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*Final Audit
10/21/81
KR/CO*

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This issue contains documents officially
filed not later than May 6, 1981.

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

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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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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Distribution Date	First Agency Action Date ²	Closing Dates ¹		
			OTS ³ OR 10 pages maximum (14 days)	Non-OTS and 11 to 29 pages (28 days)	Non-OTS and 30 pages or more (42 days)
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
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81-13	Jul 1	Jul 21	Jun 17	Jun 3	May 20
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81-21	Nov 4	Nov 24	Oct 21	Oct 7	Sep 23
81-22	Nov 18	Dec 8	Nov 4	Oct 21	Oct 7
81-23	Dec 2	Dec 22	Nov 18	Nov 4	Oct 21
81-24	Dec 16	Jan 5, 1982	Dec 2	Nov 18	Nov 4

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

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

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

WSR 81-09-068
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 Educational 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.

AMENDATORY SECTION (Amending Order 13-79, filed 12/18/79)

WAC 250-55-020 DEFINITIONS. The definitions set forth in this section are intended to supplement the definitions in RCW 28B-05.030, and shall apply throughout this chapter, unless the context clearly indicates to the contrary:

- (1) "Educational institution" or "institution" means a degree-granting institution or a dual-purpose institution as defined in RCW 28B.05.030(10) and ~~((+2-))~~ (13).
- (2) "Council" shall mean the Council for Postsecondary Education.
- (3) "Executive coordinator" shall mean the executive coordinator of the council or the executive coordinator's designee.
- (4) "Accrediting agency" or "accrediting association" shall mean an educational agency or association of regional or national scope which has adopted criteria reflecting the qualities of sound educational practices, and also provides for peer evaluations of institutions to determine whether or not said institutions operate at basic levels of quality.
- (5) "Institutional accreditation" shall mean certification by an accrediting agency or association, recognized under WAC 250-55-220, that the institution as a whole is capable of achieving its educational objectives and fulfilling its commitment to students. Institutions that are candidates for accreditation or are on probation concerning their accreditation status shall not be judged to have institutional accreditation.
- (6) "Charitable institution, organization or agency" shall mean any public or private not-for-profit entity organized substantially to provide or promote services to the general public without charge or for nominal payment and which substantially relies on contributions from the general public, the United States, or any state or political subdivision thereof for its operating expenses: PROVIDED, That such entity is recognized by the United States Internal Revenue Service as being exempt under section 501(c)(3) of the Internal Revenue Code.
- (7) "Avocational or recreational education" shall mean instruction that is clearly not being offered for the purpose of providing the student with employable skills or with competencies that upon completion of the program, course or class would be customarily applied to gainful employment.
- (8) "The act" shall mean the Educational Services Registration Act (chapter 28B.05 RCW).

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

AMENDATORY SECTION (Amending Order 1-80, filed 4/11/80)

WAC 250-55-030 EXEMPTIONS. Notwithstanding any other exemption provision in this section, no institution or organization shall advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's catalog: PROVIDED, That this prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions that offer other educational credentials requiring enrollment in and successful completion of a prescribed program of study, in compliance with the requirements of this chapter. The following types of education and institutions are exempted from the provisions of the act and this chapter:

- (1) Education offered or sponsored by a bona fide trade, business, professional, or fraternal organization primarily for that organization's membership or offered by that organization on a no-fee basis;
- (2) Education solely avocational or recreational in nature, as defined in WAC 250-55-020(7), and institutions offering such education exclusively: PROVIDED, That the institution does not advertise, promote, or offer educational credentials;
- (3) Education offered by charitable institutions, organizations or agencies, as defined in WAC 250-55-020(6): PROVIDED, That the institution, organization or agency does not advertise, promote, or offer educational credentials;
- (4) Institutions that are established, operated, and governed by this state or its political subdivisions under the provisions of Titles 28A (Common Schools), 28B (Higher Education), and 28C (Vocational Education) RCW;
- (5) Institutions that have received institutional accreditation from any accrediting association recognized by the council under the provisions of WAC 250-55-220: PROVIDED,
 - (a) That this exemption shall pertain only to ~~((the types of educational credentials for which the institution is accredited;))~~ 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.

- (b) That an institution, branch, extension or facility operating within the state of Washington, which is affiliated with an institution operating in another state, must have separate institutional accreditation from a recognized accrediting association to qualify for this exemption;
- (c) That an institution offering instruction on a federal installation solely to federal employees, and their dependents, shall not be required to have separate institutional accreditation in order to qualify for this exemption; and
- (d) That a dual-purpose institution, as defined in RCW 28B.05.030(~~(+2))~~ (13), shall not be exempted under the provisions of both chapters 250-55 and 490-600 WAC unless it is specifically exempted under the provisions of both chapters.
- (6) Any other institution to the extent that it has been exempted from some or all of the provisions of the act and this chapter in accordance with the ~~((hardship))~~ agency exemption procedure outlined in RCW 28B.05.130. ~~((and the hearing procedure outlined in WAC 250-55-210.))~~ The executive coordinator may suspend or modify any of the registration or other requirements contained in this chapter in a particular case if the executive coordinator finds (1) that such suspension or modification will not frustrate the purposes of this chapter and (2) that the educational services to be offered address a substantial, demonstrated need among residents of the state of Washington or that literal application of this chapter works a manifestly unreasonable hardship on the educational institution PROVIDED: That the chief administrative officer of the institution, after hearing, shall be entitled to appeal the decision of the executive coordinator to the council. An application for ~~((a hardship))~~ an agency exemption shall be submitted on a form developed by the executive coordinator. ~~((and shall include descriptive information about the institution, as required in WAC 250-55-040(1)(c); a list of the specific provisions for which an exemption is requested; an explanation of the hardship(s) created by those provisions; and an explanation of why, in the opinion of the chief administrator, the requested exemption(s) would not frustrate the purposes of the act;))~~
- (7) Institutions not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives, and that are represented in an accurate manner in institutional catalogs and other official publications. The following procedures shall be employed in the implementation of this subsection:
 - (a) The executive coordinator shall ask the chief administrative officer of any institution that may qualify for an exemption on religious grounds to forward to the council office a copy of the institution's catalog and/or any other official publications that describe the nature of the institution and its programs. This information shall be used by the executive coordinator to verify the exemption status of the institution.
 - (b) For purposes of this subsection, "educational program exclusively devoted to religious or theological objectives" shall mean a program that has as its sole stated objective training in the religious beliefs of the controlling religious organization and/or preparation of students for occupations that are primarily church-related.
 - (c) In the case of a religious institution that offers both religious and secular programs of instruction, the requirements of RCW 28B.05 and WAC 250-55 shall pertain only to the secular programs of the institution.
 - (d) If the executive coordinator has reasonable cause to believe that certain religious or theological programs offered by a religious institution are not represented in a materially accurate manner in the institution's catalog and other official publications, the executive coordinator shall proceed according to the provisions of WAC 250-55-200."

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

AMENDATORY SECTION (Amending Order 13-79, filed 12/18/79)

WAC 250-55-040 APPLICATION, ANNUAL RENEWAL, AND AMENDMENTS. (1) At the time of its initial registration, each institution shall:

- (a) Pay the council an initial registration fee of \$200.00.
- (b) File with the council a surety bond or other form of security, as specified in RCW 28B.05.110, and WAC 250-55-050.

(c) File with the council an application, on a form developed by the executive coordinator, which shall include the following information:

- (i) Name, address, and degrees offered.
- (ii) Whenever applicable, the names and addresses of the owner(s) of the institution, any shareholders holding more than a ten percent interest, and members of the institution's governing board.
- (iii) Names and addresses of the chief administrative officer and all agents of the institution who are currently operating in the state of Washington.
- (iv) A copy of each of the materials that the institution is required to supply to prospective students prior to enrollment in accordance with WAC 250-55-100.
- (v) A list, with addresses, of all locations at which the institution offers instruction: PROVIDED, That if the institution's primary campus is located in Washington, the list shall include all locations at which the institution offers instruction both in and outside of Washington.
- (vi) The name of a bank or other financial institution that may be consulted as a financial reference.
- (vii) Copies of the institution's current balance sheet and income statement covering the preceding year's operations. Institutions that have not operated prior to initial registration may submit a proposed operating budget for the succeeding twelve months in lieu of an income statement.
- (viii) Copies of any enrollment agreements and/or student contracts employed by the institution.
- (ix) Copies of any written agreements for library services required in WAC 250-55-080(3).
- (x) If applicable, the file number of the institution's articles of incorporation on record with the Washington State Office of Secretary of State.

(xi) If applicable, a list of all programs approved by a licensing or certifying agency of the state of Washington.

(xii) A report of the institution's student enrollments in Washington during the past three calendar years: PROVIDED, That if the institution has not operated prior to initial registration, the institution may substitute a report of the number of student applications received in Washington as of the date of the registration application.

(xiii) A signed, written statement from the chief administrative officer attesting to the truth and accuracy of the information provided and pledging that the institution will comply with the requirements of the act and this chapter.

(2) At the time of each annual renewal, the institution shall:

- (a) Pay the council a renewal fee of \$100.00.
- (b) Provide evidence of continued compliance with the surety bond or security requirement specified in RCW 28B.05.110 and WAC 250-55-050.

(c) File ~~((an amended))~~ a registration renewal application, ~~((as specified in subsection (1)(c) of this section, indicating any changes from the information previously submitted;))~~ on a form developed by the executive coordinator, together with a signed, written statement from the chief administrative officer, attesting to the truth and accuracy of the information provided in the ~~((amended))~~ renewal application and pledging continued compliance with all the requirements of the act and this chapter.

(3) Additionally, the institution shall file an ~~((amended))~~ application amendment within thirty days of any change of circumstances which would require amendment of the information provided in compliance with subsections (1)(c) or (2)(c) of this section: PROVIDED, That this requirement shall not pertain to changes in materials submitted under subsection (1)(c)(iv) of this section. All amended statements must be filed with the council and include a signed, written statement, as required in subsection (1)(c)(xiii) of this section.

(4) Any institution subject to the registration requirement shall grant to the executive coordinator or the executive coordinator's designee access to all records relevant to the requirements of the act and this chapter at any time during the normal business hours of the institution.

(5) A change of ownership or control of an institution shall nullify any previous registration of that institution, and the chief administrator, representing the new owners or governing body, shall comply with all the application requirements outlined in this section.

(6) If the council determines that any school is not maintained and operated, or cannot be reasonably maintained and operated, in compliance with the requirements of the act and this chapter, the council may deny the issuance or continuance of a certificate of registration or may establish conditions in conformity with these provisions which

shall be met by said school prior to issuance or continuance of such a certificate: PROVIDED, That the institution may appeal a denial of issuance under the provisions of WAC 250-55-190 and shall be entitled to a hearing concerning a denial of continuance under WAC 250-55-200.

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

AMENDATORY SECTION (Amending Order 13-79, filed 12/8/79)

WAC 250-55-050 BONDING. In addition to the requirements set forth in RCW 28B.05.110, the following requirements shall pertain:

(1) The amount of the surety bond shall be ten percent of the preceding year's total tuition and fee charges ~~((to students receiving))~~ received for educational services in Washington, but not less than \$5,000 nor more than \$75,000. In the case of institutions that have not operated prior to the date of their initial registration the bond amount for the first year of registration shall be based upon total anticipated tuition and fee charges for the next calendar year.

(2) In lieu of the surety bond provided for herein, the institution may furnish, file or deposit with the council, cash or other negotiable security acceptable to the executive coordinator, in an amount and of such proportions as required in the case of a surety bond in subsection (1) of this section. Release of such security shall be made in compliance with the provisions of RCW 28B.05.110(3): PROVIDED, That, if the institution replaces the security with a surety bond, the executive coordinator may release the security 90 days after the effective date of the bond.

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

AMENDATORY SECTION (Amending Order 13-79, filed 12/18/79)

WAC 250-55-070 PROGRAM QUALITY AND CONTENT.

(1) The objectives and requirements for each program shall be provided to students in written form prior to enrollment. Each student's curriculum shall consist of a planned sequence of related courses designed to achieve the published objectives of the program.

(2) Each course shall be taught by a qualified faculty member, as specified in WAC 250-55-090(2).

(3) Each student must have access to academic counseling by a member of the faculty or a qualified academic counsellor.

(4) Admission to an associate or baccalaureate degree program shall normally require a high school diploma or the equivalent and admission to a masters or doctoral degree program shall normally require completion of at least a baccalaureate degree or the equivalent, unless the institution can demonstrate, upon request from the council, that these are not the normally accepted practices in a particular field of study. This subsection is not intended to prohibit early admissions and dual-degree programs for which systematic procedures have been established and published in the institution's catalog.

(5) For the award of an associate degree, the institution shall require at least the equivalent of eighteen months of full-time study; for a baccalaureate degree, at least the equivalent of thirty-six months of full-time study; for a masters degree, at least the equivalent of nine months of full-time post-baccalaureate study; and for a doctorate, at least the equivalent of twenty-seven months of full-time post-baccalaureate study, unless the institution can demonstrate, upon request from the council, that this is not the normally accepted practice in a particular field of study. Credit for prior learning experience in lieu of full-time study may be included in accordance with subsection (9) of this section.

(6) Institutions that provide for the development of individualized degree programs shall have published policies and procedures for designing such programs.

(7) Any individualized courses, including but not limited to independent study, research, and internships, shall be based upon written agreements that specify the content of the course, as well as the specific responsibilities of the student and the instructor.

(8) All courses offered by correspondence or away from the institution's primary campus shall be consistent with, and comparable in content and quality to courses offered to resident students enrolled at the institution's primary campus.

(9) If the institution recognizes transfer credits from other institutions and/or if it awards credit for prior learning experience and credit by examination, there shall be clearly defined, published policies and procedures for recognizing or awarding such credits. Institutional policies concerning credit for prior learning shall specify administrative responsibilities, means of assessment, documentation procedures, and maximum number of credits allowable. No more than fifty percent of the credits required for a degree or other credential shall be awarded for prior learning experience and/or for credits by examination: PROVIDED, That exceptions to this requirement may be requested under WAC 250-55-030(6).

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

AMENDATORY SECTION (Amending Order 13-79, filed 12/18/79)

WAC 250-55-100 CATALOGS AND BROCHURES. The institution shall provide students and other interested parties with a catalog or brochure, supplemented as necessary by other published materials. Whenever there are changes in institutional policies and procedures, the catalog or brochure shall be revised and published at least every two years, starting on or before September 30, 1980. The catalog or brochure, together with whatever supplementary materials may be necessary, shall include at least the following information:

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

(2) The official name, address, and telephone number of the institution.

(3) A statement on the first page or cover of the catalog that says that the institution, by name, "is registered with the Washington State Council for Postsecondary Education under the Educational Services Registration Act and complies with the requirements and educational standards established for degree-granting institutions in the state of Washington," and that ~~("in addition to any other legal remedies, in the event of an unresolved dispute between a student and the institution involving a requirement of the act or relevant council regulations, either party may seek the assistance of the executive coordinator of the council. Prior to seeking such assistance, however, the parties shall attempt to exhaust all institutional grievance and appeals procedures.")~~ "any person desiring information about the requirements of the act, or the applicability of those requirements to the institution, by name, may contact the council office."

(4) A statement of the origin and objectives of the institution.

(5) Whenever applicable, a list of all institutional board members, including their firms and professional titles, or city of residence.

(6) A list of all institutional administrators and faculty members, including their titles and academic qualifications. In the case of faculty members, each entry shall also include the name of the faculty member's academic department and/or field(s) of instruction. If the institution employs part-time or temporary faculty who are not listed in the catalog, there shall be an explanation of the minimum qualifications required of such faculty members.

(7) An institutional calendar showing legal holidays, beginning and ending dates of each quarter, term, or semester, and other important dates.

(8) Institutional policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each of the institution's programs.

(9) Institutional policy and regulations relative to leaves, absences, class cuts, make-up work, tardiness, and interruptions for unsatisfactory attendance.

(10) Institutional policy relative to standards of progress required of the student. This policy shall describe the institution's system for evaluating student performance, the minimum performance considered satisfactory, conditions for interruption for unsatisfactory performance, a description of the probationary period, if any, and conditions for re-entrance for those students dismissed for unsatisfactory progress. A statement shall be made regarding progress records kept by the institution and furnished to the student.

~~((+1)) Institutional policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct:))~~

~~((+2))~~(11) A detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other student charges necessary for the completion of each course of study.

~~((+3))~~(12) Policy and regulations relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course, or withdraws, or is discontinued therefrom, in compliance with the provisions of WAC 250-55-160.

~~((+4))~~(13) A description of the institution's facilities.

~~((+5))~~(14) A description of the objectives, requirements, and length of each program offered.

~~((+6))~~(15) For each program or field of study that prepares students for a licensed or certified occupation, a statement that indicates whether or not the appropriate agency or association recognizes the program for purposes of licensing or certification in that occupation: PROVIDED, That if a licensing authority does not review and approve academic institutions or programs, the institution shall provide students with the name and address of the licensing authority and indicate that a license is required to practice in the occupation for which the student is training. For all such programs, this information must be provided at the beginning of each program description in the catalog, brochure, and supplementary publications.

~~((+7))~~(16) Policy and procedures relative to the granting of credit for previous education and experience, in compliance with WAC 250-55-070(9).

~~((+8))~~(17) A statement explaining the transferability of the institution's credits to other institutions and the process by which a student may determine whether the institution's credits are transferable to another institution.

~~((+9))~~(18) If the institution offers multiple degrees, an indication of which courses qualify for credit toward each degree.

~~((20))~~(19) If the institution offers individualized courses or programs, a description of the manner in which those courses or programs are designed, in compliance with WAC 250-55-070(6) and (7).

~~((21))~~(20) A description of the types of financial assistance available to students enrolled in the institution.

~~((22))~~(21) A description of any auxiliary services offered, including but not limited to housing, counseling, placement services, services for veterans and other special groups, and extracurricular activities.

~~((23))~~(22) If the institution makes any claims about graduate placement or courses completion rates, in its catalog or elsewhere, the catalog shall indicate how an interested person can obtain specific, up-to-date information about these rates.

~~((24))~~(23) Such other material facts concerning the institution and the program as are reasonably likely to affect the decision of the student to enroll.

~~((25))~~(24) A table of contents or index.

~~((26))~~(25) The catalog shall be supplemented with a printed schedule of courses to be offered each term. The schedule for any particular term shall be available to students at least two weeks prior to the beginning of classes.

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

AMENDATORY SECTION (Amending Order 13-79, filed 12/18/79)

WAC 250-55-110 EDUCATIONAL CREDENTIALS. (1) Upon satisfactory completion of education or training and the payment of all tuition and fees owed by the student to the institution, the student shall be given appropriate educational credentials by the institution indicating that the course or courses of instruction or study have been satisfactorily completed by the student.

(2) In addition, for each student who graduates or withdraws, the institution shall prepare, permanently file, and make available a transcript or academic record that specifies the name of the institution, the name of student, all courses completed, ~~((provided that))~~ and a key to or explanation of the institution's evaluation system: PROVIDED, That the institution shall not be required to make copies of the transcript or academic record available unless all tuition and fees owed by the student to the institution have been paid. Each course entry shall include a title, the number of credits awarded, and a grade. The transcript or academic record shall separately identify all credits awarded by transfer and for prior learning experience, correspondence courses, and credit by examination. If credits are awarded for prior learning experience, the transcript or academic record shall also indicate the nature of the experience for which credit was awarded. If instruction for a course took place at a location other than the primary campus of the institution, the location of the instruction shall also be indicated.

(3) No institution shall offer, print, or award a degree or any other type of educational certificate unless the student has enrolled in and completed a prescribed program of study, as outlined in the institution's catalog, that has been identified in the institution's registration application, annual renewal application, or amendments, as prescribed in WAC 250-55-040.

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

AMENDATORY SECTION (Amending Order 13-79, filed 12/18/79)

WAC 250-55-120 RECORDS. (1) In addition to the transcript or academic record requirement provided for under WAC 250-55-110(2), the institution shall maintain adequate records to document the performance and progress of each student. The records and accounts pertaining to each period of enrollment of each student shall be kept intact and in good condition by the educational institution for a period of at least three years following the termination of such enrollment period.

(2) The records to be retained shall include, but not necessarily be limited to, any of the following information that does not appear on permanently filed transcripts~~(:)~~ or academic records:

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

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

~~((c) Records of the student's grades and progress:))~~

~~((d) Individual instructor's class records:))~~

~~((e))~~(c) Records of interruption for unsatisfactory progress or conduct.

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

(3) Institutions shall maintain and have available for inspection for a period of thirty-six months following their use complete records and copies of all advertising, sales, and enrollment materials used by or on behalf of the institution.

(4) If any educational institution proposes to discontinue its operation, the chief administrative officer of the institution shall immediately notify the executive coordinator and file with the council the original or legible true copies of all such information as is customarily required by colleges when considering students for transfer or advanced study, including but not necessarily limited to all records required in WAC 250-55-110(2) and subsection (1) of this section. In the event it appears to the council that any such records of an educational institution discontinuing its operations are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the council, the council may seek a court order to protect and, if necessary, take possession of the records. ~~((The council))~~ The executive coordinator shall make a determination concerning which records should be permanently maintained and shall select an appropriate permanent location for such records(; ~~and-the)).~~ The institution shall be required to notify its students of such location prior to release of the bond or security filed under the provisions of WAC 250-55-050: PROVIDED, That this notification requirement shall pertain only to students who have been enrolled during the past calendar year.

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

AMENDATORY SECTION (Amending Order 13-79, filed 12/18/79)

WAC 250-55-150 ENROLLMENT. (1) When a student enrolls for a course of instruction, the institution shall comply with the following requirements:

~~((a) The institution shall not require payment for tuition or any other fees in excess of \$125, including a maximum nonrefundable application fee of \$25, more than sixty days in advance of the first day of instruction:))~~

~~((b) The institution shall not collect tuition and fees for more than one calendar year at a time. For courses in which the student may determine the amount of time required for completion, including but not~~

limited to correspondence study, the institution may charge tuition for up to one calendar year at a time according to the average rate of course completion and, in addition, may charge full fees for any materials provided to the student:))

~~((c))~~(a) Upon payment, the institution shall provide the student with a receipt or voucher for all tuition and fees collected.

~~((d))~~(b) Prior to enrollment or before tuition and fees are collected, whichever is earlier, the institution shall provide the student with all the information specified in WAC 250-55-100. ~~((In addition, the institution shall require the student to sign a statement that he or she received a copy of the institution's policy pertaining to refund of tuition and fees:))~~

(2) If the institution employs a formal enrollment agreement or contract, this document shall ~~((contain at least the following information:))~~ pertain only to requirements that are printed or entered on the agreement or contract. The student shall receive a copy of the agreement or contract signed by all parties to the agreement or contract.

