46-500	AMD	81-06-037	296-62-14507	AMD-P	81-07-051
296-17-919	NEW	81-04-024	296-46-501	NEW	81-06-037	296-62-14531	AMD-P	81-07-051
296-17-91901	NEW	81-04-024	296-46-506	NEW	81-06-037	296-62-14533	AMD-P	81-07-051
296-17-91902	NEW	81-04-024	296-46-510	REP	81-06-037	296-62-20011	AMD-P	81-07-051
296-24-060	AMD-P	81-07-051	296-46-515	REP	81-06-037	296-79	AMD-P	81-03-006
296-24-070	AMD-P	81-07-051	296-46-520	REP	81-06-037	296-79-140	AMD	81-03-007
296-24-67515	AMD-P	81-07-051	296-46-525	REP	81-06-037	296-79-140	AMD-P	81-07-051
296-24-081	REP-P	81-07-051	296-46-910	AMD	81-06-037	296-79-170	AMD	81-03-007
296-24-08101	REP-P	81-07-051	296-52-030	AMD	81-07-048	296-79-170	AMD-P	81-07-051
296-24-08103	REP-P	81-07-051	296-52-043	AMD	81-07-048	296-79-180	AMD	81-03-007
296-24-08105	REP-P	81-07-051	296-52-050	AMD	81-07-048	296-79-220	AMD	81-03-007
296-24-08107	REP-P	81-07-051	296-52-090	AMD	81-07-048	296-79-220	AMD-P	81-07-051
296-24-08109	REP-P	81-07-051	296-52-095	AMD	81-07-048	296-79-29029	AMD	81-03-007
296-24-08111	REP-P	81-07-051	296-54-559	AMD	81-05-013	296-79-300	AMD	81-03-007
296-24-08113	REP-P	81-07-051	296-54-565		81-05-013	296-104-200	AMD-P	81-08-022
296-24-960	NEW-P	81-07-027	296-54-567	AMD	81-05-013	296-116-185	AMD-P	81-03-072
296-24-964	NEW-P	81-07-027	296-62-071	NEW-P	81-07-027	296-116-185	AMD	81-07-009
296-27	AMD-P	81-06-026	296-62-07101	NEW-P	81-07-027	296-116-300	AMD-P	81-03-072
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296-27-160	NEW-E	81-08-035	296-62-07105	NEW-P	81-07-027	296-116-300	AMD-P	81-09-013



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332-24-090	AMD-E 81-09-011	365-42-320	REP-P 81-03-050	388-24-137	AMD-E 81-06-046
332-26-080	NEW-E 81-09-050	365-42-330	REP-P 81-03-050	388-24-137	AMD-P 81-06-066
332-26-501	NEW-E 81-09-011	365-42-340	REP-P 81-03-050	388-24-250	AMD-E 81-06-046
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332-100-050	AMD-E 81-06-057	365-42-370	REP-P 81-03-050	388-24-255	AMD-P 81-06-065
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352-32-250	AMD 81-09-034	388-08-00401	NEW-P 81-08-060	388-28-480	AMD 81-08-021
352-32-280	AMD 81-09-034	388-08-007	REP-P 81-02-022	388-28-575	AMD-P 81-07-014
352-32-285	AMD 81-09-034	388-08-007	REP-P 81-03-026	388-29-010	AMD-E 81-06-046
356-14-085	AMD-P 81-06-053	388-08-007	REP-P 81-04-004	388-29-010	AMD-P 81-06-065
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356-18-150	AMD-P 81-07-032	388-11-135	AMD 81-05-021	388-29-110	AMD-P 81-06-065
356-18-150	AMD 81-09-037	388-11-140	AMD 81-05-021	388-29-112	NEW-E 81-06-046
356-26-060	AMD 81-03-017	388-11-150	AMD 81-05-021	388-29-112	NEW-P 81-06-065
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356-34	AMD-P 81-07-031	388-14-385	AMD 81-05-021	388-29-115	AMD 81-09-041