~~((a) The title, identifying the document as a contract or agreement:))~~

~~((b) The name and address of the institution:))~~

~~((c) The course or program for which the student is enrolling, as identified in the catalog:))~~

~~((d) The approximate time required to complete the course, specified in weeks, months, or years of full- or part-time study:))~~

~~((e) The type of credential the student will receive upon successful completion of the course or program:))~~

~~((f) An enumeration of all costs involved in completion of the program, together with an explanation of the method and terms of payment:))~~

~~((g) The starting date of the course or program:))~~

~~((h) Grounds for termination of the student by the school prior to completion of the course or program:))~~

~~((i) Methods and conditions under which the student may voluntarily terminate enrollment:))~~

~~((j) A detailed refund policy, as specified in WAC 250-55-160:))~~

~~((k) An effective date, which shall not precede the date on which all parties to the contract have signed the document:))~~

~~((l) An acknowledgement, in large or bold print, that all signers have read and received a copy of the contract:))~~

~~((m) An enumeration of all other conditions, circumstances, or qualifications that may be imposed by the school:))~~

~~((n) If contracts or promissory notes may be sold, discounted, or otherwise transferred, an authorization from the applicant (and financial sponsors, if any), together with a statement that the refund policy shall continue to apply:))~~

~~((o) A statement identical to the catalog statement required under WAC 250-55-100(3):))~~

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

AMENDATORY SECTION (Amending Order 13-79, filed 12/18/79)

WAC 250-55-160 MINIMUM CANCELLATION AND REFUND POLICY. (1) Each institution required to register under this chapter shall publish its cancellation and refund policies in clear language that can be easily understood by prospective students. The policies shall apply to all terminations, for any reason, by either party.

(2) The refund policy ~~((for resident institutions))~~ shall, as a minimum, comply with the following requirements:

~~((a) An applicant rejected by the institution shall be entitled to a refund of all money paid, less any standard application fee, not to exceed \$25:))~~

~~((b) All money paid by a successful applicant, less an application fee not to exceed \$25, shall be refunded to the applicant if requested in any manner within six business days after signing an enrollment agreement or making an initial payment, whichever comes later:))~~

~~((c) If a successful applicant chooses to withdraw after the initial six day period but before the first day of instruction, the applicant shall be entitled to a refund of all moneys paid, less a maximum of \$125 for an applicant for full-time study, prorated accordingly for applicants for part-time study:))~~

~~((d) Starting on the first day of classes and continuing through the first twenty-five percent of the current academic term, the tuition and fee charges retained by the institution shall not exceed seventy-five~~

percent of the tuition and fees paid for that term plus a maximum application fee of \$25. If the student has paid any tuition or fees in advance for subsequent academic terms, these moneys shall be refunded in full:))

~~((e) Following completion of twenty-five percent of the current academic term, the institution may retain one hundred percent of the tuition and fees paid for that term but shall refund any tuition and fees paid in advance for subsequent terms:))~~

~~((f) For purposes of this section, an academic term shall not exceed sixteen weeks of instruction:))~~

~~((g) The termination date for refund computation purposes shall be the date on which the student initially requests cancellation, or the date on which the institution withdraws the student under subsection (2)(b) of this section. The school may require written affirmation of cancellation or withdrawal provided such requirement is stated in the catalog and, if applicable, the enrollment agreement. The institution may require that such written affirmation be made by a parent or guardian if the student is below legal age:))~~

~~((h) If a student, without notice to proper institutional authorities, fails to attend classes for a period of thirty calendar days during which resident classes are in session, the institution shall notify the student in writing that his or her enrollment has been terminated, effective the thirtieth calendar day and shall refund tuition and fees according to its published refund policy:))~~

~~((i) Percentage of course completion shall be computed on the basis of the number of hours or days of instruction completed as a percentage of the total hours or days in the period for which tuition and fees were collected:))~~

~~((j) The refund policy shall pertain to all charges with the exception of charges for materials that are not returned to the institution in their original condition within fifteen days of withdrawal or termination:))~~

~~((k) The institution shall provide an exact pro rata refund to the student for any arbitrary and unilateral change by the institution of scheduled times for course instruction, reduction of contracted training time, reduction of course content, or other actions that effectively reduce the ratio of training to course costs, including but not limited to termination of a course or program during the current academic term:))~~

~~((l) Any money due the applicant or student shall be refunded within thirty days after written notice of cancellation or termination:))~~

~~((3) For correspondence and home study schools, the following minimum refund policy shall pertain:))~~

~~((a) An enrollment may be canceled by an applicant student within six days from the day on which an enrollment agreement is signed or the student submits tuition and fees to the institution, whichever is later. An applicant student requesting cancellation in whatever manner within this time shall be given a refund of all money paid to the institution or its representatives:))~~

~~((b) From six days after the day on which the enrollment agreement is signed and until the time the institution receives the first completed lesson assignment from the student, upon cancellation, the institution is entitled to retain a registration fee of either \$25 or fifteen percent of the tuition up to \$100, whichever is less:))~~

~~((c) After receipt of the first completed lesson assignment and up to and including the first ten percent of the course, if the student requests cancellation, the institution shall be entitled to retain the registration fee plus ten percent of the tuition:))~~

~~((d) After completion of more than ten percent of the course and up to and including completion of twenty-five percent of the course, the institution shall be entitled to retain the registration fee plus twenty-five percent of the tuition:))~~

~~((e) After completion of more than twenty-five percent of the course and up to and including completion of fifty percent of the course, the institution is entitled to retain the registration fee plus fifty percent of the tuition:))~~

~~((f) After completion of more than fifty percent of the course, the institution is entitled to retain the full tuition:))~~

~~((g) The amount of the course completed shall be the number of completed lesson assignments received by the institution as a percentage of the total lesson assignments in the course:))~~

~~((h) Upon written notice of cancellation, all money due the student shall be refunded within thirty days:))~~

~~((i) The refund policy shall pertain to all charges with the exception of charges for materials that are not returned to the institution in their original condition within fifteen days of withdrawal or termination:))~~

(a) The institution shall maintain a fair and equitable policy with regard to the refund of the unused portion of tuition and fees and other charges in the event the student fails to enter the course, or withdraws at any time prior to completion of the course.

(b) Such a policy shall be in keeping with generally accepted practices of accredited institutions of higher education in Washington.

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

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

AMENDATORY SECTION (Amending Order 13-79, filed 12/18/79)

WAC 250-55-220 RECOGNITION OF ACCREDITING AGENCIES AND ASSOCIATIONS. (1) Any accrediting agency or association desiring recognition for the purposes of WAC 250-55-030(5) shall ~~((comply))~~ demonstrate that the agency or association complies with the following standards:

(a) Scope of operations:
(i) The agency or association is national or regional in its scope of operations;

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

(b) Organization:
(i) The agency or association has the administrative personnel and procedures to carry out its operations in a timely and effective manner;
(ii) It defines its fiscal needs, manages its expenditures, and has adequate financial resources to carry out its operations, as shown by an externally audited financial statement;

(iii) Its fees, if any, for the accreditation process do not exceed the reasonable cost of sustaining and improving the process;

(iv) It uses competent and knowledgeable persons, qualified by experience and training, and selects such persons in accordance with non-discriminatory practices to participate on visiting evaluation teams; to engage in consultative services for the evaluation and accreditation process; and to serve on policy and decision-making bodies;

(v) It includes on each visiting evaluation team at least one person who is not a member of its policy or decision-making body or its administrative staff;

(vi) It accredits institutions that are classified as primarily postsecondary, are properly chartered and licensed to operate, and offer instruction leading to degrees, diplomas, or certificates with educational validity.

(c) Procedures:
(i) The agency or association maintains clear definitions of each level of accreditation status and has clearly written procedures for granting, denying, reaffirming, revoking, and reinstating such accredited statuses;

(ii) If it has developed a preaccreditation status, it provides for the application of criteria and procedures that are related in an appropriate manner to those employed for accreditation;

(iii) It requires, as an integral part of its accrediting purposes, institutional or program self-analysis and an on-site review by a visiting team.

(iv) It requires that the self-analysis shall be a qualitative assessment of the strengths and limitations of the institution, including the achievement of institutional objectives, and shall involve a representative portion of the institution's administrative staff, teaching faculty, students, governing body, and other appropriate constituencies.

(v) It provides written and consultative guidance to the institution or program and to the visiting team.

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

(vii) It provides advance notice of proposed or revised standards to all persons, institutions, and organization significantly affected by its

accrediting process, and provides such persons, institutions and organizations adequate opportunity to comment on such standards prior to their adoption;

(viii) Its purposes and objectives are clearly defined in its charter, bylaws, or accrediting standards.

(d) Responsiveness:

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

(ii) It includes representatives of the public in its policy and decision-making bodies, or in an advisory or consultative capacity that assures attention by the policy and decision-making bodies;

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

(e) Due process:

(i) The agency or association affords initial evaluation of the institution only when the chief executive officer of the institution applies for accreditation of the institution;

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

(iii) It furnishes, as a result of an evaluation visit, a written report to the institution commenting on areas of strength, areas needing improvement and, when appropriate, suggesting means of improvement and including specific areas, if any, where the institution may not be in compliance with the agency's standards;

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

(v) It evaluates, when appropriate, the report of the visiting team in the presence of a member of the team, preferably the chairman;

(vi) It provides for the withdrawal of accreditation only for cause, after review, or when the institution does not permit reevaluation, after due notice;

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

(viii) It establishes and implements published rules of procedure regarding appeals which will provide for no change in the accreditation status of the institution pending disposition of an appeal; the right to a hearing before the appeal body; supplying the chief executive officer of the institution with a written decision of the appeal body, including a statement of specifics.

(f) Ethical practices: The agency or association has a demonstrated ability and willingness to foster ethical practices among the institutions which it accredits, including equitable student tuition refunds and non-discriminatory practices in admissions and employment.

(g) Evaluation: The agency or association maintains a program of evaluation of its educational standards designed to assess their validity and reliability.

(h) Application of standards: The agency or association accredits only those institutions which meet its published standards, and demonstrates that its standards, policies, and procedures are fairly applied and that its evaluations are conducted and decisions rendered under conditions that assure an impartial and objective judgment.

(i) Periodic review: The agency or association re-evaluates at reasonable intervals institutions which it has accredited.

(j) Specificity: The agency or association requires that any reference to its accreditation of accredited institutions clearly specifies the areas and levels for which accreditation has been received.

(k) Reliability:

(i) The agency or association demonstrates reliability, competence, and experience by providing evidence of the acceptance of its policies, evaluative criteria, procedures, and evaluation decisions by educators, educational institutions, other accrediting bodies, practitioners, and employers;

(ii) It has no less than two years' experience as an accrediting agency or association;

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

(l) Autonomy:

(i) The agency or association performs no function that would be inconsistent with the formation of an independent judgment of the quality of an educational program or institution;

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

(2) Inclusion in the current list of accrediting agencies and associations recognized by the United States ((Commissioner)) Secretary of Education may be accepted by the council as evidence of compliance with the standards established in subsection (1) of this section: PROVIDED,

(a) That the agency or association grants institutional accreditation, as defined in WAC 250-55-020(5); and

(b) That the council may at any time require such additional evidence and make such additional investigation as in its judgment may be necessary to verify compliance with the standards in subsection (1) of this section for purposes of granting, denying, or discontinuing recognition of an accrediting agency or association under this chapter.

(3) The council shall adopt and maintain an up-to-date ((s)) list of those accrediting agencies and associations which are recognized by the council as meeting the requirements of this section.

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

WSR 81-10-001

PROPOSED RULES

COMMISSION ON EQUIPMENT

[Filed April 23, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment intends to adopt, amend, or repeal rules concerning Traction devices, chapter 204-24 WAC, Flashing amber lamps, chapter 204-38 WAC and Towing businesses, chapter 204-66 WAC;

that such agency will at 10:00 a.m., Friday, April 24, 1981, in the first floor, small conference room, General Administration Building, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, April 24, 1981, in the first floor, small conference room, General Administration Building, Olympia.

The authority under which these rules are proposed is RCW 46.37.005, 46.37.280, 46.37.420 and 46.61.567.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 24, 1981, and/or orally at 10:00 a.m., Friday, April 24, 1981, first floor, small conference room, General Administration Building, Olympia.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 81-01-080, 81-04-040 and 81-04-041 filed with the code reviser's office on December 17, 1980 and February 3, 1981.

Dated: April 23, 1981

By: Lt. R.C. Dale
Secretary

WSR 81-10-002

ATTORNEY GENERAL OPINION

Cite as: AGLO 1981 No. 9

[April 22, 1981]

OFFICES AND OFFICERS—STATE—GOVERNOR—STATE PATROL—BACKGROUND INVESTIGATIONS OF GUBERNATORIAL APPOINTEES

When requested to do so by the Governor for the purpose of determining the qualifications of a prospective gubernatorial appointee to public office, the Washington State Patrol may (a) provide the Governor with information contained in records then on file with the Patrol, except to the extent that, in a given case, particular information contained in those records is covered by a specific statutory restriction against disclosure; and (b) pursuant to an interlocal cooperation act agreement with the Governor, go beyond its own existing records and, further, search out other information by examining existing records maintained by other law enforcement agencies and/or other custodians and by contacting and interviewing neighbors, past business associates or others deemed likely to have personal knowledge about the prospective appointee.

Requested by:

Honorable Phil Talmadge
St. Sen., 34th District
409 Public Lands Building
Olympia, Washington 98504

WSR 81-10-003

ATTORNEY GENERAL OPINION

Cite as: AGLO 1981 No. 10

[April 22, 1981]

OFFICES AND OFFICERS—STATE—GOVERNOR—LEGISLATURE—EFFECT OF ACTION BY SENATE RETURNING ALL UNCONFIRMED APPOINTEES TO THE GOVERNOR

Where, at the request of a new governor, the Senate voluntarily returns the names of those unconfirmed appointees then pending before it, the appointees involved are not thereafter entitled to continue in office until the Governor makes new appointments.

Requested by:

Honorable A. L. "Slim" Rasmussen
St. Sen., 29th District
407-B Legislative Building
Olympia, Washington 98504

WSR 81-10-004

ATTORNEY GENERAL OPINION

Cite as: AGLO 1981 No. 11

[April 23, 1981]

OFFICES AND OFFICERS—STATE—COUNCIL FOR POST-SECONDARY EDUCATION—HIGHER EDUCATION—SCOPE OF STATUTORY EXEMPTIONS

An "educational institution" as defined in RCW 28B.05.030(1) which provides educational services through workshops and seminars is not exempt from the Educational Services Registration Act solely on the basis that none of those workshops or seminars are of more than three calendar days in duration; nor is such an institution exempt because of the fact that, although it solicits from more than one business concern, it does not solicit the general public.

Requested by:

Honorable Homer Halverson
Executive Director
Commission for
Vocational Education
Mailstop LS-10
Olympia, Washington 98504

WSR 81-10-005

PROPOSED RULES

**HIGHER EDUCATION
PERSONNEL BOARD**

[Filed April 24, 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 Position reallocation—Effect on incumbent to clarify that an employee occupying a position which is reallocated to a class with a lower salary maximum will be subject to layoff in accordance with the provisions of the rules, amending WAC 251-06-080;

that such agency will at 10:00 a.m., Thursday, June 18, 1981, in Room B-11-13-15 of 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 Compton Union Building, Washington State University, Pullman, Washington.

The authority under which these rules are proposed is RCW 28B.16.100.

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, Room B-11-13-15 of Compton Union Building, Washington State University, Pullman, Washington.

Dated: April 24, 1981

By: Douglas E. Sayan
Director

STATEMENT OF PURPOSE

This statement is related to the Notice filed with the Code Reviser on April 24, 1981, and is filed pursuant to chapter 186, Laws of 1980:

Rule Affected: WAC 251-06-080 Position reallocation—Effect on incumbent; Authority: RCW 28B.16.100.

Purpose of Existing Rule: Identifies the effect that the reallocation of a position has on the employee occupying that position.

Summary of Proposed Change: Clarifies that an employee occupying a position which is reallocated to a class with a lower salary range maximum will be subject to layoff in accordance with the layoff provisions of the rules.

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 agency makes no additional comments/recommendations regarding the proposal.

The change is not the result of federal law or state court action.

AMENDATORY SECTION (Amending Order 70, filed 9/29/78, effective 11/1/78)

WAC 251-06-080 POSITION REALLOCATION—EFFECT ON INCUMBENT. (1) An employee occupying a position that is reallocated to a class with a higher salary range maximum, is affected as follows:

(a) When reallocation is a result of an accumulation of duties by the incumbent over a period of at least six months, the incumbent may elect to remain in the position following reallocation providing he/she meets the minimum qualifications for the class. The minimum qualifications may be waived by the director if it is determined that the incumbent has demonstrated sufficient experience to satisfactorily perform the duties of the class. Successful completion of the higher level duties by the incumbent for at least six months satisfies the examination requirement and confers permanent status. Documentation of such service shall be kept on file for each reallocation request approved;

(b) When reallocation will require immediate changes in the duties of the position, it will be filled in accord with chapter 251-18 WAC. The incumbent will be given an opportunity to compete for the position. If the employee is not selected, or chooses not to compete, subsection (2)(a), (b), and (d) will apply.

(2) An employee occupying a position which is reallocated to a class with a lower salary range maximum has the following options:

(a) Transfer to a vacant position within the current class;

(b) Be (~~afforded such bumping rights and placement on layoff lists as would be provided in layoff~~) subject to layoff in accordance with the layoff provisions of these rules;

(c) Demote with the position;

(d) In addition, the employee may make him/herself available for appointment on or before the effective date of the reallocation via the institution's transfer/lateral movement/voluntary demotion procedure.

(3) Establishment of salary and periodic increment following reallocation shall be as provided in WAC 251-08-100 and 251-08-112.

WSR 81-10-006

ADOPTED RULES

DEPARTMENT OF TRANSPORTATION
(Transportation Commission)

[Order 18, Resolution 105—Filed April 24, 1981]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the adoption of WAC 468-300-510, Spokane River Toll Bridge.

This action is taken pursuant to Notice No. WSR 81-07-052 filed with the code reviser on March 18, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 47.56.240 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.56.240.

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 Vaughn Hubbard
Chairman

NEW SECTION

WAC 468-300-510 SPOKANE RIVER TOLL BRIDGE. The toll for the Spokane river toll bridge shall be twenty-five cents per two axle vehicle plus ten cents per each additional axle.

NOTE: Vehicles carrying three or more occupants shall be charged a toll of ten cents.

WSR 81-10-007

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 81-25—Filed April 24, 1981]

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

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 provides for the conservation of Yakima River Spring chinook.

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 24, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-32-05500C **YAKIMA RIVER** *It is unlawful to take, fish for or possess salmon from the waters of the Yakima River, except those individuals possessing fishing rights pursuant to the Yakima treaty may fish for subsistence purposes only in that portion of the Yakima River in the vicinity of Prosser Dam during the following periods:*

12 noon April 23 to 12 noon April 26, 1981
12 noon April 30 to 12 noon May 3, 1981
12 noon May 8 to 12 noon May 10, 1981
12 noon May 16 to 12 noon May 17, 1981
12 noon May 23 to 12 noon May 24, 1981
12 noon May 30 to 12 noon May 31, 1981

Waters in the fishway, within 30 feet of the fishway and within 30 feet of the bypass pipe outlet are closed.

WSR 81-10-008

ADOPTED RULES

GRAYS HARBOR COLLEGE

[Order 81-1, Resolution 2-81, 3-81 and 4-81—Filed April 24, 1981]

Be it resolved by the board of trustees of Grays Harbor College, acting at Conference Room, Administration Building, Grays Harbor College, Aberdeen, Washington, that it does promulgate and adopt the annexed rules relating to personnel rules for the classified staff service of Grays Harbor College, policies and procedures for tenure and dismissal and public records policy.

This action is taken pursuant to Notice No. WSR 81-04-005 filed with the code reviser on March 30, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated pursuant to RCW 28B.50.140(13) 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 30, 1981.

By Joseph A. Malik
President

AMENDATORY SECTION (Amending Order 79-1, Resolution 11-79, filed 8/1/79)

WAC 132B-128-020 **DEFINITIONS.** Faculty appointment - Full-time employment as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments; "faculty appointment" shall mean department heads, division heads and administrators to the extent that such department heads, division heads or administrators have had or do have status as a teacher, counselor, or librarian.

Full-time position - One in which the faculty member receives a contract labeled full-time and works a regular load of his division or area for any three complete quarters in one calendar year. Only special circumstances, which shall be described in writing, will permit the faculty member to work less than a regular load and retain a full-time contract.

Dismissal review committee - A committee to hear dismissal cases shall be composed of a member of the administrative staff, a student representative, and members of the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each review committee shall be selected by a majority of the teaching faculty and faculty division heads acting in a body as specified by the dismissal policy.

Faculty peer - One who holds a faculty appointment.

Probationer - Any individual holding a probationary faculty appointment.

Probationary faculty appointment - A faculty appointment for a designated period of time which may be terminated without sufficient cause upon expiration of the probationer's terms of employment.

Tenure - A faculty appointment for an indefinite period of time which may be revoked only for sufficient cause and by due process.

Tenure review committee - A committee composed of the probationer's faculty peers, a student representative, and a member of the administrative staff of the community college provided that the majority of the committee shall consist of the probationer's faculty peers and that the faculty members be elected as specified by the tenure policy by a majority of the faculty members.

Appointing authority - Shall mean the board of trustees of Community College District No. 2.

Administrative appointment - Shall mean employment in a specific administrative position as determined by the appointing authority.

Administrative position - For purposes of this document, the following positions are considered administrative positions at Grays Harbor College: President, dean of instruction, dean of administration, associate dean for student affairs, associate dean for admissions and records, associate dean for vocational education, associate dean for continuing education, assistant dean ((for)) of administration, assistant dean for library and media services, coordinator ((for)) of basic education, coordinator ((for)) of continuing education, coordinator ((for)) of

child and family studies, coordinator ((for)) of women's ((programs)) resources center, coordinator of financial aids and veterans affairs, and coordinator of student programs.

AMENDATORY SECTION (Amending Order, filed 10/28/74)

WAC 132B-276-040 OPERATIONS AND PROCEDURES. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members, each appointed by the governor to a term of five years. ~~((The trustees meet the third Monday of each of the following months: September, November, January, March and May in the Administrative Conference Room of Grays Harbor College, unless public notice is given of a special meeting. At such time))~~ The trustees exercise the powers and duties granted them under RCW 28B.50.140.

REPEALER

Chapter 132B-12 of the Washington Administrative Code is repealed as follows:

- (1) WAC 132B-12-003 PURPOSE.
- (2) WAC 132B-12-006 POSITIONS COVERED BY THE RULES.
- (3) WAC 132B-12-009 ADOPTION OF RULES.
- (4) WAC 132B-12-012 AMENDMENT OF RULES.
- (5) WAC 132B-12-015 DEFINITIONS.
- (6) WAC 132B-12-018 ORGANIZATION.
- (7) WAC 132B-12-021 COMPENSATION.
- (8) WAC 132B-12-024 ELECTION OF OFFICERS.
- (9) WAC 132B-12-027 MEETINGS.
- (10) WAC 132B-12-030 POWERS AND DUTIES.
- (11) WAC 132B-12-033 APPOINTMENT.
- (12) WAC 132B-12-036 POWERS AND DUTIES.
- (13) WAC 132B-12-039 CONTENT.
- (14) WAC 132B-12-042 AMENDMENT.
- (15) WAC 132B-12-045 ALLOCATION.
- (16) WAC 132B-12-048 INTERPRETATION OF SPECIFICATIONS.
- (17) WAC 132B-12-051 USE IN ALLOCATION.
- (18) WAC 132B-12-054 USE IN EXAMINATION.
- (19) WAC 132B-12-057 STATEMENT OF GENERAL QUALIFICATIONS.
- (20) WAC 132B-12-060 AUTHORITY.
- (21) WAC 132B-12-063 USE OF CLASS TITLES.
- (22) WAC 132B-12-066 GENERAL POLICIES.
- (23) WAC 132B-12-069 CONTENT.
- (24) WAC 132B-12-072 AMENDMENT.
- (25) WAC 132B-12-075 PAYROLL CERTIFICATION.

- (26) WAC 132B-12-078 HOURS OF WORK.
- (27) WAC 132B-12-081 REST PERIODS.
- (28) WAC 132B-12-084 HOLIDAYS.
- (29) WAC 132B-12-087 ANNUAL LEAVE.
- (30) WAC 132B-12-090 SICK LEAVE.
- (31) WAC 132B-12-093 MILITARY TRAINING LEAVE WITH PAY.
- (32) WAC 132B-12-096 MILITARY LEAVE WITHOUT PAY.
- (33) WAC 132B-12-099 LEAVE FOR CIVIL DUTY.
- (34) WAC 132B-12-102 LEAVE OF ABSENCE WITHOUT PAY.
- (35) WAC 132B-12-105 ABSENCE WITHOUT AUTHORIZED LEAVE.
- (36) WAC 132B-12-108 SELECTION BY EXAMINATION.
- (37) WAC 132B-12-111 CONTENT OF ANNOUNCEMENTS.
- (38) WAC 132B-12-114 DISTRIBUTION OF ANNOUNCEMENTS.
- (39) WAC 132B-12-117 OPEN COMPETITIVE EXAMINATIONS.
- (40) WAC 132B-12-120 PROMOTIONAL EXAMINATIONS.
- (41) WAC 132B-12-123 FORMS OF APPLICATION.
- (42) WAC 132B-12-126 FREEDOM FROM BIAS.
- (43) WAC 132B-12-129 ADMISSION TO EXAMINATION.
- (44) WAC 132B-12-132 DISQUALIFICATION OF APPLICANTS.
- (45) WAC 132B-12-135 ORIGINAL EXAMINATIONS.
- (46) WAC 132B-12-138 PROMOTIONAL EXAMINATIONS.
- (47) WAC 132B-12-141 NONCOMPETITIVE EXAMINATIONS.
- (48) WAC 132B-12-144 OPEN-CONTINUOUS EXAMINATION.
- (49) WAC 132B-12-147 CONDUCT OF EXAMINATIONS.
- (50) WAC 132B-12-150 ANONYMITY OF APPLICANTS.
- (51) WAC 132B-12-153 RATING OF EXAMINATIONS.
- (52) WAC 132B-12-156 ESTABLISHMENT AND MAINTENANCE.
- (53) WAC 132B-12-159 ORGANIZATIONAL UNITS.
- (54) WAC 132B-12-162 MERIT LISTS.
- (55) WAC 132B-12-165 LAYOFF LISTS.
- (56) WAC 132B-12-168 UNRANKED LISTS.
- (57) WAC 132B-12-171 DURATION OF ELIGIBLE LISTS.
- (58) WAC 132B-12-174 REGISTERS—GENERALLY.
- (59) WAC 132B-12-177 REGISTERS—UNRANKED TRANSFER—DURATION.
- (60) WAC 132B-12-180 REGISTERS—OPEN-COMPETITIVE—DURATION.

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| (61) <u>WAC 132B-12-183</u> | REMOVAL OF NAMES FROM ELIGIBLE LISTS. | (99) <u>WAC 132B-12-297</u> | GRIEVANCE PROCEDURE. |
| (62) <u>WAC 132B-12-186</u> | COMPARABLE LISTS. | (100) <u>WAC 132B-12-300</u> | PAYROLL DEDUCTION. |
| (63) <u>WAC 132B-12-189</u> | AVAILABILITY OF ELIGIBLES. | (101) <u>WAC 132B-12-303</u> | ONE YEAR DURATION. |
| (64) <u>WAC 132B-12-192</u> | REQUEST FOR EMPLOYEES. | (102) <u>WAC 132B-12-306</u> | FILING—CONFLICT WITH CIVIL SERVICE ACT. |
| (65) <u>WAC 132B-12-195</u> | METHOD OF CERTIFICATION. | (103) <u>WAC 132B-12-309</u> | CONFERENCE ON DISPUTES. |
| (66) <u>WAC 132B-12-198</u> | RANKED LISTS. | (104) <u>WAC 132B-12-312</u> | HEARING ON DISPUTES. |
| (67) <u>WAC 132B-12-201</u> | RELATED LISTS. | (105) <u>WAC 132B-12-315</u> | SERVICE RATINGS. |
| (68) <u>WAC 132B-12-204</u> | SELECTION. | (106) <u>WAC 132B-12-318</u> | EDUCATION AND TRAINING. |
| (69) <u>WAC 132B-12-207</u> | PROBATIONARY APPOINTMENTS. | (107) <u>WAC 132B-12-321</u> | OUTSIDE COURSE WORK. |
| (70) <u>WAC 132B-12-210</u> | PROVISIONAL APPOINTMENTS. | (108) <u>WAC 132B-12-324</u> | CLASSES DURING WORKING HOURS—COMPENSATION—AUTHORIZATION. |
| (71) <u>WAC 132B-12-213</u> | TRANSFER. | (109) <u>WAC 132B-12-327</u> | SPECIAL TRAINING PROGRAMS. |
| (72) <u>WAC 132B-12-216</u> | DEMOTION. | (110) <u>WAC 132B-12-330</u> | POLITICAL ACTIVITY. |
| (73) <u>WAC 132B-12-219</u> | PURPOSE. | (111) <u>WAC 132B-12-333</u> | OUTSIDE EMPLOYMENT. |
| (74) <u>WAC 132B-12-222</u> | DURATION. | (112) <u>WAC 132B-12-336</u> | EMPLOYMENT OF MORE THAN ONE MEMBER OF A FAMILY. |
| (75) <u>WAC 132B-12-225</u> | REMOVAL DURING PROBATIONARY PERIOD. | (113) <u>WAC 132B-12-339</u> | FALSE STATEMENTS—FRAUD. |
| (76) <u>WAC 132B-12-228</u> | DEMOTION DURING PROBATIONARY PERIOD. | (114) <u>WAC 132B-12-342</u> | BRIBERY. |
| (77) <u>WAC 132B-12-231</u> | SEPARATION. | (115) <u>WAC 132B-12-345</u> | INTERFERENCE BY OFFICIALS. |
| (78) <u>WAC 132B-12-234</u> | RESIGNATION. | (116) <u>WAC 132B-12-348</u> | PENALTIES. |
| (79) <u>WAC 132B-12-237</u> | REDUCTION IN FORCE—LAYOFF. | (117) <u>WAC 132B-12-351</u> | DISCRIMINATION. |
| (80) <u>WAC 132B-12-240</u> | DISMISSAL. | (118) <u>WAC 132B-12-354</u> | PERSONNEL RECORDS. |
| (81) <u>WAC 132B-12-243</u> | ABANDONMENT OF POSITION. | (119) <u>WAC 132B-12-357</u> | ROSTER. |
| (82) <u>WAC 132B-12-246</u> | DISCIPLINARY ACTION. | (120) <u>WAC 132B-12-360</u> | REPORTS TO THE PERSONNEL DIRECTOR. |
| (83) <u>WAC 132B-12-249</u> | SUSPENSION. | (121) <u>WAC 132B-12-363</u> | PUBLIC RECORDS. |
| (84) <u>WAC 132B-12-252</u> | DEMOTION. | | |
| (85) <u>WAC 132B-12-255</u> | WHO MAY APPEAL. | | |
| (86) <u>WAC 132B-12-258</u> | PROCEDURES FOR HEARING APPEALS. | | |
| (87) <u>WAC 132B-12-261</u> | REEMPLOYMENT LIST—REINSTATEMENT AFTER APPEAL. | | |
| (88) <u>WAC 132B-12-264</u> | AGREEMENTS BETWEEN AGENCIES AND EMPLOYEE ORGANIZATIONS. | | |
| (89) <u>WAC 132B-12-267</u> | NOTICE OF INTENT BY BARGAINING UNIT. | | |
| (90) <u>WAC 132B-12-270</u> | DETERMINATION OF BARGAINING UNIT. | | |
| (91) <u>WAC 132B-12-273</u> | BARGAINING FACTORS. | | |
| (92) <u>WAC 132B-12-276</u> | CERTIFICATION BY DIRECTOR—NOTICE OF PETITION. | | |
| (93) <u>WAC 132B-12-279</u> | ELECTION OF REPRESENTATIVE ORGANIZATION—NOTICE. | | |
| (94) <u>WAC 132B-12-282</u> | ELECTION RULES—BALLOTS. | | |
| (95) <u>WAC 132B-12-285</u> | MAJORITY OF VOTES REQUIRED. | | |
| (96) <u>WAC 132B-12-288</u> | REPRESENTATION UPON CERTIFICATION. | | |
| (97) <u>WAC 132B-12-291</u> | DECERTIFICATION. | | |
| (98) <u>WAC 132B-12-294</u> | PERSONNEL MATTERS. | | |

WSR 81-10-009
PROPOSED RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Filed April 27, 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 251-10-055 | Layoff lists—Institution-wide by adding language to provide for removal of an individual's name from an institution-wide layoff list after he/she has declined appointment to three positions to which certified from that list. |
| Amd | WAC 251-10-110 | Demotion, suspension, reduction, dismissal—Cause for to remove "physical or mental incapacity" as an example of |

- activities which may result in disciplinary action.
- New WAC 251-10-112 Separation—Disability to provide specific language providing for separation of an employee who is physically or mentally unable to perform assigned duties.
- New WAC 251-10-113 Separation—Attendance to provide specific language providing for separation of an employee because of excessive absenteeism.
- Amd WAC 251-12-240 Burden of proof to add that an institution has the burden of proof in hearings on appeals from separation actions.
- Amd WAC 251-18-330 Trial service period to clarify the actions which an institution must take before an employee may be reverted during the trial service period, to clarify the appeal rights available to an employee reverted during the trial service period, and to specify the remedies which may be provided on such appeals.
- Amd WAC 251-04-020 Definitions by adding language in the definition of "Trial Service" to provide that an employee's trial service period may be extended beyond six months by the board as a result of an appeal under WAC 251-18-330;

that such agency will at 10:00 a.m., Thursday, May 21, 1981, in the Town and Gown Room of the HUB, Yakima Valley College, Yakima, 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, May 21, 1981, in the Town and Gown Room of the HUB, Yakima Valley College, Yakima, Washington.

The authority under which these rules are proposed is RCW 28B.16.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 21, 1981, and/or orally at 10:00 a.m., Thursday, May 21, 1981, Town and Gown Room of the HUB, Yakima Valley College, Yakima, Washington.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-04-051 filed with the code reviser's office on February 4, 1981.

Dated: April 27, 1981

By: Douglas E. Sayan
Director

WSR 81-10-010
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1642—Filed April 27, 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:

- Rep WAC 388-29-190 Transportation to state of legal residence.
Rep ch. 388-35 WAC Noncontinuing general assistance.
Amd ch. 388-37 WAC Continuing general assistance.

Amd ch. 388-57 WAC Employment and training—Work incentive.

This action is taken pursuant to Notice No. WSR 81-06-064 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 22, 1981.

By David A. Hogan
Director, Client and
Community Relations Division

REPEALER

The following section of the Washington Administrative Code is hereby repealed.

(1) WAC 388-29-190 TRANSPORTATION TO STATE OF LEGAL RESIDENCE.

REPEALER

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

(1) WAC 388-35-010 CONDITIONS OF ELIGIBILITY.

(2) WAC 388-35-020 DETERMINATION OF FINANCIAL NEED.

(3) WAC 388-35-030 CERTIFICATION PERIOD.

(4) WAC 388-35-050 ASSISTANCE UNITS—ELIGIBLE PERSONS.

(5) WAC 388-35-060 REAPPLICATION.

(6) WAC 388-35-070 NONCONTINUING GENERAL ASSISTANCE—REQUIREMENTS.

AMENDATORY SECTION (Amending Order 1536, filed 8/25/80)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state financed program which provides for the needs of some persons who are not eligible for ((or are not receiving)) a federal aid grant; except as provided in WAC 388-37-010(2) and whose need is expected to continue for more than a ((30-)) sixty day period, except as provided in WAC 388-37-030(3)(d).

(2) Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by supplemental security income with the following exceptions:

(a) An applicant who appears to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:

(i) The applicant applies;

(ii) The applicant assigns the initial SSI payment to DSHS up to the amount of the ~~((GA-U))~~ GAU provided to the applicant pending approval of the SSI application;

(iii) The applicant meets all other general assistance eligibility requirements.

(b) If the amount of the initial SSI payment recovered by DSHS ~~((under subdivision (6)(a)))~~ does not meet the amount paid as ~~((GA-U))~~ GAU, the balance must be treated as an overpayment.

If the SSI benefit is less than the GAU payment standard because the SSI is based on a different living arrangement than that authorized under the GAU program, the difference will not be considered an overpayment, provided the applicant has appealed the SSI determination and lost the final appeal.

(c) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

~~((d)) An SSI-eligible spouse whose need is not being met by SSI because of separation from a spouse. Such persons are exempt from assigning the initial SSI payment to DSHS as provided in (2)(a)(ii) above.))~~

(3) Continuing general assistance cannot be granted to a recipient of supplemental security income when he is subject to any sanction for failure to comply with SSI eligibility requirements.

AMENDATORY SECTION (Amending Order 1471, filed 1/9/80)

WAC 388-37-030 CONTINUING GENERAL ASSISTANCE—ELIGIBLE PERSONS. When other eligibility has been established, continuing general assistance shall be granted to:

~~((1)) Deleted~~

~~(2) Families ineligible for AFDC-E solely because neither parent/stepparent meets the work quarters requirement and one parent/stepparent is regularly attending a vocational training course approved by the CSO in accordance with WAC 388-57-028.~~

~~(a) Disapproval of a training plan shall make the family ineligible for GAU.~~

~~(b) The CSO shall approve no more than twenty-four continuous months of training per family.~~

~~(3) A person who at the time of attaining the age of eighteen years is a recipient of public assistance and attending a state approved high school or vocational or technical institution:~~

~~(a) Assistance is continued while the person (if otherwise eligible) continually attends school on a full-time basis. Assistance is continued through the end of the school year immediately following the person's eighteenth birthday.~~

~~(b) If in the opinion of the CSO administrator one additional year of schooling will lead to completion of a secondary education, assistance is continued for one additional school year.~~

~~((4)) (1) ((Unemployable)) Incapacitated persons. As used in this section ((unemployable)) incapacitated person means a person who is sixty-five years of age or~~

older or a person who is physically or mentally ~~((incapacitated by))~~ unable to work as a result of a condition expected to continue for at least ~~((thirty))~~ sixty days from date of application. ~~((Unemployability))~~ Incapacity refers to the individual's capacity to earn income by employment. It does not refer to the availability or lack of job opportunities. Eligible individuals are:

(a) An ~~((unemployable))~~ incapacitated single ~~((adult))~~ person age eighteen or older.

(b) A married couple if both persons are ~~((unemployable))~~ incapacitated.

(c) The ~~((unemployable))~~ incapacitated spouse in the case of a married couple when only one person is employable. The income and resources of the employable spouse shall be considered as described in WAC 388-28-500(2)(a) and (b).

(d) Persons in approved drug or alcoholism treatment programs may be eligible for less than a sixty-day period in accordance with the terms of their treatment plan.

~~((5)) The spouse and children of a sixty-five year old beneficiary of supplemental security income when deprivation due to incapacity or unemployment cannot be established:~~

~~((6)) (2) These rules shall be effective ((November 10, 1979)) March 1, 1981.~~

AMENDATORY SECTION (Amending Order 1536, filed 8/25/80)

WAC 388-37-035 INCAPACITY. (1) The term "incapacity" refers to the existence of a physiological(~~(; emotional))~~) and/or mental impairment which renders the person incapable of gainful employment.

(a) Such incapacity must be verified by medical evidence.

(b) The person must be substantially prevented by reason of the impairment from engaging in a useful occupation. Reasons for unemployment other than incapacity, such as individual employer preferences, business and economic conditions, social handicaps, etc., are not factors to be considered in determining his inability to obtain and continue in employment.

(2) The source of evidence for physiological incapacity will be a written report from a physician or chiropractor; for a mental ~~((and/or emotional))~~ incapacity, the source may be a report from a psychiatrist or clinical psychologist. Medical evidence may be obtained ~~((by))~~ from other DSHS institutions and agencies from which the individual is receiving or has received services. Such reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function.

(3) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual, and consideration of the individual's abilities so that it can be determined whether there remains a capacity to engage in a useful occupation.

(4) Incapacity due to mental ~~((or emotional))~~ disorders shall be determined on the basis of actual and specific impairment of faculties necessary for the person to be able to engage in gainful employment. The fact that an individual may be receiving treatment for a mental

health problem is not in itself evidence that incapacity exists.

(a) Such persons must be diagnosed as psychotic or psychotic in remission, or

(b) Mentally retarded as evidenced by a score of:

(i) Eighty-four or less on the Wechsler Adult Intelligence Scale or on the Vineland Social Maturity Scale, or

(ii) Eighty-three or less on the Stanford-Binet Intelligence Scale.

~~((a))~~ (c) Such incapacity will be determined on the basis of evidence that the individual:

(i) Is unable to exercise judgment and make decisions necessary to obtain and maintain employment.

(ii) Is unable to sustain an adequate attention span.

(iii) Manifests bizarre or inappropriate behavior patterns beyond his capability to control.

(iv) Does not have the degree of physical and motor control required to sustain employment.

(v) Does not have perception and memory to the degree necessary to obtain and sustain employment.

(vi) Is unable to follow directions or to learn to the degree necessary to obtain and sustain employment.

(vii) Is under medication which impairs functioning.

(viii) Any one or a combination of the conditions in items (i) through (vii) may be sufficient to establish incapacity.

(5) Incapacity will be considered to be established without an incapacity review team decision for applicants for and recipients of services in a congregate care facility when the person:

(a) Deleted;

(b) Has been determined to be eligible for any benefits (including FAMCO) based on social security administration disability criteria ~~((or veterans benefits based on disability of 50% or more))~~ except for persons with mental or emotional illness;

(c) Is eligible for services from the bureau of developmental disabilities~~(:);~~.

~~((c) Is being released from a state or community psychiatric hospital.))~~

~~(6) ((Incapacity following hospitalization for mental health reasons will be considered to be established for only sixty days; assistance shall not be continued beyond the initial sixty days without an incapacity review team decision.~~

~~(7))~~ Incapacity due to alcoholism will be considered to be established when an individual is ~~((accepted))~~ admitted as a resident into either intensive or long-term ~~((residential))~~ treatment at an alcoholism treatment center as defined in WAC 275-19-020.

~~((8))~~ (7) Incapacity due to abuse of drugs other than alcohol will be considered to be established for a designated period when an individual is ((accepted)) admitted as a resident into a certified residential drug treatment program, or ((a certified methadone (or approved substitute) maintenance or)) certified detoxification program or is accepted into a certified methadone (or approved substitute) maintenance program.

(a) In accordance with the above criteria, incapacity will be considered to be established for the following maximum periods of time:

(i) ~~Detoxification—((30))~~ thirty days.

(ii) ~~Maintenance—((60))~~ sixty days.

(iii) ~~Residential treatment—((60))~~ sixty days.

(b) Assistance shall not be continued beyond the initial period of time described in subdivision (7)(a) of this section without an incapacity review team decision.

~~((9))~~ (8) If the person ((has not been referred to the ESSO by an alcoholism or certified drug treatment program)) claiming incapacity due to alcoholism or drug abuse does not meet the criteria in subsections (6) or (7) of this section, incapacity will be determined by evidence that:

(a) Pathological or demonstrable organic damage has resulted from chronic alcoholism or drug abuse, or

(b) The individual, as a result of the addiction, has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment and constitutes a danger to himself, to any other person, or to property.

~~((10))~~ (9) Individuals who are found to be incapacitated due to alcoholism or drug abuse ((with)) must be ((required to accept referral to a community)) participating in an approved alcoholism ((center)) or certified drug treatment program ((for evaluation and recommendation related to treatment)).

~~((11))~~ (10) An individual who refuses to accept and follow through on available treatment when such treatment is recommended shall not be eligible.

~~((12))~~ (11) The use of drugs or alcohol of itself is not evidence that an incapacitating condition exists.

~~((13) Incapacity shall be considered to be established without an incapacity review team decision for an SSI recipient whose needs are not being met by SSI because of separation from a spouse.))~~

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-57-015 UTILIZATION OF EMPLOYMENT SECURITY DEPARTMENT DES—REGISTRATION. ~~((1) An employable applicant/recipient of general assistance shall be currently registered for employment with DES prior to granting of assistance.~~

~~(2) An AFDC-E parent or stepparent who qualifies the assistance unit for the program shall be registered for employment as specified in WAC 388-24-135(5).~~

~~(3))~~ An ~~((AFDC-R))~~ AFDC mandatory registrant, ~~((WAC 388-24-107,))~~ shall be registered for WIN with DES through the CSO at the time of granting of assistance. This requirement shall not affect the eligibility of the children for ~~((AFDC-R))~~ AFDC.