356-34	AMD-P 81-09-039	388-15	AMD-P 81-06-006	388-29-158	REP-P 81-07-018
356-34-180	AMD-P 81-03-019	388-15-020	AMD-E 81-06-056	388-29-158	REP-E 81-07-028
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356-34-220	AMD-P 81-09-038	388-15-030	AMD 81-09-058	388-29-290	AMD-E 81-04-034
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360-13-020	AMD 81-06-077	388-15-207	NEW 81-06-063	388-33-020	AMD-E 81-06-047
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360-13-066	NEW-P 81-02-033	388-15-212	AMD-E 81-08-067	388-33-085	AMD 81-09-044
360-13-066	NEW-P 81-06-076	388-15-212	AMD-P 81-08-068	388-33-090	AMD-E 81-06-047
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360-32-050	AMD-P 81-07-012	388-24-070	AMD 81-06-058	388-33-370	AMD-P 81-06-071
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365-42-030	REP-P 81-03-050	388-24-107	AMD-E 81-06-046	388-33-448	AMD-E 81-06-047
365-42-100	REP-P 81-03-050	388-24-107	AMD-P 81-06-066	388-33-448	AMD-P 81-06-071
365-42-110	REP-P 81-03-050	388-24-108	AMD-E 81-06-046	388-33-448	AMD 81-09-044
365-42-200	REP-P 81-03-050	388-24-108	AMD-P 81-06-066	388-33-460	AMD-E 81-06-047
365-42-210	REP-P 81-03-050	388-24-109	AMD-E 81-06-046	388-33-460	AMD-P 81-06-071
365-42-220	REP-P 81-03-050	388-24-109	AMD-P 81-06-066	388-33-460	AMD 81-09-044
365-42-230	REP-P 81-03-050	388-24-125	AMD-E 81-06-046	388-33-576	AMD-E 81-06-047
365-42-240	REP-P 81-03-050	388-24-125	AMD-P 81-06-066	388-33-576	AMD-P 81-06-071
365-42-300	REP-P 81-03-050	388-24-135	REP-E 81-06-046	388-33-576	AMD 81-09-044

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388-33-595	AMD-P	81-06-071	388-54-725	AMD-E	81-04-033	388-82-030	REP-P	81-06-068
388-33-595	AMD	81-09-044	388-54-725	AMD-P	81-04-036	388-82-035	REP-E	81-06-042
388-33-630	REP-E	81-06-047	388-54-725	AMD	81-08-021	388-82-035	REP-P	81-06-068
388-33-630	REP-P	81-06-071	388-54-735	AMD-E	81-04-033	388-82-045	REP-E	81-06-042
388-33-630	REP	81-09-044	388-54-735	AMD-P	81-04-036	388-82-045	REP-P	81-06-068
388-35-010	REP-E	81-06-046	388-54-735	AMD	81-08-021	388-82-115	NEW-E	81-06-042
388-35-010	REP-P	81-06-064	388-54-740	AMD-P	81-04-001	388-82-115	NEW-P	81-06-068
388-35-020	REP-E	81-06-046	388-54-740	AMD-E	81-04-002	388-82-125	NEW-E	81-06-042
388-35-020	REP-P	81-06-064	388-54-740	AMD	81-08-019	388-82-125	NEW-P	81-06-068
388-35-030	REP-E	81-06-046	388-54-770	AMD-P	81-08-046	388-82-126	NEW-E	81-06-042
388-35-030	REP-P	81-06-064	388-54-775	AMD-P	81-08-046	388-82-126	NEW-P	81-06-068
388-35-050	REP-E	81-06-046	388-54-785	AMD-E	81-03-024	388-82-130	NEW-E	81-06-042
388-35-050	REP-P	81-06-064	388-54-785	AMD-P	81-03-025	388-82-130	NEW-P	81-06-068
388-35-060	REP-E	81-06-046	388-54-785	AMD	81-06-059	388-82-135	NEW-E	81-06-042