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-57-020 UNEMPLOYMENT COMPENSATION STATUS—VERIFICATION. (1) An applicant for or recipient of ~~((AFDC-R, AFDC-E or general assistance))~~ AFDC is potentially eligible for unemployment compensation as determined by the CSO based on work history and availability for employment, shall apply for unemployment compensation unless

he/she furnishes written verification that he/she is receiving, or not eligible to receive, unemployment compensation.

(2) A recipient of (~~AFDC-R, AFDC-E or general assistance~~) AFDC who becomes potentially eligible for unemployment compensation is required to comply with the provisions of subsection (1) of this section within ~~((30))~~ thirty days.

~~((3) The spouse of the AFDC-E applicant/recipient who is potentially eligible for unemployment compensation is required to comply with the provisions of subsections (1) and (2).))~~

AMENDATORY SECTION (Amending Order 1472, filed 1/9/80)

WAC 388-57-032 EMPLOYMENT AND TRAINING (E&T) PROGRAM. (1) The employment and training (E&T) program is a department of social and health services designated program which is complimentary to and consistent with the work incentive (WIN) program as described in this chapter. It is designed to provide services to employable recipients of AFDC who are not receiving work incentive (WIN) program services ~~((and to employable applicants/recipients of general assistance)).~~

(2) The WIN rules, including all responsibilities, exemptions, sanctions and protections in chapter 388-57 WAC apply to the employment and training (E&T) program except as outlined in WAC 388-57-032 and 388-57-036.

(3) The following services will be available through the E&T program to recipients in both WIN and non-WIN localities:

- (a) Placement in employment;
- (b) Referral to other programs offering public service employment (PSE) or training;
- (c) Self-support services.

(4) In WIN areas, recipients of AFDC are required to satisfy WIN program requirements prior to being considered for E&T. Persons certified to WIN may be suspended to E&T.

AMENDATORY SECTION (Amending Order 1472, filed 1/9/80)

WAC 388-57-036 EMPLOYMENT AND TRAINING (E&T)—DEFINITIONS. The terms in chapter 388-57 WAC apply in the E&T program except:

(1) "Certification" means acceptance for E&T services of ~~((GA-N applicants/recipients and))~~ AFDC recipients in non-WIN areas. The form is retained by the CSO rather than being sent to DES;

(2) "Registrant" means a recipient who is registered for E&T services;

(3) "Self-support services" means counseling, child care, transportation, miscellaneous expense and medical payments during the certification period to assist the recipient in obtaining employment and training (E&T). These departmental payments are exempt;

(4) "DES-DSHS joint case responsibility" is not applicable in the E&T program;

(5) The thirty dollar incentive payment is not applicable in the E&T program;

(6) A sixty-day counseling period according to WAC 388-57-062 shall be provided to AFDC recipients who have failed or refused training or employment in the employment and training program without good cause.

(7) Protective or vendor payments shall not be imposed upon noncooperating ~~((AFDC-R))~~ AFDC recipients not certified to WIN~~((:)).~~

~~((8) Registration to the E&T program does not satisfy the requirement to register for employment with DES.))~~

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-57-056 REFUSAL TO COOPERATE IN APPRAISAL PRIOR TO CERTIFICATION. A WIN registrant, unless a volunteer, who is determined to have failed or refused without good cause to appear for appraisal or otherwise cooperate during the appraisal process will be de-registered from WIN by DES. An E&T registrant, unless a volunteer, who is determined to have failed or refused without good cause to appear for appraisal or otherwise cooperate during the appraisal process will be de-registered from E&T by the CSO.

~~((1) If the de-registered recipient is the parent who qualified the assistance unit for AFDC-E, the entire assistance unit shall be terminated unless the other parent can qualify the family for AFDC-E (see WAC 388-24-135).))~~

~~(a) Once a parent who first qualifies the assistance unit for AFDC-E is de-registered, a sanction period is established in accordance with WAC 388-57-061. This person's needs shall be reinstated in the grant after the sanction period is completed or earlier if exempt status is acquired;~~

~~(b) The other parent who becomes the qualifying parent must satisfy all eligibility criteria for the AFDC-E program.~~

~~(2)) Any ((other)) de-registered ((recipient)) mandatory registrant shall be removed from the AFDC grant for failure to participate. This person's needs shall be reinstated in the grant after the sanction period is completed or earlier if exempt status is acquired.~~

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-57-057 WORK INCENTIVE PROGRAM—CERTIFICATION OF AFDC RECIPIENT TO STATE EMPLOYMENT SERVICE. (1) An AFDC recipient registered with WIN shall be certified to the state employment service when requested by the state employment service.

(2) Self-support services required by the individual shall be provided and continued as needed during the individual's participation in all WIN components, and for a thirty-day period from the start of full-time, continuous employment. The thirty-day limitation following employment shall include "WIN on-the-job training",

"WIN public service employment", and WIN "suspense" to CETA "on-the-job training" and "public service employment".

~~((3) An unemployed parent who qualifies the family for AFDC-E must be certified to WIN/E&T within thirty days of receipt of assistance whether or not requested by the state employment service.~~

~~((4)) (3) A certified mandatory registrant may not refuse supportive services if such refusal prevents the individual from accepting an appropriate work or training assignment. Such refusal shall be treated as a refusal to participate without good cause.~~

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-57-061 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN/E&T WITHOUT GOOD CAUSE. (1) This section does not apply to a voluntary WIN/E&T registrant who discontinues participation in the program.

(2) If and for so long as ~~((an individual))~~ a mandatory registrant certified to the WIN/E&T program has been determined by DES/DSHS to have refused without good cause to participate in the WIN/E&T program or to accept a bona fide offer of employment in which he/she is able to engage:

~~((a) If such individual is the unemployed parent who qualifies the assistance unit for the AFDC-E program, assistance for the entire assistance unit shall be terminated, unless the other parent can qualify the remaining members of the assistance unit for AFDC-E;~~

~~((b) If such individual is a caretaker relative other than the qualifying parent receiving AFDC-E, his/her needs shall not be taken into account in determining the family's need for assistance;~~

~~((c)) (a) If such individual is a caretaker relative ((receiving AFDC-R)), his/her needs shall not be taken into account in determining the family's need for assistance. Assistance in the form of protective or vendor payments will be provided to WIN-related registrants only;~~

~~((d)) (b) If such individual is the only dependent child in the family, assistance for the family will be terminated; and~~

~~((e)) (c) If such individual is one of several dependent children in the family, assistance for such child will be terminated and his/her needs will not be taken into account in determining the family's need for assistance.~~

(3) The specified sanctions in subsection (2) of this section shall not be applied during the period of sixty days in which the individual is being provided the counseling described in WAC 388-57-062 except that in the case of the caretaker relative receiving AFDC, assistance in behalf of himself/herself and his/her family will be provided in the form of protective or vendor payments as described in WAC 388-33-450.

(4) In the event an individual certified to the WIN/E&T program refuses to accept employment offered to him/her by an employer, whether directly or through the employment service, the determination as to whether the offer was bona fide or there was good cause

to refuse the offer will be made by DES/DSHS and will be binding on the department.

(5) In the event an individual certified to DES/DSHS E&T should need to be referred back to the CSO as having good cause for not continuing on a training plan or job, the CSO should promptly restore the assistance payment to the individual if otherwise eligible or make other necessary payment adjustments.

AMENDATORY SECTION (Amending Order 1472, filed 1/9/80)

WAC 388-57-090 REFUSAL OF TRAINING OR EMPLOYMENT UNDER WIN/EMPLOYMENT AND TRAINING WITHOUT GOOD CAUSE—FAIR HEARINGS. (1) An AFDC applicant who claims to be exempt from WIN/employment and training (E&T) registration as provided in WAC 388-24-107 shall be considered exempt until his/her status is finally determined.

(2) An individual who is dissatisfied with the determination that he/she must register for the work incentive (WIN) program or the employment and training (E&T) program as provided in WAC 388-24-107 may request a fair hearing.

(3)(a) DES has responsibility for hearing and deciding disputes over their decisions involving refusal or failure without good cause on the part of a registrant or participant to accept employment or to participate in the work incentive (WIN) program or the employment and training (E&T) program upon suspension from the WIN program.

(b) DSHS has responsibility for hearing and deciding disputes over their decisions involving registrant/participant refusal or failure to accept employment or to participate in the employment and training (E&T) program without good cause only when he/she is not certified to the WIN program. Refer to WAC 388-57-061.

~~((4) This section is applicable to applicants/recipients of general assistance who are employable and are required to participate in the E&T program:))~~

REPEALER

The following section of the Washington Administrative Code is repealed.

(1) WAC 388-57-025 ACCEPTANCE OF FULL OR PART-TIME EMPLOYMENT—EFFECT OF REFUSAL ON ELIGIBILITY.

WSR 81-10-011
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1643—Filed April 27, 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	ch. 388-24 WAC	Emergency assistance.
Amd	ch. 388-29 WAC	AFDC and GAU—Eligibility—Standards of assistance.
New	ch. 388-40 WAC	Alcoholism detoxification program.
Amd	ch. 388-42 WAC	Funeral expense.
Amd	ch. 388-52 WAC	Services involving other agencies.

This action is taken pursuant to Notice No. WSR 81-06-065 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 22, 1981.

By David A. Hogan
Director, Client and
Community Relations Division

AMENDATORY SECTION (Amending Order 1565, filed 11/3/80)

WAC 388-24-250 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN. (1) Emergency assistance provides assistance in meeting specific emergent needs of a child(ren) and needy caretaker relative(s).

(2) Effective ~~((November 1, 1980))~~ March 1, 1981, emergency assistance shall be provided for only the following requirements:

- (a) Food,
- (b) Medical care as defined in chapter 388-86 WAC,
- (c) Transportation ~~((as specified in WAC 388-24-270))~~ for runaway minors,
- (d) Emergency foster care as described in WAC 388-70-044~~(-)~~,
- ~~((3))~~ (e) Mass feeding and clothing distribution shall not be provided.

~~((4))~~ (3) Emergency assistance shall be used to meet these specified requirements for children and families not eligible for AFDC.

AMENDATORY SECTION (Amending Order 1565, filed 11/3/80)

WAC 388-24-255 EMERGENCY ASSISTANCE—ELIGIBILITY. Emergency assistance shall be provided when the child:

- (1) Is under ~~((18))~~ eighteen years of age, and
- (2) Is living with a parent or other relative as specified in WAC 388-24-125(1)(a)(i), or
- (3) Has lived with such relative within the six months prior to the month in which assistance is requested;
- (4) Is in financial need for federal emergency assistance (see WAC ~~((388-28-005))~~ 388-29-112) and the financial need is not due to his or such relative's refusal

without good cause to accept employment or training for employment.

AMENDATORY SECTION (Amending Order 1565, filed 11/3/80)

WAC 388-24-260 EMERGENCY ASSISTANCE—STANDARDS—DURATION. (1) Effective ~~((November 1, 1980))~~ March 1, 1981, the standards for requirements shall be as provided in WAC ~~((388-35-070))~~ 388-29-112 and 388-29-190.

(2) Emergency assistance:

~~((a))~~ May be paid to the recipient by immediate warrant or by vendor payment.

~~((b))~~ (a) May only be granted during one period of thirty consecutive days in any twelve consecutive months.

~~((c))~~ (b) Shall be utilized for AFDC recipients from another state only when such individuals are:

(i) Detained in Washington for reasons beyond their control and as a result of events which could not have been reasonably anticipated; or

(ii) They have decided to become residents.

AMENDATORY SECTION (Amending Order 1338, filed 9/18/78)

WAC 388-24-270 EMERGENCY ASSISTANCE TO NEEDY FAMILIES WITH CHILDREN—TRANSPORTATION. (1) Transportation for the child ~~((or family))~~ shall be provided for:

(a) Returning a runaway child ~~((or family))~~ to state of former residence when they do not intend to reside in this state and have no resources available to pay for transportation.

~~((b))~~ Reaching the location of a job when the availability of the job to the specific individual has been verified, or in the case of migrant families whose usual employment is agricultural, it is known that seasonal jobs are available.

~~((c))~~ (b) Reaching a place where relatives will assume responsibility when the facts have been verified.

(2) Transportation will be paid according to the standard specified in WAC 388-29-190.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-010 STANDARDS FOR REQUIREMENTS—PERSON IN OWN HOME. (1) The public assistance law directs the department to establish a cost of living standard for use in determining whether or not an applicant needs money and if so how much he needs.

(2) The law specifies ~~((how this standard shall be made. The standard shall, except in special circumstances, be limited to "reasonable allowances for shelter, fuel, food, clothing, household maintenance and operation, personal maintenance, and necessary incidentals."))~~ that grants shall be awarded on a state-wide basis in accordance with standards of assistance established by the department and may vary by geographical areas.

(3) The law also ~~((contains a measurement of what the legislature considers to be "reasonable allowances""))~~

for the cost of the items mentioned above)) specifies that, except for the federal emergency assistance program, the standards of assistance for any family size shall be equal to the difference between: (a) The community services administration non-farm poverty level income, and (b) The sum of the food stamp benefit and the low income energy assistance benefit.

(4) The law requires that for the purpose of establishing standards of assistance; (a) the low income energy assistance benefit shall be prorated to determine a monthly amount, and (b) state supplements for supplemental security income recipients shall be no less than the levels specified in 42 U.S.C. Section 1618.

(5) ((In developing this standard the department has used the best sources of objective and authoritative information available, including reports and studies by:

- (a) Federal and state departments and agencies
- (b) Private research foundations
- (c) Trade associations
- (d) Universities and colleges

(e) Various other experts in specific fields)) The department may prescribe maximums and rateable reductions for grants.

((6) Establishment and maintenance of this standard involves deciding what quantity and quality of goods and services will be included, placing a monthly cost on the items and keeping this currently valid on a statewide basis:))

((4)) (6) ((In line with this legal directive the department has devised and adopted a cost of living standard which is used to measure need and to determine the amount of the grant which will be given:)) The amount of the grant which is given is the difference between the monthly dollar value of the standard adjusted for the maximum grant limitation when in effect, and the resource value or income which the applicant or recipient possesses, or can obtain.

(7) ((The costs of the items are secured from representative vendors in both small and large communities throughout the state. These costs are then averaged out for each item in order to establish a standard cost or

costs which can be used throughout the state. In some cases the majority cost rather than the average is used:))

((8)) The recipient who receives a cash grant uses his own discretion in spending the total funds available to him (grant plus his other income) thus giving him freedom and responsibility in personal planning and variations in taste.

AMENDATORY SECTION (Amending Order 1248, filed 10/25/77)

WAC 388-29-080 MONTHLY COST OF BASIC REQUIREMENTS—MAXIMUMS—PERSON IN OWN HOME—PERSON IN MEDICAL INSTITUTION. (1) The standards for basic requirements in WAC 388-29-100 apply to a person in his own home. The standards in WAC 388-29-150 through 388-29-230 are additional requirements for persons with circumstances as specified.

(2) Individuals in an AFDC or continuing GA assistance unit ((require each of)) shall be provided the basic requirements.

(3) Basic requirements for a person in his own home are food, clothing, personal maintenance and necessary incidentals, shelter, ((and)) household maintenance and energy. The monthly cost standards and maximums thereto, if in effect, are based upon the number of recipients in the assistance unit. When two or more assistance units share a common dwelling, the monthly standard for each is based upon the number of members of that assistance unit. A person receiving Title XVI benefits (SSI) is not considered as a member of an assistance unit.

(4) When a person is in a medical institution basic requirements of food, shelter and household maintenance are not computed in the grant but are paid as a medical care cost.

(5) The monetary allowance for the basic requirements, as determined by the standards in WAC 388-29-100, shall be reduced to the amounts in WAC 388-29-110 when maximum amounts are in effect.

WAC 388-29-100 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC AND CONTINUING GENERAL ASSISTANCE. (1) Effective ((July 1, 1980)) March 1, 1981 the state-wide monthly ((need)) standards for food, clothing, personal maintenance and necessary incidentals, household maintenance, ((and)) shelter, and energy for those owning (including life estate), buying or renting an apartment or house are:

((#)) Recipients in Household	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	Energy Amount Designated for both Areas I and II
1	((244)) 241	((+5)) 21	((259)) 262	78
2	((339)) 264	((37)) 53	((376)) 317	84
3	((425)) 342	((33)) 47	((458)) 389	89
4	((503)) 421	((33)) 47	((536)) 468	94
5	((581)) 509	((33)) 47	((614)) 556	99
6	((659)) 581	((33)) 47	((692)) 628	104
7	((737)) 680	((33)) 47	((770)) 727	109
8	((815)) 757	((33)) 47	((848)) 804	114
9	((893)) 833	((33)) 47	((926)) 880	119
10	((971)) 910	((33)) 47	((1,004)) 957	124
11	((1,049)) 986	((33)) 47	((1,082)) 1,033	129
12	((1,127)) 1,063	((33)) 47	((1,160)) 1,110	134
13	((1,205)) 1,139	((33)) 47	((1,238)) 1,186	139
14	((1,283)) 1,215	((33)) 47	((1,316)) 1,263	144
15	((1,361)) 1,292	((33)) 47	((1,394)) 1,339	149

((*)) Recipients in Household	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	Energy Amount Designated for both Areas I and II
16	((+499)) 1,368	((33)) 47	((+472)) 1,415	154
17	((+517)) 1,445	((33)) 47	((+550)) 1,492	159
18 or more	((+595)) 1,521	((33)) 47	((+628)) 1,568	164

((b)) (2) Household with supplied shelter.

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, and household maintenance.

Recipients in household - all counties	Energy Amount Designated for both Areas I and II
1	\$ ((+59)) 153
2	((23+)) 222
3	((306)) 294
4	((381)) 366
5	((456)) 438
6	((531)) 510
7	((606)) 582
8	((681)) 654
9	((756)) 726
10	((831)) 798
11	((906)) 870
12	((981)) 942
13	((+056)) 1,014
14	((+131)) 1,086
15	((+206)) 1,158
16	((+281)) 1,230
17	((+356)) 1,302
18 or more	((+431)) 1,374

Recipients in household - all counties

9	726
10	798
11	870
12	942
13	1,014
14	1,086
15	1,158
16	1,230
17	1,302
18 or more	1,374

AMENDATORY SECTION (Amending Order 1550, filed 10/2/80)

WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS FOR BASIC REQUIREMENTS. ((+)) Grants to families of 7 or more shall not exceed the following maximums. In computing the grant amount non-exempt income and resources which are available to meet need shall be deducted from the monthly standard specified in WAC 388-29-100.

Number of recipients in household	7	8	9	10	11	12
Maximum	\$740	\$772	\$802	\$830	\$856	\$880
Maximum	13	14	15	16	17	18
Maximum	\$902	\$922	\$940	\$956	\$970	\$982

(2) These standards are effective November 1, 1980) Currently, there are no maximums to monthly standards established.

((2) Effective November 1, 1980, the state-wide monthly payment standards reflecting 96% of the needs standards shall be:

(a) Recipients in Household	State Standard	Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties	State Standard Plus Area Differential for King, Pierce, Snohomish, Kitsap and Thurston Counties
1	234	15	249
2	325	36	361
3	408	32	440
4	483	32	515
5	558	32	590
6	633	32	665
7	708	32	740
8	783	32	815
9	858	32	890
10	933	32	965
11	1,008	32	1,040
12	1,083	32	1,115
13	1,158	32	1,190
14	1,233	32	1,265
15	1,308	32	1,340
16	1,383	32	1,415
17	1,458	32	1,490
18 or more	1,533	32	1,565

(b) Household with supplied shelter:

The monthly standard for supplied shelter includes requirements for food, clothing, personal maintenance and necessary incidentals, and household maintenance.

Recipients in household - all counties

1	\$ 153
2	222
3	294
4	366
5	438
6	510
7	582
8	654

NEW SECTION

WAC 388-29-112 FEDERAL EMERGENCY ASSISTANCE STANDARDS OF ASSISTANCE. Effective March 1, 1981 the state-wide monthly standards for the federal emergency assistance program are:

1	\$ 70
2	128
3	183
4	233
5	277
6	332
7	367
8	419
9	472
10	525
Each additional member	+53

Chapter 388-40 WAC ALCOHOLISM DETOXIFICATION PROGRAM

NEW SECTION

WAC 388-40-010 ELIGIBLE PERSONS. (1) Persons receiving three-day detoxification services for

acute alcoholic condition shall be eligible for the alcoholism detoxification program provided they meet the following eligibility criteria:

(a) He/she is not eligible for or receiving a federal aid grant or medical assistance.

(b) His/her income and or nonexempt resources do not exceed the standards of assistance in WAC 388-29-100(1).

(c) He/she has not transferred resources within two years prior to the date of application without having received adequate consideration according to the provisions of WAC 388-28-461.

(2) The following resources shall be exempt for the alcoholism detoxification program:

(a) A home.

(b) Used and useful household furnishings and personal clothing.

(c) Personal property of great sentimental value.

(d) Livestock or similar property owned by children when profit is reserved for education.

(e) Other personal property used to reduce need for assistance or for rehabilitation.

(f) One cemetery plot for each member of the assistance household.

(g) A used and useful automobile.

(3) The following resources are not exempt:

(a) Cash, marketable securities and any other resource not specifically exempted that can be converted to cash.

(b) The potential earning power of the applicant or recipient. Even if an applicant has no cash resources, current employment or possibility of employment in the future, as evidenced by past opportunities, may be such that he/she could be reasonably expected to pay all or part of the cost of detoxification out of future earnings.

(4) The following shall be deducted or exempted from income:

(a) Mandatory deductions of employment.

(b) Total income and resources of a noninstitutionalized SSI beneficiary.

(c) Support payments paid under a court order.

(d) Payments to a wage earner plan specified by a court in bankruptcy proceedings, or previously contracted major household repairs if failure to make such payments would result in garnishment of wages or loss of employment.

(5) Recipients receiving detoxification services shall not be required to incur a deductible as a factor of eligibility for the covered period of detoxification.

(6)(a) Eligibility for the alcoholism detoxification program shall be determined on the basis of information shown on the department's application forms.

(b) Supplemental forms, verification procedures, and/or face-to-face interviews shall be required only in cases where there is a positive reason for requiring further verification of eligibility.

(7) When the department is notified within seven days of the date detoxification began, certification shall cover this period if all eligibility factors have been met.

(8) The effective period of eligibility shall be continued from the date detoxification treatment began

through the end of the month in which the three-day treatment was completed.

(9) Services must meet the following criteria to be paid through the alcoholism detoxification program:

(a) Such services must be directly related to detoxification, and

(b) Such services must be performed in a certified detoxification center or a general hospital with certified detoxification facilities.