388-35-060	REP-P	81-06-064	388-55-010	AMD-E	81-05-008	388-82-135	NEW-P	81-06-068
388-35-070	REP-E	81-06-046	388-55-010	AMD-P	81-05-009	388-83-005	AMD-E	81-06-042
388-35-070	REP-P	81-06-064	388-55-010	AMD	81-08-061	388-83-005	AMD-P	81-06-068
388-35-190	REP-E	81-06-046	388-57-015	AMD-E	81-06-046	388-83-006	NEW-E	81-06-042
388-37-010	AMD-E	81-06-046	388-57-015	AMD-P	81-06-046	388-83-006	NEW-P	81-06-068
388-37-010	AMD-P	81-06-064	388-57-020	AMD-E	81-06-046	388-83-010	AMD-E	81-06-042
388-37-020	AMD-P	81-09-036	388-57-020	AMD-P	81-06-064	388-83-010	AMD-P	81-06-068
388-37-030	AMD-E	81-06-046	388-57-025	REP-E	81-06-046	388-83-015	AMD-E	81-06-042
388-37-030	AMD-P	81-06-064	388-57-025	REP-P	81-06-064	388-83-015	AMD-P	81-06-068
388-37-031	AMD-P	81-09-036	388-57-032	AMD-E	81-06-046	388-83-017	AMD-E	81-06-042
388-37-032	AMD-P	81-09-036	388-57-032	AMD-P	81-06-064	388-83-017	AMD-P	81-06-068
388-37-035	AMD-E	81-06-046	388-57-036	AMD-E	81-06-046	388-83-020	AMD-E	81-06-042
388-37-035	AMD-P	81-06-064	388-57-036	AMD-P	81-06-064	388-83-020	AMD-P	81-06-068
388-37-037	AMD-P	81-09-036	388-57-056	AMD-E	81-06-046	388-83-025	AMD-E	81-06-042
388-37-040	AMD-P	81-09-036	388-57-056	AMD-P	81-06-064	388-83-025	AMD-P	81-06-068
388-38-120	AMD-P	81-09-036	388-57-057	AMD-E	81-06-046	388-83-028	AMD-E	81-06-042
388-40-010	NEW-E	81-06-046	388-57-057	AMD-P	81-06-064	388-83-028	AMD-P	81-06-068
388-40-010	NEW-P	81-06-065	388-57-061	AMD-E	81-06-046	388-83-030	REP-E	81-06-042
388-42-020	AMD-E	81-06-046	388-57-061	AMD-P	81-06-064	388-83-030	REP-P	81-06-068
388-42-020	AMD-P	81-06-065	388-57-090	AMD-E	81-06-046	388-83-035	REP-E	81-06-042
388-42-050	AMD-E	81-06-046	388-57-090	AMD-P	81-06-064	388-83-035	REP-P	81-06-068
388-42-050	AMD-P	81-06-065	388-70-042	AMD-P	81-06-008	388-83-036	NEW-P	81-09-069
388-44-010	AMD-E	81-06-034	388-70-042	AMD	81-09-042	388-83-045	AMD-P	81-03-057
388-44-010	AMD-P	81-06-035	388-70-044	AMD-P	81-06-008	388-83-045	AMD-E	81-03-058
388-44-010	AMD	81-09-045	388-70-044	AMD	81-09-042	388-83-045	REP-E	81-06-042
388-44-020	AMD-E	81-06-034	388-70-048	AMD-P	81-06-008	388-83-045	REP-P	81-06-068
388-44-020	AMD-P	81-06-035	388-70-048	AMD	81-09-042	388-83-050	REP-E	81-06-042
388-44-020	AMD	81-09-045	388-80-005	AMD-E	81-06-042	388-83-050	REP-P	81-06-068
388-44-035	AMD-E	81-06-034	388-80-005	AMD-P	81-06-068	388-83-055	REP-E	81-06-042
388-44-035	AMD-P	81-06-035	388-80-005	AMD-E	81-08-034	388-83-055	REP-P	81-06-068
388-44-035	AMD	81-09-045	388-80-005	AMD-P	81-08-039	388-83-060	REP-E	81-06-042
388-44-040	REP-E	81-06-034	388-81-005	AMD-E	81-06-042	388-83-060	REP-P	81-06-068
388-44-040	REP-P	81-06-035	388-81-005	AMD-P	81-06-068	388-83-065	REP-E	81-06-042
388-44-040	REP	81-09-045	388-81-025	AMD-E	81-06-042	388-83-065	REP-P	81-06-068
388-44-127	AMD	81-05-002	388-81-025	AMD-P	81-06-068	388-83-130	NEW-E	81-06-042
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388-44-145	AMD-P	81-06-035	388-81-040	AMD-P	81-06-068	388-83-135	NEW-E	81-06-042
388-44-145	AMD	81-09-045	388-81-050	AMD-E	81-06-042	388-83-135	NEW-P	81-06-068
388-48	REP-P	81-02-022	388-81-050	AMD-P	81-06-068	388-83-140	NEW-E	81-06-042
388-48	REP-P	81-03-026	388-81-055	AMD-E	81-06-042	388-83-140	NEW-P	81-06-068
388-48	REP-P	81-04-004	388-81-055	AMD-P	81-06-068	388-84-005	REP-E	81-06-042
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388-48-020	REP	81-06-001	388-81-060	AMD-P	81-06-068	388-84-010	REP-E	81-06-042
388-48-030	REP	81-06-001	388-82-005	REP-E	81-06-042	388-84-010	REP-P	81-06-068
388-48-033	REP	81-06-001	388-82-005	REP-P	81-06-068	388-84-015	AMD	81-06-003
388-48-037	REP	81-06-001	388-82-006	NEW-E	81-06-042	388-84-015	REP-E	81-06-042
388-48-040	REP	81-06-001	388-82-006	NEW-P	81-06-068	388-84-015	REP-P	81-06-068
388-48-050	REP	81-06-001	388-82-010	AMD-E	81-06-042	388-84-020	REP-E	81-06-042
388-48-070	REP	81-06-001	388-82-010	AMD-P	81-06-068	388-84-020	REP-P	81-06-068
388-48-080	REP	81-06-001	388-82-010	AMD-E	81-08-034	388-84-025	REP-E	81-06-042
388-48-100	REP	81-06-001	388-82-010	AMD-P	81-08-039	388-84-025	REP-P	81-06-068
388-48-110	REP	81-06-001	388-82-015	REP-E	81-06-042	388-84-105	NEW-E	81-06-042
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388-48-130	REP	81-06-001	388-82-020	AMD-P	81-03-057	388-84-110	NEW-E	81-06-042
388-52-166	AMD-E	81-06-046	388-82-020	AMD-E	81-03-058	388-84-110	NEW-P	81-06-068
388-52-166	AMD-P	81-06-065	388-82-020	REP-E	81-06-042	388-84-115	NEW-E	81-06-042
388-54-630	AMD-P	81-08-046	388-82-020	REP-P	81-06-068	388-84-115	NEW-P	81-06-068
388-54-645	AMD-P	81-08-046	388-82-025	REP-E	81-06-042	388-84-120	NEW-E	81-06-042
388-54-675	AMD-P	81-08-046	388-82-025	REP-P	81-06-068	388-84-120	NEW-P	81-06-068

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388-85-005	REP-E	81-06-042	388-87-105	AMD-E	81-06-043	388-320	AMD-P	81-04-004
388-85-005	REP-P	81-06-068	388-87-105	AMD-P	81-06-070	388-320-010	AMD	81-06-001
388-85-010	REP-E	81-06-042	388-91-010	AMD-E	81-06-043	388-320-020	AMD	81-06-001
388-85-010	REP-P	81-06-068	388-91-010	AMD-P	81-06-070	388-320-055	REP	81-06-001
388-85-015	AMD-P	81-03-057	388-91-016	AMD-E	81-06-043	388-320-060	REP	81-06-001
388-85-015	AMD-E	81-03-058	388-91-016	AMD-P	81-06-070	388-320-070	REP	81-06-001
388-85-015	REP-E	81-06-042	388-91-035	AMD-E	81-06-043	388-320-090	AMD	81-06-001
388-85-015	REP-P	81-06-068	388-91-035	AMD-P	81-06-070	388-320-092	AMD	81-06-001
388-85-020	REP-E	81-06-042	388-92	AMD-E	81-06-042	388-320-093	REP	81-06-001
388-85-020	REP-P	81-06-068	388-92	AMD-P	81-06-068	388-320-094	REP	81-06-001