AMENDATORY SECTION (Amending Order 1340, filed 9/22/78)

WAC 388-42-020 FUNERAL EXPENSES—DEFINITIONS AND STANDARDS. (1) "Funeral" shall mean the proper preparation and care of the remains of a deceased person with needed facilities and appropriate memorial services(~~(, including)~~);

(2) **Burial shall mean** necessary costs of a lot or cremation and all services related to interment and the customary memorial marking of a grave.

~~((2))~~ (3) Two types of funeral services shall be available: A regular service and a minimum service.

(a) The minimum service shall include:

(i) Transportation of the body from place of death to mortuary;

(ii) Proper preparation and care of the remains of the deceased person for immediate disposition by cremation or burial;

(iii) Preparation and filing of death certificate and permits;

(iv) A wooden container of sufficient durability to transport the remains from the mortuary to the crematorium or cemetery;

(v) Transportation of the remains from the mortuary to the crematorium or cemetery;

(vi) Use of the funeral director's staff and facilities when requested for a memorial service;

(vii) The cost for these services shall not exceed the standard in WAC 388-42-150(1)(a).

(b) The regular service shall include all the services of the minimum service plus:

(i) Service car (first call);

(ii) Embalming and care of the body;

(iii) Casket of octagon shape cut panel board top, or square with raised top, covered with crepe or flannel cloth, trimmed with full art lining and six bail handles;

(iv) Use of repose rooms, chapel, casket coach, one car for family and personal services;

(v) The cost of these services shall not exceed the standard in WAC 388-42-150(1)(b).

~~((3))~~ (4) Payment for the regular service shall be authorized only upon request by someone who wishes the deceased to have a regular funeral service and who plans to attend the service. Otherwise, only the minimum service shall be authorized.

~~((4))~~ (5) Disposition of the body shall be by cremation or burial.

(a) Burial services shall include:

(i) Burial plot if not previously provided;

(ii) Minimum grave marker;

(iii) Liner and endowed care if either or both are required;

(iv) Cost of the lot purchased within thirty days prior to burial shall be included in cemetery costs;

(v) Opening and closing grave;

(vi) Items available under a prepaid plan shall be utilized for the purpose intended. The original cost or current market value of the prepaid items or service need not be computed;

(vii) The cost of burial services shall not exceed the standard in WAC 388-42-150(2)(a).

(b) Cremation services shall include:

(i) Cremation;

(ii) An urn of metal or other substantial material;

(iii) Marker;

(iv) Space for disposition of the remains either in a mausoleum or cemetery;

(v) Disposition of cremated remains;

(vi) Costs for cremation services shall not exceed the standard in WAC 388-42-150(2)(b).

(6) Payment made for any funeral or burial service by relatives, friends, or any other third party shall be deducted from the payment made by the department.

~~((5)) (7) ((The local office shall not authorize nor shall the funeral director, cemetery or crematory accept any supplemental payment for goods and services furnished in excess of the department's standard.))~~ Donated flowers, music, and ministerial service shall not be ~~((considered as supplementation))~~ deducted from the department's payment. However, if these services are provided by the funeral director they are considered as part of the funeral director's services and their cost must be included in the department's standard.

AMENDATORY SECTION (Amending Order 538, filed 3/31/71, effective 5/1/71)

WAC 388-42-050 FUNERAL EXPENSES—VETERANS' BURIAL BENEFIT. The United States veterans' administration pays ~~(\$250)~~ burial ~~((benefit))~~ benefits for a war veteran who has not been dishonorably discharged and to certain other veterans as provided by veterans' administration regulations. Application should be made to the veterans' administration in all instances except when it is obvious there is no entitlement. The funeral director, if unpaid, or who paid the veteran's funeral expense, may claim the reimbursement from the veterans' administration. If there is any possibility that a veterans' burial benefit is available, it is essential that a claim be made prior to payment by the department. The ~~((LØ))~~ local office shall authorize only the difference between the cost of the funeral and the death benefit. If the claim for reimbursement is denied, the original authorization shall be cancelled and payment reauthorized in the corrected amount. The department cannot claim reimbursement from the veterans' administration.

AMENDATORY SECTION (Amending Order 1368, filed 2/15/79)

WAC 388-52-166 COMPREHENSIVE EMPLOYMENT AND TRAINING PROGRAM—PARTICIPATION OF RECIPIENT. (1) If ~~((the))~~ an AFDC participant is certified and assigned to the CETA

program by WIN, WIN rules regarding participation requirements are applicable.

~~((2) If the participant is enrolled on the basis of an independent plan, or if the participation of an AFDC-E recipient is part of a local office approved training plan, WAC 388-24-090(1)(c), 388-57-025 and 388-57-030 are applicable.~~

~~(3))~~ (2) ((An AFDC-R recipient)) He/she is required to participate only if assigned by WIN/E&T.

WSR 81-10-012
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1644—Filed April 27, 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—Eligibility, amending chapter 388-24 WAC.

This action is taken pursuant to Notice No. WSR 81-06-066 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 22, 1981.

David A. Hogan
Director, Client and
Community Relations Division

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. AFDC shall be granted in behalf of a needy child~~((f:))~~:

(1) Who is under the age of eighteen years;

(a) AFDC may be granted on behalf of an unborn child. Medical confirmation of pregnancy is required;

(b) AFDC shall be continued through the month in which the child reaches the maximum age;

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington – see WAC 388-26-050 through 388-26-105;

(3) Who is deprived of parental care and support because of death, continued absence, or incapacity of a parent or stepparent – see WAC 388-24-055 through ~~((388-24-075.))~~ 388-24-070 ~~((If unemployment of a~~

parent or stepparent is the basis of deprivation, all provisions in WAC 388-24-135 apply);

(4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC 388-24-065(6);

(5)(a) Who is living in the home of a relative of specified degree, except for a temporary period, as provided in WAC 388-24-125; or

(b) Who, as a result of judicial action, was removed from his home and placed in foster care after April 30, 1961, and who meets the conditions specified in WAC 388-24-207;

(6) Who is a citizen or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States as described in WAC 388-26-120;

(7) Whose parent or stepparent has not transferred property contrary to law or DSHS rules in WAC 388-28-457 through 388-28-465;

(8) Who is in financial need - see chapters 388-28 and 388-33 WAC;

(9) The applicant's written statement of application for AFDC must include all children under eighteen years of age living in the home who are full or half brothers or sisters or stepbrothers or stepsisters whether or not financial assistance is being requested for all of the children. Total resources and income available for all such children and their parents or stepparents in the home must be declared by the person applying in behalf of the children;

(10) For persons to be included in the AFDC assistance unit, see WAC 388-24-050.

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-24-050 AID TO FAMILIES WITH DEPENDENT CHILDREN—ASSISTANCE UNIT. (~~AFDC-R/E~~) AFDC is paid to eligible persons on an assistance unit basis. Assistance units shall be composed of groups of persons residing together as follows:

(1) A single assistance unit shall be established for:

(a) The eligible child(ren); and

(i) The eligible natural or adoptive parent(s) or stepparent(s) with whom the child(ren) lives; or

(ii) In lieu of a parent, one needy relative caretaker of specified degree with whom the (~~child~~) child(ren) lives and whose eligibility depends solely on caring for the child(ren)(:);

(b) Only the eligible child(ren) when:

(i) The child(ren)'s parent(s) is not eligible;

(ii) The child(ren) lives with a nonneedy relative of specified degree who is not legally responsible for the support of the child(ren);

(iii) The child(ren) lives with a needy nonresponsible relative of specified degree who receives SSI;

(iv) The child(ren) is a recipient of AFDC-FC;

(c) Only the eligible parent(s), or needy caretaker relative of specified degree, when the only child, or all the children, has been deleted from the grant because of receiving income from SSI;

(d) Only the eligible parent(s) when the only child is unborn.

(2) Two assistance units are necessary when:

(a) The responsible relative must temporarily reside apart from his or her family to secure training in accordance with an approved plan. Refer to WAC 388-24-125;

(i) One assistance unit is maintained for the family members in the home;

(ii) A separate assistance unit is established for the relative in training;

(b) The (~~child~~) child(ren) lives with a nonresponsible relative of specified degree who is a member of another assistance unit.

(3) Two or more assistance units are necessary when two or more persons not married to each other, each has his/her own child(ren) and there is no child in common; a separate assistance unit is established for each parent and his/her eligible child(ren);

(4) When a relative of specified degree is eligible to receive assistance for two or more children for whom he/she is not legally responsible;

(a) One assistance unit is established for each group of children who are siblings;

(b) A separate assistance unit(s) is established for each of the other nonsibling children.

AMENDATORY SECTION (Amending Order 1192, filed 2/18/77)

WAC 388-24-065 AID TO FAMILIES WITH DEPENDENT CHILDREN(~~-REGULAR~~)— DEPRIVATION DUE TO INCAPACITY. (1) A child is considered to be deprived of parental support and care by reason of parental incapacity when he/she lives with two natural or adoptive parents or one natural or adoptive parent and one stepparent and one or both parents are substantially incapacitated.

(2) "Incapacity" refers to the existence of a physiological, emotional and/or mental impairment, defect, illness, or loss.

(a) "Substantially incapacitated" shall mean that the person can be expected to work at gainful employment for no more than one-half the time customarily required of fully employable persons; or that the person cannot perform necessary homemaking activities and/or provide adequate care for the children without help from other individuals.

(b) An exception to the rule in subdivision (2)(a) of this section may be made when a person with limited skill and abilities is working more than half time in a special workshop or special work arrangement for handicapped individuals and the work is not fully competitive. Incapacity may continue to exist if the person is incapable of work in competitive work arrangements with full wages.

(c) Incapacity can be of a permanent or temporary nature, but must be expected to last for a period of at least (~~30~~) thirty days from the date of application.

(3) A claim of incapacity shall be substantiated by competent medical testimony.

(a) A physiological incapacity will be documented by a report from a physician or chiropractor.

(b) A mental or emotional incapacity will be documented by a report from a psychiatrist, a clinical psychologist, or a mental health clinic when the report is signed by the clinic director.

(c) All medical testimony shall be in writing and must include a diagnosis and prognosis for the incapacity and a description of the effect of the condition on the individual's ability to function.

(4) Mental or emotional incapacity shall be determined on the basis of distinct impairments which substantially reduce a parent's ability to engage in activities necessary to carry on full-time specified responsibilities, such as employment, home management and/or adequate care of children. Evidence of any one or a combination of the following conditions may be sufficient to establish incapacity:

(a) Inability to exercise judgment, make decisions, sustain an adequate attention span, follow directions or learn to the degree necessary to sustain full-time employment, homemaking activities or care of the children.

(b) Bizarre or inappropriate behavior beyond his/her capability to control.

(c) Significant loss of physical and motor control.

(d) Inadequate perception and memory.

(e) Use of medication which impairs functioning.

(5) Incapacity due to alcoholism or drug addiction shall be determined by medical evidence that:

(a) Pathological or organic damage has resulted from chronic alcohol and/or drug abuse, or

(b) The use of alcohol or drugs has substantially reduced the parent's ability to engage in full-time employment or homemaking activities.

(6) Individuals who are determined to be incapacitated due to alcoholism or drug abuse shall be required to accept referral to a community alcoholism or drug treatment program for evaluation and recommendation for treatment. (See subsection 12 of this section).

(7) The medical testimony shall be supported by an objective appraisal of all factors relevant to the individual's situation.

(a) Consideration shall be given to the individual's age, emotional health, aptitudes, adjustment to and acceptance of the incapacity, family circumstances, employment history, education, and the extent to which the individual is able to carry out specified responsibilities such as employment or homemaking. Social or educational deficiencies do not of themselves establish incapacity but may have a bearing on an individual's ability to overcome an incapacity.

(b) If an individual has an obvious incapacity for which medical evidence verifies inability to engage in gainful employment such an appraisal is not required.

(8) Deprivation due to incapacity shall be determined by the ((ESSØ)) CSO incapacity review team in accordance with the criteria in subsections (1) through (7) of this section. The review team shall:

(a) Consider medical and other related evidence of the incapacitating condition and make a decision confirming or denying the existence of incapacity within thirty days of the date of application, except in circumstances beyond the control of the agency such as delay on the part

of the applicant, the examining physician or other source of documentation.

(b) Request additional information when necessary.

(c) Consult with the medical consultant as necessary for evaluation of medical data.

(d) 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 redetermination of incapacity.

(9) Eligibility cannot be established if an applicant or recipient fails to cooperate in obtaining information documenting incapacity.

(10) 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.

(11) Eligibility of either parent or stepparent in the home for veterans benefits based on disability of ((50%)) fifty percent or more or for any social security administration benefit based on disability shall establish incapacity for aid to families with dependent children benefits, without further documentation or referral to the incapacity review team.

(12) Acceptance of available medical treatment:

(a) Deprivation cannot be established when an AFDC parent or stepparent whose incapacity deprives his ((or)) /her child(ren) or stepchild(ren) of parental support or care, refuses without good cause to accept available medical treatment which would reasonably be expected to render him ((or)) /her employable.

(i) "Available medical treatment" shall mean and include medical, surgical, psychiatric therapy, treatment in an alcoholism or drug treatment center, or any combination thereof.

(ii) "Reasonably be expected to render him/her employable" shall mean that, in the opinion of the medical consultant the recommended medical, surgical or psychiatric therapy, or any combination thereof, is of such a nature and prognosis that, in the specific instance of the individual involved, medical experience indicates that the recommended treatment will restore or substantially improve the individual's ability to work for pay in a regular and predictable manner, or to resume care of the home or children.

(iii) "Refuses without good cause" shall mean that the ((ESSØ)) CSO shall determine whether the individual is justified in refusing recommended medical treatment.

(b) An individual is justified in refusing recommended medical treatment when, according to the best objective judgment of the ((ESSØ)) CSO review team confirmed by the ((ESSØ)) CSO administrator and the medical consultant, such refusal is based upon one or more of the following conditions:

(i) The individual is genuinely fearful of undergoing recommended treatment even though such fear may appear to be unrealistic or irrational;

(ii) The individual could lose a faculty, or the remaining use of a faculty he now has, and refuses to accept the risk;

(iii) The individual will not accept recommended medical treatment because of religious scruples.

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-24-090 ELIGIBILITY CONDITIONS APPLICABLE TO ((AFDC-R AND AFDC-E)) AFDC-EMPLOYMENT OR TRAINING. ((†) For a child to be eligible for AFDC-E his/her unemployed parent or stepparent who qualifies the assistance unit for the program shall:

(a) ~~Be currently registered for employment with DES as indicated in WAC 388-24-135(5);~~

(b) ~~Show evidence of unemployment benefit status as specified in WAC 388-57-020 and 388-24-135(6);~~

(c) ~~Accept employment or training for employment as indicated in WAC 388-57-025 and 388-57-030 unless certified to WIN/E&T.~~

((2)) (1) All AFDC applicants and recipients are subject to WIN or employment and training (E&T) registration as provided in WAC 388-24-107.

((3)) (2) A WIN/E&T registrant, unless a volunteer, who fails to cooperate in appraisal prior to certification shall be subject to the provisions of WAC 388-57-056.

((4)) (3)(a) An AFDC recipient, unless a volunteer, who has been certified for the work incentive (WIN) program and who is determined by DES to have refused employment or training or participation in the WIN program without good cause shall be subject to provisions of WAC 388-57-061.

(b) An AFDC recipient, unless a volunteer, who has been certified for the E&T program and who is determined by DSHS to have refused employment, training or participation in the E&T program without good cause shall be subject to provisions of WAC 388-57-061.

((5)) (4) A child's eligibility is not affected by the WIN/E&T registration requirement for the parent or needy caretaker relative ((in the AFDC-R program. A child's eligibility is affected by the WIN/E&T requirement for the unemployed parent in the AFDC-E program)).

((6)) (5) An individual who has been determined to be exempt from registration for WIN/E&T on the basis of documented incapacity shall be referred to DVR. See also WAC 388-52-150 through 388-52-155.

AMENDATORY SECTION (Amending Order 1499, filed 4/16/80)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO ((AFDC-R AND AFDC-E)) AFDC-REGISTRATION FOR WIN/EMPLOYMENT AND TRAINING. (1) As a condition of eligibility for AFDC, every individual shall register for the WIN or employment and training (E&T) program unless such individual is:

(a) Under age sixteen or age sixteen but not yet eighteen who is enrolled as, or has been accepted for enrollment as, a full-time student for the next school term,

(b) A person who is ill, incapacitated, or sixty-five years of age or older. Cost of a physical or psychiatric examination is authorized when the examination is to determine employability for registration or participation in the WIN/E&T program,

(i) Temporary illness or incapacity (a condition lasting not more than ninety days) provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

(ii) Persons who have been determined to be exempt from registration on the basis of permanent incapacity shall be referred for services under the vocational rehabilitation program.

(c) A person residing outside a WIN/E&T area or at a location so remote from a WIN/E&T project that his/her effective participation is precluded,

(d) A person whose presence in the home is required because of illness or incapacity of another member of the household,

(e) A parent or other needy caretaker relative of a child under the age of six who is caring for the child,

(f) A mother of an unborn child(;;).

((g) A parent caretaker of a child, when the other parent or stepparent is in the home and is not exempted by (a), (b), (c) or (d) of this subsection:))

(2) Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status and shall be considered as exempt until his/her status is finally determined. (See WAC 388-57-090).

((3) Any parent who qualifies the assistance unit for AFDC-E and the entire assistance unit shall be determined ineligible if that parent fails or refuses to register for the WIN/E&T program. When both parents meet the eligibility criteria, they have the option as to who shall qualify the assistance unit. When the parent who has qualified the assistance unit fails or refuses to register, the other parent shall register. The requirements of the noncooperating parent shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance. (See WAC 388-57-056):

((4)) (3) The requirements of any individual ((other than the parent who qualifies the assistance unit for AFDC-E)) who fails to register as required under subsection (1) of this section shall not be taken into account in determining the requirements of the assistance unit and the amount of assistance, and assistance will be granted to the eligible members of the assistance unit.

((5)) (4) An exempt parent caretaker of a child or unborn child under the age of six shall be advised of her/his option to register if she/he so desires, and of the fact that child care will be provided if needed. Other exempted individuals may volunteer to register, subject to acceptance of such registration by DES.

((6)) (5) Effective January 1, 1980 when an AFDC recipient who has been classified as exempt from WIN/E&T registration reports any change which affects the exempt status, he/she shall be registered within thirty days after the report. If a change is not reported, exempt or nonexempt status will be determined at the next review.

((7)) (6) The department's income maintenance unit (IMU) shall determine which AFDC applicants/recipients are exempt from registration and which are required to register as a condition of eligibility.

AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)WAC 388-24-108 ELIGIBILITY CONDITIONS APPLICABLE TO ((AFDC-R AND AFDC-E)) AFDC—ASSIGNMENT OF RIGHTS TO SUPPORT.

(1) As a condition of eligibility each applicant for or recipient of AFDC shall assign to the office of support enforcement any and all right, title and interest in any support obligation the applicant or recipient may have in his ((or)) /her own behalf or on the behalf of any family member for whom application is being made; such assignment shall include rights in support payments which have accrued prior to the time assignment is made, and shall require the applicant/recipient to promptly remit to the office of support enforcement any payments received directly from the person legally responsible to pay support.

(2) If the parent or other caretaker relative with whom the ((child)) child(ren) is living fails or refuses to comply with the requirement in subsection (1) of this section, the caretaker relative shall be ineligible to receive assistance and any assistance for which the ((child)) child(ren) may be eligible shall be provided by protective payment as specified in WAC 388-33-453; the determination of requirements for the child(ren) shall be computed without regard to the requirements of the caretaker relative.

(3) The requirement of subsection (1) of this section shall be applicable to recipients no later than the next regular redetermination of eligibility.

AMENDATORY SECTION (Amending Order 1330, filed 8/22/78)

WAC 388-24-109 ELIGIBILITY CONDITIONS APPLICABLE TO ((AFDC-R AND AFDC-E)) AFDC—COOPERATION IN OBTAINING SUPPORT FROM ABSENT PARENTS. As a condition of eligibility each applicant for or recipient of AFDC shall be required to cooperate as specified in WAC 388-14-200 except as specified in WAC 388-24-111.

AMENDATORY SECTION (Amending Order 1417, filed 7/19/79)

WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO ((AFDC-R AND AFDC-E)) AFDC—LIVING IN HOME OF RELATIVE OF SPECIFIED DEGREE. (1) Relationship of child to relative:

(a) A dependent child to be eligible for ((AFDC-R)) AFDC must be living with one or more of the following relatives in a place of residence the relative(s) maintains as his or her own home:

(i) Blood relatives (including those of half-blood); father, mother, brother, sister, uncle, aunt, first cousin, nephew or niece. Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition.

(ii) Stepfather, stepmother, stepbrother, and stepsister. Adoption of a child by a stepparent changes the relationship from stepparent to adoptive parent.

(iii) Persons who legally adopt a child. Relatives of persons who adopt children are included within the definition of "relative" ((above)) as defined in this section.

(iv) Spouse of any persons named in ((the above groups)) this section are within the scope of this provision, although the marriage is terminated by death or divorce.

((b)) ~~A child eligible for AFDC-E must be living with both natural or adoptive parents, or a parent and stepparent, as defined in WAC 388-24-135. A child of unmarried parents is included. In order to determine members of the assistance unit, see WAC 388-24-050 also.~~

((c)) (b) A child eligible for AFDC-FC must live in a licensed family foster home, nonprofit group home, or nonprofit child care institution.

((d)) (c) The unborn child is considered to be living with the mother.

(2) Verification of relationships – relative to child and parents to each other.

All relationships shall be verified in accordance with WAC 388-38-200.

(3) Other considerations in determining when child is living in home of relative of specified degree.

(a) "Living in home of relative" means that the child is an accepted member of a family unit, and therefore, has a close and direct relationship with a specified relative who has assumed parental responsibility for the care, guidance, and control of the child.

(b) The "home" is a family setting which is maintained or is in the process of being established for the benefit of the family group. A home exists as long as the responsible relative exercises responsibility for the care and control of the child, even though circumstances may require the temporary absence of either the child or the responsible relative from the customary family setting. Such temporary separations include:

(i) Temporary care of the child or the responsible relative in a hospital or public or private institution when the illness is such that a return to the family can be expected and parental responsibility continues. If the temporary care exceeds ninety days the monthly grant standard shall be as specified in WAC 388-29-125.

(ii) Attendance of a child in school when the purpose is primarily for obtaining an education or vocational training, the responsible relative retains full responsibility for the child and the child returns home during a year's period, at least for summer vacation. The monthly grant standard for a child attending school away from home shall be as specified in WAC ((388-28-142)) 388-29-145. However, even temporary absence of a child from his home for this purpose makes a child ineligible for AFDC unless the attendance at the school is due to:

(A) Need for specialized education and training not available in the child's home community, and such specialized education is recommended by local school authorities, or

(B) Isolation of the child's home making it necessary for him to be away from home to attend school.

(iii) Visits in which the child or responsible relative is away from home for ninety days or less, including visits

of a child to a parent residing away from the child's customary family home. If the responsible relative or child leaves the home for more than ninety days, eligibility is redetermined in accordance with the new circumstances.

(iv) Attendance in a vocational training program when it is necessary for a responsible relative to reside temporarily apart from his or her family to secure the training. Absence is considered temporary for the period of time required to complete the training program, if the responsible relative retains parental responsibility for the child during the absence and plans to return to the home upon completion of training.

(A) CSO approval is required for the training plan. (See WAC 388-57-028(2)).

(B) A separate assistance unit shall be established for the responsible relative in training away from home.

(v) Temporary placement of the child in foster care while the parent is temporarily receiving care in a residential treatment facility, where such absences do not exceed thirty days.

(c) An AFDC payment can be made for a child who is a ward of the juvenile court, or other agency to whom the court has delegated authority, if all other eligibility factors have been met and the relative of specified degree actually carries out the everyday care, control, and supervision of the child.

(d) An AFDC payment cannot be made if the court, or other agency to whom the court has delegated authority, has physical custody of the child and carries out the actual day-to-day care, control, and supervision of the child.

(e) An AFDC payment can be made to the caretaker relative in behalf of a child even if the child is in foster care. The caretaker relative can apply for and receive AFDC for himself/herself and the child for thirty days, even though the child is not physically in the custody of the relative if:

- (i) The caretaker relative is otherwise eligible,
- (ii) The child is returned to the relative's home before the end of that thirty day assistance period,
- (iii) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in that same thirty day period.

AMENDATORY SECTION (Amending Order 1444, filed 10/23/79)

WAC 388-24-137 CONTINUATION OF ASSISTANCE WHEN DEPRIVATION CEASES. (1) When deprivation due to incapacity or absence ceases and the family remains in need, the CSO shall determine if any other basis for deprivation exists.

(2) If there is no deprivation due to death(~~(-unemployment)~~) or incapacity after deprivation due to absence ceases, and the family remains in need and otherwise eligible, assistance may be continued for a temporary period as follows:

(a) Assistance will be discontinued at the end of the next calendar month after deprivation due to absence ceases unless some other type of deprivation exists.

(b) Assistance will be continued only when the change in circumstances has been reported as specified in WAC 388-38-255.

(3) If there is no other basis for deprivation after incapacity ceases and the family remains in need and otherwise eligible for (~~(AFDC-R)~~) **AFDC**, assistance may be continued until the end of the month following the month in which the parent's or stepparent's incapacity ceases to exist.

~~((a) When a formerly incapacitated parent or stepparent who qualifies the assistance unit for AFDC-E obtains employment, subsection (4) is applicable.~~

~~(4) If there is no other basis for deprivation, when an unemployed parent or stepparent who qualifies the assistance unit for AFDC-E obtains fulltime employment as defined in WAC 388-24-135(1)(a) or (b), assistance is continued, if otherwise eligible, until the end of the month in which he/she receives his/her pay for the first one hundred hours of employment or until the end of the next calendar month whichever is earlier.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed.

(1) **WAC 388-24-075 AID TO FAMILIES WITH DEPENDENT CHILDREN-REGULAR-MULTIPLE DEPRIVATION FACTORS.**

(2) **WAC 388-24-135 AID TO FAMILIES WITH DEPENDENT CHILDREN-EMPLOYABLE PARENT-SUMMARY OF ELIGIBILITY CONDITIONS.**

WSR 81-10-013

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1645—Filed April 27, 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 Eligibility—Chore services, amending WAC 388-15-020.

This action is taken pursuant to Notice No. WSR 81-06-067 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 22, 1981.

By David A. Hogan
 Director, Client and
 Community Relations Division

AMENDATORY SECTION (Amending Order 1581, filed 12/19/80)

WAC 388-15-020 ELIGIBLE PERSONS. (1) Individuals eligible for services are:

(a) Recipients of aid to families with dependent children (AFDC recipients).

(b) Individuals whose needs were taken into account in determining the needs of AFDC recipients.

(c) Recipients of supplemental security income or state supplementary payments related to age, blindness or permanent and total disability.

(d) Recipients of federal aid medical care only categorically related to Title XVI supplemental security income or AFDC, provided gross family income does not exceed ((80%)) eighty percent of the state median gross income for a family of four, adjusted for family size.

(e) Any individual or family regardless of age, blindness or disability, whose gross family income does not exceed ((80%)) eighty percent of the state median income for a family of four, adjusted for family size, except that:

(i) No individual or family is eligible for ~~((chore services,))~~ family planning or alcoholism services whose gross family income is in excess of ((50%)) fifty percent of the state median income for a family of four, adjusted for family size ~~((, except that a single individual may receive chore services if his median gross income does not exceed 57% of the state's median gross income for a family of four adjusted for family size))~~.

(ii) No individual or family is eligible on a group basis for developmental disabilities, case services, developmental disabilities home-aid resources, developmental disabilities developmental centers or extended sheltered employment unless at least ((75%)) seventy-five percent of persons given these services are members of families whose gross monthly income do not exceed ((90%)) ninety percent of the state median income, adjusted for family size.

(iii) Information and referral services, services to children in their own home or protective service may be given to any individual regardless of the level of gross family income. Child protective services are provided without charge. Where ancillary services such as ~~((chore services or))~~ homemaker services are an integral but subordinate part of a protective service plan for children or adults, they may be provided without regard to the level of gross family income.

(iv) No individual or family is eligible for chore services who is not an adult recipient of supplemental security income and/or state supplementation or who has income above the state standards for supplemental security income and state supplementation.

Clients receiving chore services (income eligibility determined, client review questionnaire administered, and

hours authorized) as of February 28, 1981, but who are not recipients of supplemental security income and/or state supplementation and have gross income, adjusted for family size, above the state standards for supplemental security income and state supplementation will have their services terminated or reduced as follows:

(A) Those clients who received nine or less hours during January, 1981, will be terminated.

(B) Those clients who received more than nine hours will be provided five less hours in March, 1981, than what was provided in January, 1981; and nine less hours in April, 1981, than what was provided in January, 1981. The reduced April, 1981, level will be continued for a length of time determined by the department.

(C) Those clients who received no hours or fewer hours in January, 1981, than would have regularly been provided because of hospitalization, temporarily in a nursing home, no chore provider available, authorized after the beginning of the month, started receiving service after the beginning of the month, authorized an increase or decrease in hours after the beginning of the month, will have their hours reduced or be terminated by reducing hours from the service provided in February, 1981, or be determined by the department.

Clients receiving chore services as of February 28, 1981, whose gross family income is in excess of fifty percent of the state median income for a family of four, adjusted for family size, or fifty-seven percent of the state median income adjusted for family size for a single person, are not eligible to receive chore services.

Clients receiving attendant care services from the bureau of community and residential care as of February 28, 1981, (income eligibility determined, client review questionnaire administered, and monthly rate authorized) will continue to receive service through June 30, 1981, or until such time as gross family income is in excess of fifty percent of the state median income for a family of four, adjusted for family size or fifty-seven percent of the state median income adjusted for family size for a single person.

(2) Gross median income for a family of four in the state of Washington effective October 1, 1980 is (((\$21,494)) twenty-one thousand four hundred ninety-four dollars. ((80%)) eighty percent = (((\$17,195)) seventeen thousand one hundred ninety-five dollars.

(a) Income tables for ((80%)) eighty percent gross median income:

Number in Family	Monthly Income	Annual Income
1	745	8,942
2	974	11,693
3	1,204	14,444
4	1,433	17,195
5	1,662	19,946
6	1,892	22,698

(b) Income tables for ((57%)) fifty-seven percent gross median income, one-person family only.

Family Size	Monthly Income	Annual Income
1	531	6,370

(c) Income table for ~~((52%))~~ fifty-two percent gross median income:

Family Size	Monthly Income	Annual Income
2	633	7,600
3	782	9,389
4	931	11,177
5	1,080	12,965
6	1,229	14,753

(d) Income tables for ~~((50%))~~ fifty percent gross median income:

Family Size	Monthly Income	Annual Income
1	466	5,588
2	609	7,308
3	752	9,027
4	896	10,747
5	1,039	12,467
6	1,182	14,186

(e) Income tables for ~~((38%))~~ thirty-eight percent gross median income:

Family Size	Monthly Income	Annual Income
1	354	4,247
2	463	5,554
3	572	6,861
4	681	8,168
5	790	9,475
6	898	10,781

(f) See WAC 388-29-100 for grant standards.

(3) Family means two or more persons related by blood, marriage or adoption, residing in the same household, and may include a dependent residing in a separate household for whom support is paid.

(a) Husband and wife are considered a two-person family.

(b) Related adults residing together, other than spouses, are each considered a separate family.

(c) An individual living alone or only with unrelated persons is considered a one-person family. An individual living alone or with unrelated persons may include in his/her application a dependent living in a separate household for whom support is paid.

(d) A child living with legally nonresponsible relatives, a minor living independently and a child living under the care of unrelated persons are also considered one-person families.

(e) A school age parent residing in parent's home with child is considered a separate family unit for purpose of determining family income.

(4) Persons applying to provide day care or foster care facilities or a person or persons applying to adopt a child are resources to our primary client, the child. Financial eligibility for these individuals is not required.

(5) Child welfare services may also be provided under Title IV-B of the social security act.

WSR 81-10-014
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistant)

[Order 1646—Filed April 27, 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 medical assistance, amending chapters 388-81, 388-82, 388-83, 388-84, 388-85 and 388-92 WAC.

This action is taken pursuant to Notice No. WSR 81-06-068 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 22, 1981.

By David A. Hogan
 Director, Client and
 Community Relations Division

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-81-005 MEDICAL CARE PROGRAM. The department of social and health services provides a medical care program, administered through the division of medical assistance, designed to meet the health care needs of eligible individuals who ~~((do not have resources to meet the full cost of medical care. This medical care program is offered through use of certified providers of medical services as described in WAC 388-87-007))~~ have been determined eligible as defined in WAC 388-80-005.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-81-025 ELIGIBILITY—GENERAL. (1) Financial eligibility is established when the department certifies that the applicant meets the appropriate financial requirements in chapter 388-83 WAC.

(2) The department shall be responsible for payment of medical care provided within the scope of the program to ~~((recipients of medical assistance (MA), to recipients of continuing general assistance (GAU) who cannot be categorically related, and to recipients of medical only (MO) who have an acute and emergent medical need. Services provided and limitations thereto are specified in chapter 388-86 WAC))~~ eligible persons.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-81-040 FAIR HEARING. (1) Any applicant for or recipient of medical care provided under chapter 74.09 RCW who feels aggrieved by a decision rendered by the department has a right to a fair hearing as provided by chapter 388-08 WAC.

(2) When the fair hearing request calls into question a decision of a medical consultant or when eligibility is being determined in the ~~((federal aid medical care only or medical only programs))~~ medicaid category or state funded medical program, a prehearing review is the responsibility of the division of medical assistance.

(3) Chapter 388-08 WAC applies when a request for a fair hearing is related to medical care.

(4) The medical director or his designee shall review all fair hearing requests referred by the examiner to determine:

(a) Whether or not the appellant's request for service was filed according to the applicable rules and regulations,

(b) Whether or not the decisions have been made upon complete and accurate evaluation of the facts, existing standards, regulations, and policies.

(5) All records and information necessary to determine the validity of the appellant's fair hearing request shall be furnished upon request to the reviewing authority and forwarded not later than ten days from such request.

(6) An ~~((independent))~~ professionally qualified person and/or persons not a party to the action being appealed may be obtained at the request of the examiner or the appellant.

(7) Upon receipt of the necessary material, evidence, or reports, the designated reviewing authority shall evaluate the appellant's request in accord with existing rules, regulations, and policies of the department. The reviewing authority:

(a) May reverse the decision when such adverse decision has been made contrary to rules, regulations and policies of the division;

(b) May resolve a situation resulting in the fair hearing request by adjustment.

(8) In providing a system for fair hearings for applicants or recipients of medical care, the rules in chapter 388-08 WAC shall be adhered to and, where appropriate, other portions of WAC which are applicable to the particular circumstances of the appellant.

AMENDATORY SECTION (Amending Order 1265, filed 1/13/78)

WAC 388-81-050 RESTITUTION. (1) If a recipient of medical care was not eligible for such care or comes into possession of resources which he/she fails to disclose to the department, the amount of such medical care payment made by the department on his/her behalf which could have been met by his/her undisclosed resources shall be an overpayment and a debt due the department. (See chapter 388-44 WAC for definition of overpayment and procedures pertaining to repayment by grant recipients.) Reimbursement cannot be collected

from a grant for vendor payments incorrectly paid for medical care.

(2) If repayment is not obtained from a nongrant recipient, the case and the files relative thereto shall be forwarded to the office of reimbursements for such further action as deemed necessary. However, in no event shall a lien be filed while the ineligible recipient or ~~((his))~~ the dependent spouse is still living unless the claim has been reduced to judgment in a superior court of the state of Washington.

AMENDATORY SECTION (Amending Order 299, filed 9/6/68)

WAC 388-81-055 FRAUD. Any person who by means of willfully false statement or representation or by impersonation or other fraudulent device or failure to reveal resources as required obtains or attempts to obtain or aids or abets any person to obtain medical care to which he/she is not entitled shall be guilty of larceny. See WAC 388-44-020 for procedures to be followed in cases involving fraud.

AMENDATORY SECTION (Amending Order 911, filed 3/1/74)

WAC 388-81-060 SUPPLEMENTARY MEDICAL INSURANCE "BUY IN". The department will purchase supplementary medical insurance Part B, under Title XVIII of the social security act for an otherwise eligible individual ~~((who is a recipient of a federal aid grant or federal aid medical care only and who~~

~~(1) is entitled to hospital insurance benefits under Part A, or~~

~~(2) has attained the age of 65 and is either a citizen or an alien lawfully admitted for permanent residence who has resided in the United States continuously during the five years immediately preceding the month in which he applies for assistance, or~~

~~(3) is under age 65 and has been entitled to disability insurance benefit annuities under the social security act for not less than twenty-four consecutive months on the basis of a disability for which compensation is being paid by the social security administration, or~~

~~(4) is a beneficiary of medicare because of chronic renal disease requiring hemodialysis or kidney transplantation)).~~

NEW SECTION

WAC 388-82-006 MEDICAL ASSISTANCE. Medical assistance is the Title XIX funded medical program that provides full scope medical care to eligible individuals.

NEW SECTION

WAC 388-82-115 SPECIAL CATEGORIES ELIGIBLE FOR MEDICAL ASSISTANCE. (1) Persons who, in August, 1972, received OAA, AB, AFDC, or APTD, and also received RSDI benefits, and who became ineligible for OAA, AB, AFDC or APTD solely because of the twenty percent increase in social security benefits under Public Law 92-336, shall be eligible for

medicaid as categorically needy. The provision applies to both current cash applicants and recipients.

(2) Applicants for SSI or AFDC who were entitled to RSDI benefits in August, 1972, and would have been ineligible solely because of the social security benefits under Public Law 92-336 shall have the twenty percent increase disregarded in determining financial eligibility.

(3) An AFDC family unit which becomes ineligible solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:

(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility.

(b) A member of such family continues to be employed, and

(c) The family is otherwise eligible for AFDC except for increased hours or increased income from employment.

(4) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after April 1, 1977, solely because of OASDI cost-of-living benefit increases under PL 94-566, section 503, shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost-of-living benefit including cost-of-living benefits of a financially responsible spouse must be considered available income. This disregard does not apply to:

(a) New applicants (i.e., who were not receiving SSI/SSP prior to increase).

(b) Persons who were not actually receiving SSI/SSP payments for some other reason.

(c) Persons who would have received SSI/SSP if they had applied.

(d) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility.

NEW SECTION

WAC 388-82-125 RECIPIENTS IN MEDICAL INSTITUTIONS ELIGIBLE UNDER TITLE XIX. Medical assistance is available to an otherwise eligible individual who is in a Title XIX certified medical facility defined as:

- (1) A general hospital,
- (2) A skilled nursing home,
- (3) An intermediate care facility,
- (4) An intermediate care facility for mentally retarded, and
- (5) In state mental institutions, only eligible individuals age sixty-five and over and under age twenty-one.

NEW SECTION

WAC 388-82-126 STATE FUNDED MEDICAL CARE PROGRAM. (1) State-funded medical care is a more limited scope of medical care provided to eligible individuals. State-funded medical care services are defined in chapter 388-86 WAC.

(2) Continuing general assistance recipients in skilled nursing homes, intermediate care facilities or intermediate care facilities for mentally retarded shall be provided

medical care to the same extent as a recipient of medical assistance.

NEW SECTION

WAC 388-82-130 MEDICAL CARE PROVIDED IN BORDERING CITIES. Medical care will be provided to eligible individuals in a bordering city on the same basis as in-state care. The only recognized bordering cities are Moscow, Sandpoint and Lewiston, Idaho; Portland, The Dalles, Hood River, Rainier, Milton-Freewater, and Astoria, Oregon.

NEW SECTION

WAC 388-82-135 OUT-OF-STATE MEDICAL CARE. (1) A categorically needy resident of the state of Washington temporarily out of the state may be provided medical assistance within the scope of the medicaid program. Residency requirements in chapter 388-80 WAC must be met.

(2) When an eligible individual goes to another state, excluding bordering cities, expressly to obtain medical care that is available within the state of Washington, medical assistance will only be provided on an emergency basis.

(3) Medical assistance will be provided to persons who enter the state and are determined to be financially eligible, provided the residency requirements in chapter 388-80 WAC are met.

(4) State-funded medical care is not provided out-of-state except in designated bordering cities.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 388-82-005 MEDICAL CARE—GENERAL DESCRIPTION OF PROGRAMS.

(2) WAC 388-82-015 "H" CATEGORY (FEDERAL AID).

(3) WAC 388-82-020 MEDICAL CARE SERVICES.

(4) WAC 388-82-025 INSTITUTIONAL STATUS.

(5) WAC 388-82-030 STATE OF WASHINGTON RESIDENT REQUIRING CARE OUT-OF-STATE.

(6) WAC 388-82-035 OUT-OF-STATE RESIDENT REQUIRING MEDICAL CARE IN WASHINGTON STATE.

(7) WAC 388-82-045 MEDICAL CARE FOR UNITED STATES CITIZEN RETURNED FROM FOREIGN COUNTRY.

AMENDATORY SECTION (Amending Order 1203, filed 4/1/77)

WAC 388-83-005 ((GENERAL)) MEDICAL ASSISTANCE ELIGIBILITY. The department shall provide medical ((care)) assistance within the limitations set forth under these rules and regulations to any individual who has been certified ((as eligible to receive such care under the medical care program, that is, certified as

~~eligible for federal aid medical assistance (MA), or state-financed medical care services (MS). Any person who has been so certified may obtain approved medical care from any eligible provider who undertakes to provide services under the rules and regulations of the department) Title XIX eligible. The recipient shall be responsible for furnishing the provider with a medical identification coupon or other adequate notification of eligibility provided by the department.~~

NEW SECTION

WAC 388-83-006 STATE-FUNDED MEDICAL CARE SERVICES. The department shall provide state-funded medical care within the limitations set forth under these rules and regulations to any individual who has been certified as eligible to receive such services as a continuing general assistance recipient. The recipient shall be responsible for furnishing the provider with a medical identification coupon or other adequate verification of eligibility provided by the department.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-83-010 ((USE OF)) ALTERNATIVE SOURCES FOR MEDICAL CARE. (1) All third party resources for medical care available to the applicant or recipient must be utilized to the fullest possible extent in the payment for the medical care prior to participation by the department.

(2) Any payment, additional payment((s)) or contribution((s)) by or on behalf of an applicant((a)) recipient, ((or other person)) meant to increase the overall level of care beyond that ((normally provided will)) included in the amount, duration or scope of medical care shall be considered as a nonexempt resource and will be applied against the cost of medical care ((normally)) provided under the program.

(3) The department makes agreements with providers of prepaid medical plans. Eligible recipients who choose to participate in a prepaid program are required to utilize such providers of service exclusively except for certain noncovered services for which the department may be responsible under the medical care program. See WAC 388-87-010(4).

AMENDATORY SECTION (Amending Order 967, filed 8/29/74)

WAC 388-83-015 CITIZENSHIP AND ALIEN-AGE. ((+)) An applicant ((for federal aid medical care only)) must be a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law including an alien who is lawfully present in the United States according to specified sections of the immigration and nationality act. (See WAC 388-26-120)

((2) This requirement does not apply to the medical only program:))

AMENDATORY SECTION (Amending Order 1056, filed 9/25/75)

WAC 388-83-017 SOCIAL SECURITY NUMBER. (1) ((An applicant for federal aid medical care only)) A categorically needy applicant shall be encouraged to provide a social security number on the application form and shall be assisted to secure such number if he/she wishes to secure one.

(2) ((An applicant who is otherwise eligible shall not be denied medical assistance because of failure or refusal to disclose or apply for a social security number, and the individual shall be so informed:)) There is no Title XIX enumeration requirement.

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

WAC 388-83-020 AGE. No age requirements is imposed as a condition of eligibility in regard to ((the)) medical ((Care Program)) assistance. The age of the applicant is established to determine whether the individual may be related to a federal aid category, or may be eligible for the under ((the "H")) age twenty-one category.

AMENDATORY SECTION (Amending Order 1470, filed 1/3/80)

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

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-83-028 ((EXTENDED)) ELIGIBILITY FACTORS FOR SPECIAL CATEGORIES. (1) ((Persons who, in August, 1972, received OAA, AFDC, AB, or DA and also received RSDI benefits, and who became ineligible for OAA, AFDC, AB or DA solely because of the twenty percent increase in social security benefits under Public Law 92-336, shall be eligible for federal aid medical care only (FAMCO). The provisions of WAC 388-83-045(8)(a) shall apply:)) Cash recipients of OAA, AB or APTD who became ineligible because of the twenty percent increase in RSDI benefits in August, 1972, must have that increase disregarded in determining current eligibility. If the sole reason for their income exceeding the cash standard is the August, 1972, increase, then they are categorically eligible for medicaid. Medicaid eligibility determinations for this group must include this factor.