388-85-025	REP-E	81-06-042	388-92-005	AMD-E	81-06-042	388-320-095	REP	81-06-001
388-85-025	REP-P	81-06-068	388-92-005	AMD-P	81-06-068	388-320-100	AMD	81-06-001
388-85-027	REP-E	81-06-042	388-92-010	REP-E	81-06-042	388-320-110	AMD	81-06-001
388-85-027	REP-P	81-06-068	388-92-010	REP-P	81-06-068	388-320-115	AMD	81-06-001
388-85-105	NEW-E	81-06-042	388-92-015	AMD-E	81-06-042	388-320-120	REP	81-06-001
388-85-105	NEW-P	81-06-068	388-92-015	AMD-P	81-06-068	388-320-130	AMD	81-06-001
388-85-110	NEW-E	81-06-042	388-92-020	REP-E	81-06-042	388-320-135	NEW	81-06-001
388-85-110	NEW-P	81-06-068	388-92-020	REP-P	81-06-068	388-320-140	AMD	81-06-001
388-86-005	AMD-E	81-06-043	388-92-025	AMD-E	81-06-042	388-320-150	REP	81-06-001
388-86-005	AMD-P	81-06-069	388-92-025	AMD-P	81-06-068	388-320-155	REP	81-06-001
388-86-012	AMD	81-06-003	388-92-030	AMD-E	81-06-042	388-320-160	REP	81-06-001
388-86-020	AMD-E	81-06-040	388-92-030	AMD-P	81-06-068	388-320-170	AMD	81-06-001
388-86-020	AMD-P	81-06-069	388-92-035	REP-E	81-06-042	388-320-180	AMD	81-06-001
388-86-023	REP-E	81-06-038	388-92-035	REP-P	81-06-068	388-320-190	REP	81-06-001
388-86-023	REP-P	81-06-069	388-92-040	AMD-E	81-06-042	388-320-200	REP	81-06-001
388-86-027	AMD-E	81-06-043	388-92-040	AMD-P	81-06-068	388-320-205	NEW	81-06-001
388-86-027	AMD-P	81-06-069	388-92-045	AMD-E	81-06-042	388-320-210	NEW	81-06-001
388-86-035	AMD-E	81-06-043	388-92-045	AMD-P	81-06-068	388-320-220	NEW	81-06-001
388-86-035	AMD-P	81-06-069	388-92-050	AMD-E	81-06-042	388-320-225	NEW	81-06-001
388-86-040	AMD-E	81-06-043	388-92-050	AMD-P	81-06-068	388-320-230	NEW	81-06-001
388-86-040	AMD-P	81-06-069	388-92-055	REP-E	81-06-042	388-320-235	NEW	81-06-001
388-86-050	AMD-E	81-06-043	388-92-055	REP-P	81-06-068	388-320-240	NEW	81-06-001
388-86-050	AMD-P	81-06-069	388-92-060	REP-E	81-06-042	390-20-054	NEW-E	81-04-021
388-86-067	AMD-E	81-06-043	388-92-060	REP-P	81-06-068	390-20-054	NEW-P	81-05-007
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388-86-075	AMD-E	81-06-043	388-92-065	REP-P	81-06-068	390-20-144	NEW	81-03-001
388-86-075	AMD-P	81-06-069	388-92-070	REP-E	81-06-042	391-08-230	NEW	81-02-034
388-86-080	AMD	81-06-003	388-92-070	REP-P	81-06-068	391-25-110	NEW	81-02-034
388-86-085	AMD-E	81-06-043	388-96-010	AMD	81-06-024	391-25-190	NEW	81-02-034
388-86-085	AMD-P	81-06-069	388-96-015	NEW	81-06-024	391-45-552	NEW	81-02-034
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388-86-096	REP-E	81-06-039	388-96-225	AMD	81-06-024	391-55-345	NEW	81-02-034
388-86-096	REP-P	81-06-070	388-96-501	AMD	81-06-024	391-95-130	NEW	81-02-034
388-86-100	AMD	81-06-003	388-96-503	AMD	81-06-024	391-95-310	NEW	81-02-034
388-86-105	AMD	81-06-003	388-96-505	AMD	81-06-024	410-20-010	NEW	81-02-030