(2) ((Applicants for FAMCO or AFDC who were entitled to RSDI benefits in August, 1972)) Persons who were eligible under federal cash assistance programs (AFDC, OAA, AB or APTD) but were not receiving assistance, and would have been ineligible solely because of the ((social security benefits under Public Law 92-336)) August, 1972, RSDI twenty percent increase shall

have the twenty percent increase disregarded in determining financial eligibility ((for ~~FAMCO~~. The provisions of WAC 388-83-045(8)(b) shall apply)).

(3) An AFDC ((grant assistance)) family unit which becomes ineligible solely because of increased hours or increased income from employment shall remain categorically eligible for medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:

(a) The family received AFDC in at least three of the six months immediately preceding the month of ineligibility,

(b) A member of such family continues to be employed, and

(c) The family is otherwise eligible for AFDC except for increased hours or increased income from employment,

(d) Participation shall not be required.

(4) ((Persons)) Current recipients who become ineligible for SSI benefits and/or state supplementary payments in ((July)) April, 1977, solely because of OASDI cost-of-living benefit increases under PL 94-566, section 503 shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost-of-living benefit must be considered available income. This disregard does not apply to:

(a) New applicants (i.e., who were not receiving SSI/SSP prior to increase).

(b) Persons who were not actually receiving SSI/SSP payments for some other reason.

(c) Persons who would have received SSI/SSP if they had applied.

(d) Persons who would have received SSI/SSP if they were not living in a medical or intermediate care facility, etc.

(5) Persons who were "grandfathered" into SSI January 1, 1974, and continue to meet the definition in chapter 388-80 WAC are eligible for medical assistance. Termination and reapplication does not reinstate the "grandfathered" status. Program and eligibility factors are described in chapter 388-93 WAC.

NEW SECTION

WAC 388-83-130 ELIGIBILITY DETERMINATION—NONINSTITUTIONAL. (1) Eligibility determination for AFDC shall be as follows:

(a) Applicants who are eligible but not receiving cash assistance shall be determined as for the appropriate cash assistance category.

(b) Individuals under age twenty-one shall have eligibility determined based on the AFDC one person standard if they are:

(i) Not SSI related.

(ii) Not AFDC related (dependent child).

(iii) When an under twenty-one person resides in the same family unit with parents, the parents' income is considered available whether or not actually contributed.

(iv) The AFDC earned income exemption of \$30 + 1/3 of remainder does not apply to individuals applying solely for medical assistance.

(v) Families applying for medical assistance who received AFDC in any of the four preceding months shall be allowed the \$30 + 1/3 disregard.

(c) Individuals under twenty-one who are AFDC related but are ineligible solely because of AFDC age or school attendance requirements are eligible for medicaid while living in the home with a relative of specified degree on the same basis as the dependent children in that home. Individuals eligible under this provision include:

(i) AFDC children age sixteen or seventeen who are terminated from AFDC cash assistance unit because they have ceased to attend school and have refused to register for WIN;

(ii) AFDC children who are terminated from AFDC cash assistance unit because they have reached age eighteen, but have not yet reached age twenty-one.

(2) Eligibility for SSI related applicants who are eligible but not receiving cash assistance shall be determined as for the appropriate SSI cash assistance category. See chapter 388-92 WAC for income and resources computation.

NEW SECTION

WAC 388-83-135 ELIGIBILITY DETERMINATION—INSTITUTIONAL. (1) SSI/state supplement related individuals in medical facilities shall have their eligibility determined by comparing their gross income to three hundred percent of the SSI benefit (SSI cap).

(a) Individuals are considered institutionalized if they reside in a medical facility at least a full calendar month.

(b) Use other SSI financial criteria for consideration of resources as defined in chapter 388-92 WAC.

(c) Allocation of recipient income is defined in WAC 388-83-140.

(2) Individuals who reside in a medical facility less than a full calendar month shall have their eligibility determined as for a noninstitutionalized person. See chapter 388-92 WAC.

NEW SECTION

WAC 388-83-140 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) All institutionalized recipients will retain \$32.50 personal needs allowance.

(2) The AFDC related individual in a medical facility is eligible to receive an amount as a cash assistance payment sufficient to bring income up to the personal needs allowance.

(3) SSI related recipients may retain the current personal needs allowance plus wages received for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for less restrictive placement. The total personal needs allowance including the initial \$32.50 may not exceed the monthly noninstitutional state supplement standard. There are no deductions for expenses of employment. When the total amount of wages received plus the initial personal needs allowance exceeds the monthly standard, the excess wages are applied to the cost of care.

(4) In addition to the allocations in (1) and (3) above, SSI related individuals residing in a medical facility throughout a calendar month are entitled to the following allocations of income as applicable:

(a) Maintenance needs of spouse not to exceed state supplement standard,

(b) Maintenance needs of family adjusted for number of family members living at home, but not to exceed highest need standard for a family of same size under AFDC,

(c) Amounts for incurred medical expenses not subject to third-party payment including but not limited to:

(i) Health insurance premiums, co-insurance or deductible charges,

(ii) Necessary medical care recognized under state law but not covered under medicaid.

(d) For a single person, maintenance of the home where the individual has been certified by a physician to need institutional care for no more than six consecutive months,

(i) Income thus exempted must be used to retain the independent living situation of an individual with no dependents through payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or sewer necessary to maintain the home,

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months,

(iii) The six-month period begins on the first of the month following date of admission for medicaid eligible recipients or the date of eligibility for individuals changing from private to medicaid, and ceases when the patient is discharged to an independent living arrangement or at the end of six months if the recipient has not been discharged,

(iv) CSO social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days.

(5) Income remaining in (1), (2), (3) or (4) will be used to compute payment of the participation amount (that income remaining after allocation of income) which shall be a matter solely between the recipient and the medical facility.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 388-83-030 COMPUTATION OF AVAILABLE INCOME AND RESOURCES.

(2) WAC 388-83-035 MONTHLY MAINTENANCE STANDARD—APPLICANT LIVING IN OWN HOME.

(3) WAC 388-83-045 ALLOCATION OF AVAILABLE INCOME AND NONEXEMPT RESOURCES.

(4) WAC 388-83-050 AVAILABILITY OF RESOURCES.

(5) WAC 388-83-055 EXEMPT RESOURCES.

(6) WAC 388-83-060 NONEXEMPT RESOURCES.

(7) WAC 388-83-065 TRANSFER OF RESOURCES WITHIN TWO YEARS PRIOR TO APPLICATION.

NEW SECTION

WAC 388-84-105 MEDICAL ASSISTANCE. (1) All individuals wishing to make application for medical assistance shall have the opportunity to do so without delay.

(a) Applicants will be provided with:

(i) An explanation of the civil rights act,

(ii) Fair hearing information,

(iii) Information on early and periodic screening, diagnosis and treatment, when appropriate,

(iv) Information on family planning, when appropriate.

(b) The application shall be in writing; a verbal request is not an application.

(c) If death of applicant intervenes, the application may be completed by a relative or interested person(s).

(2) Individuals who receive cash assistance payment under AFDC, SSI or state supplement are eligible without a separate application.

(3) A spouse ineligible for SSI benefits solely because of the level of his/her income must apply individually for medical assistance.

(4) A resident of the state of Washington temporarily out of the state may make application directly to the community services office (CSO) in his/her area of the state through either an individual or agency acting in his/her behalf.

NEW SECTION

WAC 388-84-110 APPLICATION—DISPOSITION. (1) Timely determination standards are:

(a) Sixty days for applicants based on disability,

(b) Forty-five days for all other categories,

(c) Certain unusual circumstances beyond the administrative control of the CSO may delay a decision on an application.

(2) For cash assistance, approval of the medical assistance is concurrent.

(3) Notification of approval for all other applicants for medical assistance will be by means of an award letter.

(4) Denial of the application for a categorically needy individual will follow cash assistance standards and criteria. The denial notice will include the right to a fair hearing.

(5) Withdrawal of an application will follow WAC 388-38-172.

NEW SECTION

WAC 388-84-115 EFFECTIVE DATE OF APPLICATION. (1) The effective date of eligibility for medical assistance shall be no later than the third month before the month of application provided:

(a) The medical services received were covered.

(b) Individual would have been eligible had he/she applied.

(c) Applicant met all eligibility factors in either chapter 388-83 or 388-92 WAC.

(2) Eligibility effective date for medical assistance is the first day of the month if the individual was eligible at any time during that month.

(3) The month of application for SSI beneficiaries for purposes of determining eligibility for medical assistance shall be the month they apply for SSI.

(4) The AFDC related, under age twenty-one, and SSI related individuals may be issued a temporary medical coupon by the CSO until the state office issued coupon arrives.

NEW SECTION

WAC 388-84-120 APPLICATION FOR STATE FUNDED MEDICAL CARE. (1) Individuals ineligible for a categorically needy program (AFDC, aged, blind, disabled, or under twenty-one) may be provided medical care under the state-funded program of continuing general assistance.

(2) The effective date of eligibility for state-funded (GAU) medical care is concurrent with certification for cash assistance; except that medical care may be provided for no more than seven days prior to date of application for financial assistance to an otherwise eligible individual. The seven days shall not include Saturday, Sunday or legal holidays.

(3) Termination of state-funded medical occurs with termination of continuing general assistance grant.

(4) The CSO may issue temporary medical coupons until state office issued coupons arrive.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 388-84-005 RIGHT TO APPLY.
- (2) WAC 388-84-010 DISPOSITION OF APPLICATION.
- (3) WAC 388-84-015 APPROVAL OF APPLICATION.
- (4) WAC 388-84-020 DENIAL OF APPLICATION.
- (5) WAC 388-84-025 WITHDRAWAL.

Chapter 388-85 WAC
MEDICAL CARE—(~~AUTHORIZATION OF ELIGIBILITY~~) CERTIFICATION

NEW SECTION

WAC 388-85-105 CERTIFICATION OF ELIGIBILITY. Entitlement to medical assistance continues until the individual is determined ineligible for cash assistance.

(1) When eligibility for AFDC is terminated:

(a) For AFDC cash assistance due to increased income or increased hours from employment, medical assistance shall continue for four calendar months beginning with month of ineligibility.

(b) Because an individual has been removed from AFDC cash assistance due to reaching state legal age of majority, a redetermination and a certification of eligibility for medical assistance for those under twenty-one shall be made.

(c) For lack of cooperation in WIN or lack of school attendance, redetermination of eligibility for medical assistance will be made according to appropriate cash program.

(2) Redetermination of eligibility for medical assistance shall be the same as for the cash assistance program:

(a) For individuals under age twenty-one, not related to SSI, eligibility shall be redetermined every six months.

(b) For individuals in medical institutions eligibility shall be determined every twelve months.

(3) Any change in circumstances relating to the individual's financial or medical eligibility must be promptly reported to the CSO.

NEW SECTION

WAC 388-85-110 SSI/STATE SUPPLEMENT TERMINATION. (1) When an SSI/state supplemental beneficiary is terminated by SSA because of failure to meet blindness and disability criteria under Title XVI, medical assistance shall be terminated at the end of the second month following the month in which eligibility ceases if the beneficiary has filed a timely request for a hearing from SSA regarding eligibility for cash assistance.

(2) Individuals in medical facilities who are not receiving cash assistance shall be notified in writing when eligibility ceases.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 388-85-005 CERTIFICATION DOCUMENT.
- (2) WAC 388-85-010 AUTHORIZATION PROCEDURE.
- (3) WAC 388-85-015 PERIOD OF CERTIFICATION.
- (4) WAC 388-85-020 REDETERMINATION OF ELIGIBILITY.
- (5) WAC 388-85-025 NOTIFICATION—INITIAL CERTIFICATION, REDETERMINATION OF ELIGIBILITY AND CHANGE OF CIRCUMSTANCES.
- (6) WAC 388-85-027 EFFECTIVE DATE OF CHANGE IN ELIGIBILITY.

Chapter 388-92 WAC
MEDICAL CARE FOR PERSONS RECEIVING BENEFITS UNDER TITLE XVI OF SOCIAL SECURITY ACT—ELIGIBILITY—INCOME AND RESOURCE STANDARDS FOR APPLICANTS IN OWN HOME

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-92-005 DEFINITIONS. The definitions in ~~((WAC 388-92-005))~~ this section apply only to ~~((chapter 388-92-WAC))~~ SSI related applicants.

(1) Beneficiary - A person who receives a cash benefit under Title XVI and/or state supplement.

(2) ~~((Deleted:))~~ SSI related - Eligible for but not receiving cash assistance.

(3) Income - The receipt by an individual of any property or service which he can apply either directly, by sale, or conversion to meet his basic needs for food, clothing, and shelter.

(a) Earned income means gross wages for services rendered and/or net earnings from self-employment. Earned income received at predictable intervals other than monthly or in unequal amounts will be converted to a monthly basis. If income is weekly, the amount is multiplied by 4.3 to arrive at a monthly figure.

(b) Unearned income means all other income ~~((including but not limited to~~

~~(i) Support and maintenance furnished in cash or kind;~~

~~(ii) Prizes and awards - This includes prizes won in a contest, lottery, or game of chance or awards received as the result of a decision or judgment of a court, a board of arbitration, or the like, but not ordinarily from a competition. When a prize or award is not in cash, the current fair market value of the item is counted as unearned income.~~

~~(iii) Proceeds of any life insurance policy to the extent that they exceed the amount expended for the purposes of the insured individual's last illness and burial or one thousand five hundred dollars, whichever is less.~~

~~(iv) Gifts (cash or otherwise), support and alimony payments;~~

~~(v) Rent - Rent represents compensation in cash or in kind for the use of real or personal property, for example, land, an apartment, a room, machinery. Only ordinary and necessary "out of pocket" expenses incurred in operating the property are deducted from the gross rent).~~

(4) ~~((Institution - An establishment which furnishes food and shelter to four or more persons unrelated to the proprietor and, in addition, provides some treatment or services which meet some need beyond the basic provision of food and shelter. This would include hospitals, skilled nursing facilities (extended care facilities or skilled nursing homes), and intermediate care facilities, but does not include correctional institutions.~~

(5) Resources - Cash or other liquid assets or any real or personal property that an individual or spouse, if any, owns and could convert to cash to be used for support or maintenance.

(a) If an individual can reduce a liquid asset to cash, it is a resource.

(b) If an individual cannot reduce an asset to cash, it is not considered ~~((a))~~ an available resource.

(c) Liquid - Properties that are in cash or are financial instruments which are convertible to cash such as,

but not limited to, cash in hand, stocks, savings, checking accounts, mutual fund shares, mortgage, promissory notes.

(d) Nonliquid - All other property both real and personal shall be evaluated according to the price the item can reasonably be expected to sell for on the open market in the particular geographical area involved.

~~((6) Retroactivity - The provision to make payment for unpaid medical bills for covered services for an applicant for FAMCO or Title XVI benefits, provided that such applicant is determined to have been eligible at the time services were received. The retroactive period shall begin no earlier than the first day of the third month prior to the month of application and shall extend up to the date of application. (See WAC 388-84-005(2) and 388-87-015(3) and (4)).~~

~~(7) SSA - Social security administration.~~

~~(8) SSI - Supplemental security income under Title XVI of the social security act.~~

~~(9) State supplement - Amount paid in addition to SSI under Title XVI of the social security act.~~

~~(10) Title SSI - A national program to provide supplemental security income (SSI) to individuals who have attained age sixty-five, or are blind, or disabled.)~~

AMENDATORY SECTION (Amending Order 1476, filed 1/16/80)

WAC 388-92-015 ((GENERAL)) ELIGIBILITY DETERMINATION-SSI. (1) ~~((Citizenship - must be a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States including an alien who is lawfully present in the United States according to specified sections of the Immigration and Nationality Act. (See WAC 388-26-120).~~

~~(2) Residence - see WAC 388-83-025.~~

~~(3)) For the purposes of medical assistance related to ((Title XVI)) SSI, the applicant must be:~~

~~(a) Age 65 or over; or~~

~~(b) Blind, with central visual acuity of 20/200 or less in the better eye with the use of a correcting lens, or with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees; or~~

~~(c) Disabled, that is, unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity ~~((-A physical or mental impairment is an impairment that results from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic technique, except that an applicant for disability who is medically determined to be a drug addict or alcoholic shall be ineligible for any month unless such individual is undergoing any treatment that may be appropriate for his condition as a drug addict or alcoholic at an institution or facility approved for that purpose (so long as such treatment is~~~~

available) and demonstrates compliance with the terms, conditions and requirements of such treatment)). Decisions on ((Title XVI)) SSI related disability are ((made by)) the responsibility of the office of disability insurance benefits, division of medical assistance.

((4)) Temporary absence:

(a) If a resident of the state of Washington is temporarily in another state and requires medical care, and is eligible for medical assistance, the responsibility for medical payment rests with the state of Washington. The standard of care will be no different than that authorized within the state.

(b)) (2) A resident of Washington who requires medical assistance outside the United States will be provided care according to chapter 388-82 WAC ((388-82-030)).

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-92-025 COMPUTATION OF AVAILABLE INCOME. (1) ((Income shall be defined as in WAC 388-92-005.

(a)) Total income of a beneficiary of supplemental security income, except for institutionalized recipients, is not considered an available resource.

((b)) (2) Income and resources are considered jointly for spouses who live together in a common household and blind or disabled children who live with their parent(s). Income and resources are considered separately when spouses and/or children and parents cease to live together except for purposes of eligibility determination only, then income and resources are considered mutually available

((i)) (a) for the first six months after the month they cease to live together where both spouses apply ((for FAMCO)) as SSI related (aged, blind or disabled),

((ii)) (b) for the month of separation where only one spouse applies ((for FAMCO)) as SSI related (aged, blind, or disabled), or where blind or disabled children are separated from parents.

((c) If a minor applies for medical care the parent legally responsible for the support of the child is also by law financially responsible for the payment for medical provided to the child. In such case the standards in WAC 388-83-035 shall apply to determine available income to meet the medical needs of the child. See also WAC 388-24-550.

(d) For a pregnant minor see WAC 388-82-015.

(e) Even if state law confers adult status at age eighteen (see WAC 388-24-550), the department must consider parental income and resources as available for a child if he is living with the parent until he becomes twenty-one.

(2) Net cash income shall be determined as for the Title XVI category to which the applicant for FAMCO is related according to WAC 388-92-015(3).))

(3) For SSI related individuals, age eighteen to twenty-one, parents income is not considered available.

(4) For SSI related individuals under age eighteen, parents' income is deemed available.

(5) When the spouse of an SSI related applicant is ineligible or does not apply, the exclusions in (6) below shall be applied to his/her income in determining the amount to be deemed to the applicant. If the remaining income of the ineligible spouse exceeds the single monthly state supplement benefit all the remaining income shall be deemed to the applicant.

((3) To arrive at available)) (6) Exclusions from income(;;). The following items shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

(d) Income that is not reasonably anticipated, or received infrequently or irregularly, if such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amounts received for the foster care of a child, who is not an eligible individual, but who is living in the same house as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) One-third of any payment for child support received from an absent parent will be excluded;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded above, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations. ((For a person in an institution, the exclusion is considered in determining eligibility and allocated as participation in cost of medical care. See WAC 388-92-035 for employed institutionalized individuals;))

(h) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments exempted by federal regulations will be exempted and publicized by numbered memoranda from the state office;

(j) Compensation provided to volunteers in ACTION programs established by Public Law 93-113, the Domestic Volunteer Service Act of 1973.

(k) When an ineligible minor is in the household of an SSI applicant, an amount will be excluded for such child's needs. The exclusions will be the difference between the SSI couple cash benefit and the SSI individual cash benefit.

(l) Veteran's aid and attendance allowance is to be excluded in determining financial eligibility.

(i) If the sum is paid to a spouse, it is considered that individual's earned income and may be deemed to the applicant.

(ii) For institutionalized applicants, the amount subsequently is considered in the cost of institutional care.

((4)) (7) An ineligible or nonapplying individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a

course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded unless that income is actually contributed to the applicant.

~~((5)) (8) ((For a recipient at home, disregard the following)) Earned income ((a) If such individual is blind and under age sixty-five,) exclusions for SSI related individuals shall be the first sixty-five dollars per month of earned income not excluded according to subsection ((3)) (6), plus one-half of the remainder((;~~

~~(b) If such an individual is disabled but not blind and is under age sixty-five, the first sixty-five dollars per month of earned income not excluded according to subsection (3), plus one-half of the remainder;~~

~~(c) If such an individual is age sixty-five or over, the first sixty-five dollars per month of earned income not excluded according to subsection (3), plus one-half the remainder;~~

~~(d) If a spouse of an eligible individual applies in his or her own right and can meet the appropriate criteria under Title XVI, the "disregards" are considered only once for the husband and wife)).~~

AMENDATORY SECTION (Amending Order 1537, filed 8/25/80)

WAC 388-92-030 MONTHLY ((MAINTENANCE)) STANDARD((=PERSON NOT IN INSTITUTION)). (1) After computing available income according to WAC ((388-92-035(1) through (6))) 388-92-025 for ((Title XVI)) SSI related ((federal and medical care only, the monthly maintenance standards in subsections (3) and (4))) individuals, the monthly standard shall be ((allowed for an individual not in an institution or for dependents maintaining the family home of an institutionalized recipient effective July 1, 1980)) the state supplement standard.

(2) ~~((Deleted.))~~ The monthly maintenance standard for SSI related couples (both applying) shall be the state supplement standard for a couple.

(3) ~~((Monthly standard))~~ When computing available income for a family of three or more the relative responsibility requirement of the appropriate cash assistance program shall be applied, except that relative responsibility shall be limited to spouse for spouse and parent for child.

((Family size — Standard

1	\$282
2	402
3	458))

(4) ~~((To the standards in subsection (3) for a family of 3, \$78 shall be added for each additional member.))~~ In mixed households (AFDC and SSI related members) two separate determinations must be made.

AMENDATORY SECTION (Amending Order 1233, filed 8/31/77)

WAC 388-92-040 AVAILABILITY OF RESOURCES. In establishing eligibility for medical assistance, only those resources actually available or "in hand", or expected to be "in hand", within a three

month period shall be considered. In cases of retroactive coverage, the three month period includes the month in which covered medical services were initiated. ~~((The department's rules for disregarding or setting aside any resources for future needs will be applied.))~~

AMENDATORY SECTION (Amending Order 1439, filed 9/25/79)

WAC 388-92-045 EXCLUDED RESOURCES.