388-86-115	AMD-E	81-06-043	388-96-507	AMD	81-06-024	410-20-020	NEW	81-02-030
388-86-115	AMD-P	81-06-069	388-96-513	AMD	81-06-024	410-20-030	NEW	81-02-030
388-86-120	AMD-P	81-03-057	388-96-523	AMD	81-06-024	410-20-040	NEW	81-02-030
388-86-120	AMD-E	81-03-058	388-96-525	AMD	81-06-024	410-20-050	NEW	81-02-030
388-86-120	AMD-E	81-06-041	388-96-529	AMD	81-06-024	410-20-060	NEW	81-02-030
388-86-120	AMD-P	81-06-069	388-96-531	AMD	81-06-024	410-20-070	NEW	81-02-030
388-87-005	AMD-E	81-06-043	388-96-533	AMD	81-06-024	415-104-800	NEW-E	81-03-028
388-87-005	AMD-P	81-06-070	388-96-535	AMD	81-06-024	415-104-800	NEW-P	81-04-022
388-87-010	AMD-E	81-06-043	388-96-537	NEW	81-06-024	415-104-800	NEW	81-07-017
388-87-010	AMD-P	81-06-070	388-96-539	AMD	81-06-024	415-104-810	NEW-E	81-03-028
388-87-011	AMD-E	81-06-043	388-96-541	AMD	81-06-024	415-104-810	NEW-P	81-04-022
388-87-011	AMD-P	81-06-070	388-96-543	AMD	81-06-024	415-104-810	NEW	81-07-017
388-87-012	AMD-E	81-06-043	388-96-545	NEW	81-06-024	415-104-820	NEW-E	81-03-028
388-87-012	AMD-P	81-06-070	388-96-547	AMD	81-06-024	415-104-820	NEW-P	81-04-022
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388-87-013	AMD-P	81-06-070	388-96-557	AMD	81-06-024	415-104-830	NEW	81-07-017
388-87-025	AMD-E	81-06-043	388-96-559	AMD	81-06-024	446-40-070	AMD	81-04-042
388-87-025	AMD-P	81-06-070	388-96-561	AMD	81-06-024	446-50-010	AMD	81-03-008
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388-87-027	AMD-P	81-06-070	388-96-565	AMD	81-06-024	446-50-080	AMD	81-03-008
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388-87-030	AMD-P	81-06-070	388-96-569	AMD	81-06-024	458-12-290	REP	81-04-054
388-87-047	REP-E	81-06-038	388-96-571	AMD	81-06-024	458-12-380	REP	81-04-054
388-87-047	REP-P	81-06-070	388-96-572	NEW	81-06-024	458-12-400	REP	81-04-054
388-87-070	AMD-E	81-06-043	388-96-585	AMD	81-06-024	458-12-401	REP	81-04-054
388-87-070	AMD-P	81-06-070	388-96-587	NEW	81-06-024	458-12-402	REP	81-04-054
388-87-077	AMD-E	81-06-043	388-96-722	AMD	81-06-024	458-12-403	REP	81-04-054



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458-12-405	REP	81-04-054	468-87-350	NEW-P	81-03-050	480-105-050	NEW	81-04-009
458-12-406	REP	81-04-054	468-87-360	NEW-P	81-03-050	480-105-060	NEW	81-04-009
458-12-408	REP	81-04-054	468-87-370	NEW-P	81-03-050	480-105-070	NEW	81-04-009
458-12-410	REP	81-04-054	468-87-380	NEW-P	81-03-050	480-105-080	NEW	81-04-009
458-12-412	REP	81-04-054	468-87-390	NEW-P	81-03-050	490-28A-013	AMD-P	81-03-052
458-12-414	REP	81-04-054	468-87-410	NEW-P	81-03-050	490-28A-013	AMD	81-09-072
458-12-416	REP	81-04-054	468-87-420	NEW-P	81-03-050	490-36A-030	AMD-P	81-05-033
458-12-418	REP	81-04-054	468-87-430	NEW-P	81-03-050	490-36A-030	AMD	81-09-073
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