Applicants or recipients may transfer or exchange an exempt resource. Cash received from the sale of an exempt resource is excluded provided the total amount of cash is used to replace or reinvest in another exempt resource within three months. Any remaining portion in excess of allowed resources shall be considered a nonexempt resource if the individual's eligibility continues without a break in certification. In determining the resources of an individual and spouse, if any, the following items shall be excluded up to the dollar limit, if any, as indicated:

(1) ~~((The home as defined in WAC 388-28-420.))~~ The home or the proceeds from the sale of a home, which is an excluded resource, will also be excluded to the extent that they are re-invested in the purchase of another home which is similarly excluded within three months of the date of receipt of proceeds.

(2) Household goods and personal effects ~~((as defined in WAC 388-28-430(1))).~~

(3) An automobile will be totally excluded if it is used for employment or for the individual's medical treatment; otherwise, the current retail market value up to ~~\$(+200)4,500,~~ any excess to be counted against the resource limit ~~((in WAC 388-92-050)).~~

(4) Property of a trade or business which is essential to the means of self-support; however, it shall not include liquid resources as defined in WAC 388-92-005 even though such liquid resource may be producing income. This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc. The current market value shall not exceed limits which take into account the nature of the business and the gross and net income such business may be expected to produce in light of such property.

(5) Nonbusiness property which is essential to the means of self-support. This shall include:

(a) Nonliquid (see WAC 388-92-005), nonbusiness property if it is relied upon by the individual as a significant factor in producing income on which he can live, or is used to produce goods, or provide services essential to the individual's support.

(b) Property used exclusively to produce items for home consumption provided the items are significant factors for support and maintenance of the individual.

(c) Tools, equipment, uniforms and similar items required by the individual's employer.

(d) A motor vehicle (in addition to that already excluded) which is essential because of climate, terrain, or similar factors, or special modification, and required to provide necessary transportation. The limitation on value of such vehicle is the same as (3) above.

(6) Resources of a blind or disabled individual which are necessary to ~~((fulfill))~~ fulfill an approved plan for achieving self-support for so long as such plan remains in effect.

(7) Shares of stock held in a regional or village corporation during the period of twenty years ending January 1, 1992, in which such stock is inalienable pursuant to the Alaska Native Claims Settlement Act.

(8) Life insurance owned by an individual and spouse, if any, to the extent of its cash surrender value, provided that the total face value of policies held by each individual is \$1500 or less, in which case the cash surrender value is not evaluated. If the face value of policy(ies) is over \$1500, cash surrender value must be applied to resource limitations ~~((in WAC 388-92-050 and the excess must be applied to participation))~~. Term or burial insurance with no cash surrender value is not considered in determining face value.

(9) Restricted allotted land owned by an enrolled member and spouse, if any, of an Indian tribe, if such land cannot be sold, transferred or otherwise disposed of without permission of other individuals, his tribe or an agency of the federal government.

(10) Cash received from an insurance company for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen, etc., is excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within ~~((three))~~ nine months ~~((if the resource is personal property, and six months if the resource is real property))~~ that period may be extended based on circumstances beyond the control of the applicant to a maximum of nine additional months. Any such cash not so used within such time periods is considered as an available resource.

(11) Other resources excluded by federal statute.

AMENDATORY SECTION (Amending Order 898, filed 1/25/74)

WAC 388-92-050 LIMITATION OF RESOURCES. The total value of resources allowed and not otherwise excluded shall not exceed \$1,500 for a single individual or \$2,250 for a ~~((family of two))~~ couple. ~~((The maximum amount shall be increased by \$50 for each additional member in the household.~~

<u>FAMILY SIZE</u>	<u>TOTAL ALLOWED</u>
1	\$1,500
2	2,250
3	2,300
4	2,350
5	2,400
6	2,450
7	2,500
8	2,550
9	2,600
10	2,650))

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 388-92-010 DESCRIPTION OF PROGRAM.
- (2) WAC 388-92-020 APPLICATION FOR MEDICAL CARE.
- (3) WAC 388-92-035 MONTHLY PERSONAL NEEDS ALLOWANCE—PERSON IN INSTITUTION.
- (4) WAC 388-92-055 ALLOCATION OF INCOME AND RESOURCES.
- (5) WAC 388-92-060 AUTHORIZATION.
- (6) WAC 388-92-065 TERMINATION OF SSI BENEFICIARY.
- (7) WAC 388-92-070 PERSON CONVERTED INTO TITLE XVI.

WSR 81-10-015
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1647—Filed April 27, 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 Medical care—Scope and content of care, amending chapter 388-86 WAC.

This action is taken pursuant to Notice No. WSR 81-06-069 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 22, 1981.

By David A. Hogan
 Director, Client and
 Community Relations Division

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF MEDICAL ASSISTANCE. (1) For recipients of medical assistance (MA), the department shall authorize early and periodic screening diagnosis and treatment services including dental, vision, and hearing services, to eligible individuals under twenty-one years of age, family planning services, home health agency services, inpatient and outpatient hospital care, other laboratory and x-ray services, skilled nursing home care, and physicians' services in the office or away from the office as needed for necessary and essential medical care. The department may authorize medically

justified ambulance service and other approved transportation.

(2) The following additional services shall also be authorized when medically necessary: anesthetization services; blood; ~~((limited))~~ dental services to EPSDT recipients; drugs and pharmaceutical supplies; eyeglasses and examination; hearing aids and examinations; oxygen; physical therapy services; special-duty nursing services; surgical appliances, prosthetic devices, and certain other aids to mobility.

(3) Treatment, transplants, dialysis, equipment and supplies for acute and chronic nonfunctioning kidneys are provided in the home, hospital and kidney center. See WAC 388-86-050(5).

(4) Organ transplants, other than kidney transplants are not provided as a part of physician services or hospital care authorized under the medical assistance program.

(5) Treatment to detoxify narcotic addiction cases in a hospital or on an outpatient basis is not provided as a part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(6) Detoxification of an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(7) ~~((Orthodontic treatment is not provided except for EPSDT recipients. See WAC 388-86-020(7)))~~ The following medical services are not provided:

- (a) Adult dental services,
- (b) Chiropractic services, and
- (c) Podiatry.

(8) Treatment for obesity is not provided as part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(9) Where evidence is obtainable to establish medical necessity, as defined in WAC 388-80-005, the department shall approve the request if the recipient or provider submits sufficient objective clinical information (including, but not limited to, a physiological description of the disease, injury, impairment or other ailment; pertinent laboratory findings; x-ray reports; and patient profiles).

(10) A request for medical services may be denied by the department if the requested service is not medically necessary as defined by WAC 388-80-005, is generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient can demonstrate through sufficient objective clinical evidence the existence of particular circumstances which render the requested service medically necessary.

(11) The department shall approve or deny all requests for medical services within fifteen days of the receipt of the request, except that if additional justifying information is necessary before a decision can be made, the request shall be neither approved nor denied but shall be returned to the provider within five working days of the original receipt. If additional justifying information is not returned within thirty days of the date it was returned to the provider, then the original request shall be approved or denied. However, if such information is returned to the department, the request shall be

acted upon within five working days of the receipt of the additional justifying information.

(12) Whenever the department denies a request for medical services the department shall, within five working days of the decision, give written notice of the denial to the recipient and the provider. In order to fully inform the recipient, the notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service.

(b) If a fair hearing is requested, a medical assessment other than that of the person or persons involved in making the original decision may be obtained at the expense of the department of social and health services, and instructions on how to obtain such assessment.

(c) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing.

(d) The recipient may be represented at the hearing by legal counsel or other representative.

(e) That upon request, the CSO shall furnish the recipient the name and address of the nearest legal services office.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-020 DENTAL SERVICES. (1) ~~The department shall provide dental ((care subject to limitations and conditions set forth below and further defined in current departmental memoranda and dental schedule of maximum allowances. For out-of-state dental care, see WAC 388-86-115(5)))~~ services to recipients of EPSDT.

~~((Dental coverage for recipients of medical assistance and continuing general assistance, who are not eligible for EPSDT, is limited to the following services))~~ Services will include:

~~((Restorative care will include:))~~ Initial and periodic oral examinations.

Treatment necessary for the relief of pain and infection, restoration of teeth, and maintenance of dental health.

Orthodontic treatment is defined as the use of any appliance, intra oral or extra oral, removable or fixed, or any surgical procedure designed to move teeth. The following limitations apply:

~~((fractured, new or lost fillings))~~ Prior approval must be obtained from the office of medical policy and procedure,

~~((repair or replacement of broken dentures;))~~ Treatment is limited to medically necessary services as defined in chapter 388-80 WAC.

~~((iii) relines of dentures.~~

~~(b) Prophylaxis and topical application of fluoride are provided.~~

~~(c) Oral surgery with prior approval to correct extreme conditions.~~

~~(d) Treatment for pain and infection, including gingivitis and extractions.~~

~~(e) Dentures, full or partial with prior approval.~~

~~(f) Initial and periodic oral examinations are provided.~~

~~(3) EPSDT dental services include treatment necessary for the relief of pain and infection, restoration of teeth, and maintenance of dental health. See subsection (7) of this section.~~

~~(4) Dental services for recipients of Medical Only (M.O.) who have satisfied the deductible are subject to the following limitations:~~

~~(a) Dental treatment is limited to the relief of pain, which may or may not involve extraction, and surgical repair of the maxilla and/or mandible.~~

~~(b) No care is provided outside the state of Washington except in border situations as specified in WAC 388-82-030(4).~~

~~(5) Dentures provided by the department but subsequently lost will not be replaced except where medical necessity is clearly demonstrated and prior approval given by the chief of the office of medical assistance or his designee.~~

~~(6) Hospitalization for dental conditions, other than acute and emergent, requires prior approval of the chief of the office of medical policy and procedure or his designee. Hospitalization for acute and emergent dental conditions requires approval.~~

~~(7) Orthodontic treatment is defined as the use of any appliance, intraoral or extraoral, removable or fixed, or any surgical procedure designed to move teeth. The service is not provided except for EPSDT recipients. The following limitations apply to EPSDT-related orthodontic treatment:~~

~~(a) Prior approval must be obtained from the office of medical policy and procedure.~~

~~(b) Treatment is limited to medically necessary services. See WAC 388-86-005.~~

~~(8) Recipients residing in nursing homes are eligible for dental care subject to the same regulations as those in the general recipient population with the following additional qualifications:~~

~~(a) The patient's attending physician will initiate a referral for dental care when a significant dental problem is identified by that physician, the patient, family, nursing home staff or nursing care consultant.~~

~~(b) The patient shall have freedom of choice of dentists, including referral to a dentist who has provided services to the patient in the past. The staff dentist may be called when the patient has no choice of dentists and concurs with the request.~~

~~(c) The department may approve bedside dental care when sufficient justification exists to show transporting the patient is inappropriate.~~

~~(d) Treatment of a nonemergent nature in a nursing home, congregate care facility or group home requires prior approval for each patient. Payment for multiple screening examinations of patients in these settings will not be made.)~~

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-027 EARLY AND PERIODIC SCREENING, DIAGNOSIS AND TREATMENT OF ELIGIBLE INDIVIDUALS UNDER TWENTY-ONE YEARS OF AGE. (1) ~~((The))~~ To the extent provided under these rules, the department will make available to

categorically needy individuals under twenty-one years of age ~~((who are recipients of medical assistance (MA))),~~ early and periodic screening and diagnosis to ascertain their physical and/or mental defects~~((;))~~ and ~~((preventive health care and))~~ will authorize treatment to correct or ameliorate the defects and chronic conditions discovered thereby~~((, to the extent provided under these rules))~~. There will be freedom of choice in obtaining screening services from among participating providers. The following services are included in the program:

(a) Screening by providers of screening services ~~((that))~~ who have been authorized by the division of medical assistance to provide ~~((at least the following items in))~~ an unclothed physical examination including at least:

(i) medical history

(ii) assessment of physical growth and nutritional status

(iii) developmental assessment (physical and mental)

(iv) inspection for obvious defects

(v) inspection of ears, nose, mouth, teeth and throat

(vi) visual screening; auditory testing

(vii) screening for cardiac abnormalities

(viii) screening for anemia

(ix) urine screening

(x) blood pressure (children twelve years of age or older)

(xi) assessment of immunization status and updating immunization

(xii) referral to a dentist for examination, diagnosis and treatment for children three years of age and over.

(b) When indicated by screening findings, providers of screening services will provide, or refer eligible children for more definitive diagnostic study and/or treatment.

(c) Treatment shall be limited to the same duration and scope of care available to other recipients of medical assistance, except regardless of any such limitations, treatment for visual and hearing defects including eye-glasses and hearing aids, and at least such dental care as is necessary for relief of pain and infection and for restoration of teeth and maintenance of dental health shall be provided, subject to such utilization controls as may be imposed by the department.

~~((c))~~ (d) See WAC 388-86-005~~((7))~~ and 388-86-020~~((3) and (7))~~ for limitations of the dental program~~((;))~~, ~~((See))~~ WAC 388-86-030 for eyeglasses and examinations and 388-86-040~~((4))~~ for management of hearing defects.

(2) The EPSDT requirement applies to all individuals under twenty-one years of age who are determined to be ~~((eligible for medical assistance (MA)))~~ categorically needy.

AMENDATORY SECTION (Amending Order 1203, filed 4/1/77)

WAC 388-86-035 FAMILY PLANNING. The department shall make known to clients the availability of family planning services. The department shall provide to eligible categorically needy recipients ~~((of medical assistance (MA)))~~ necessary physicians' services, clinic or hospital services, supplies and drugs needed in conjunction with family planning. See WAC 388-15-

240(~~((3))~~) for Title XX services for nonrecipients including minors.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-040 HEARING AIDS. (1) The department shall provide to categorically needy recipients (~~((who are eligible for federal assistance grants or FAMCO))~~):

(a) One new hearing aid under the following conditions:

(i) On prescription of an otolaryngologist, or the attending physician where no otolaryngologist is available in the community, within six months prior to receiving hearing aid dispenser services, and

(ii) With a minimum of 50 decibel loss in the better ear based on auditory screening at 500, 1000, 2000 and 4000 Hertz (Hz) with effective masking as indicated, and

(iii) When covered by a one year warranty, and/or

(b) One-time repair of a state purchased or privately owned hearing aid when covered by a ninety day warranty.

(2) Prior approval is required for the purchase or trial period rental of hearing aids and for one-time repair of a state purchased or privately owned hearing aid.

(3) After expiration of warranties, the owner is responsible for repairs and for purchase of batteries, any attachments and replacements.

(4) Individuals under age twenty-one must be referred to the Crippled Children's Service Conservation of Hearing Program.

(5) Individuals twenty-one years of age and over may sign a waiver statement declining the medical evaluation for religious or personal beliefs that preclude consultation with a physician.

(6) (~~((Hearings))~~) Hearing aids are not provided to recipients of continuing general assistance grants (~~((or medical only (M.O.))~~)).

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted medicare benefits. With exceptions and limitations listed below, the recipient will have free choice of hospitalization.

(2) Hospitalization for services covered by the program requires approval by:

(a) The local medical consultant for:

(i) Prior approval of nonemergent surgery;

(ii) Admission and length of stay for recipients on the GAU (~~((and M.O.))~~) program(~~((s))~~);

(iii) Retroactive certification and out-of-state care, including hospitalization in (~~((border))~~) bordering cities, for categorically needy recipients (~~((on federal aid programs))~~);

(b) The Washington state professional standards review organization (WSPSRO) by certification, when previous agreement with the department and the PSRO

exists, and when review is timely and concurrent with hospitalization, for:

(i) Medical illness and emergent surgery for recipients on federal programs;

(ii) Admission and length of stay for categorically needy recipients (~~((on federal programs))~~).

(3) Department authorization for inpatient hospital care for eligible individuals shall be limited to the lesser of the minimum number of days consistent with practice normally followed in the community or the maximum number of days established at the 75th percentile in the edition adopted by the department of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region", unless prior contractual arrangements are made by the department for a specified length of stay (as defined in WAC 388-80-005 and 388-87-013(~~((2))~~)). Hospital stays shall be subject to the same utilization review as established for private patients in the community. A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. When hospitalization of a recipient of (~~((GA-U or MO))~~) GAU exceeds the maximum number of days specified in PAS, an extension request shall be presented with adequate justification by the attending physician to the chief, office of medical policy and procedure or his designee within sixty days of final service. The Washington state professional standards review organization (WSPSRO) will certify days of stay and/or services (i.e., approve as necessary, appropriate, and of acceptable quality) for categorically needy recipients (~~((of federally-related programs))~~).

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for AFDC recipients or SSI beneficiaries under age twenty-one and for all categorically needy recipients age sixty-five and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs. See WAC 388-82-025.

(4) The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established. See WAC 388-82-025.

(5) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance

for a recipient who is a medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

(6) Except for an emergency no hospital admission shall be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

(7) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-86-067 MENTAL HEALTH CENTER SERVICES. (1) The department shall provide mental health or day health care services to a cash ~~((beneficiary))~~ assistance recipient under ~~((Title XVI,))~~ SSI, state supplement or AFDC and an eligible recipient of a state funded continuing ((state or federal aid grant or federal aid medical care only)) general assistance grant. The services provided through these agencies are not subject to the limitation on the number of visits under the provisions of WAC 388-86-095~~((5))~~.

(2) Community mental health services provided shall be as specified in a contract between the department and the participating center.

(3) For the purposes of this section, community mental health center shall mean an agency or program which meets the following criteria:

(a) Is included as a part of the approved county mental health plan, or is approved by the department to hold a subcontract from the area agency on aging to provide day health care.

(b) Receives state grant-in-aid funds as authorized by the Community Mental Health Services Act, chapter 71.24 RCW, and as described in WAC 275-25-030, or receives money through a contractual agreement with the area agency on aging for the provision of day health care.

(c) Provides treatment by, or under the direction of, a licensed doctor of medicine who has sufficient knowledge of the caseload and clinical program to be assured that the quality of the service is satisfactory.

(4) An agency or program must be either:

(a) An outpatient clinic, with its own governing body, administration and staff, or

(b) A county-administered outpatient clinic, or

(c) A separate identifiable outpatient clinic of a general hospital or psychiatric inpatient facility, or

(d) An outpatient clinic with a residential component within its administrative structure, or

(e) A separate identifiable outpatient clinical program of an agency which has other service functions.

(5) Agencies which have functions in addition to outpatient care (see items (4)(c), (d) and (e)) shall adhere to the following criteria:

(a) Specific staff are delineated to provide outpatient clinical services exclusively,

(b) Outpatient clinical records are separated from other service records of the agency,

(c) The center's accounting and bookkeeping procedures are such that:

(i) If the center has an existing contract, a review or audit finds that these procedures assure adequate fiscal accountability. Audits will be conducted by either the department or the office of the state auditor.

(ii) If an agency is applying for a contract, the application will be accompanied by a statement from a licensed or certified public accountant reflecting the accountant's unqualified opinion of the adequacy, accuracy and accountability of the agency's records.

(6) The final decision regarding a mental health center's participation in this program shall be made by the department.

(7) Mental health service records—content:

An adequate clinical record shall be maintained for each eligible client receiving outpatient mental health services in a mental health center. The clinical records at a minimum shall contain the following:

(a) History

(b) Diagnostic/evaluative statements

(c) Treatment plan

(d) Treatment notes

(e) Periodic treatment review

(f) Documentation of case conferences

(g) Clinical summaries on termination of service

(8) Subcontracts:

An agency which has a contract under this section shall not enter into subcontracts for any work agreed upon under the contract without obtaining prior written approval of the department from the office of medical assistance.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-075 OUTPATIENT AND EMERGENCY CARE. ~~((+))~~ No authorization is required for categorically needy recipients ~~((of federal assistance grants or federal aid medical care only))~~ to receive outpatient service, acute and emergent outpatient surgical care and other emergency care performed on an outpatient basis in a hospital. Justification for the service must be presented for payment.

~~((2) Local medical consultant approval is required for all services provided to recipients of medical only and continuing general assistance.))~~

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-085 PATIENT TRANSPORTATION. (1) The department will assure the availability of necessary transportation for recipients to and from medical care providers.

(2) Ambulance or cabulance transportation shall be provided when medical necessity is clearly demonstrated or the physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(3) Transportation by taxi will be provided only when approved by the local medical consultant.

(4) Transportation by private automobile other than owned by recipient is payable at rates established by the department.

(5) ~~((The recipient of medical only must have satisfied the deductible of one thousand dollars before transportation is provided for medical reasons))~~ Air transportation may be provided when medical necessity requires this mode of transportation.

(a) Intrastate services must have prior approval of the medical consultant.

(b) Interstate services must have approval of the medical director, office of medical policy and procedure.

(c) Prior approval is required for nonemergent air transportation when:

(i) Need for medical treatment is justified.

(ii) A closer location is not available.

(d) Method of reimbursement for air transportation and ancillary services will be published as necessary by the division of medical assistance.

(6) Providers of ambulance, cabulance and private automobile transportation must show medical necessity justification on the billing document.

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-86-115 MEDICAL CARE PROVIDED OUT-OF-STATE. (1) The department shall authorize and provide comparable medical care services to a recipient of medical assistance (MA) who is temporarily outside the state to the same extent that such medical care services are furnished to an eligible recipient in the state, subject to the exceptions and limitations in this section.

(2) Border situations mentioned in WAC 388-82-030(4) are not considered "out-of-state" and are excluded from these provisions. However, a recipient who visits another state, other than specified border locations, specifically for the purpose of obtaining medical care is not eligible for such care at the expense of the state of Washington.

(3) A recipient who moves to another state for the purpose of establishing residence in that state is not eligible for medical care after eligibility has been terminated by the department.

(a) When determining the effective date of change in the eligibility of a categorically needy recipient ~~((of a federal aid grant))~~, see WAC 388-33-365 for appropriate guidelines. Medical care coverage terminates the same date as termination of the grant.

(b) ((The date of termination of eligibility for medical care for a recipient of FAMCO is the date the change is reported on the appropriate certification form to the state office or the end of the month during the month in which notification is made, whichever is earlier)) State funded medical care is not provided out-of-state. Medical services in designated bordering cities may be authorized.

(4) The medical consultant shall review all cases involving out-of-state medical care to determine whether

the services are within the scope of the medical assistance program.

~~((5) Dental care out-of-state is limited to treatment of acute and emergent conditions only. However, a dentist in another state licensed to practice in Washington, may render services to persons residing in Washington to the same extent as if practicing in Washington. (See WAC 388-86-020).~~

~~(6) For limitations on eligibility for nursing home care out-of-state, see WAC 388-82-030(2).))~~

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-86-120 STATE FINANCED MEDICAL CARE ((SERVICES)). ~~((+))~~ A recipient of a continuing general assistance grant who cannot be related to a federal aid category ~~((and a recipient of medical only shall be eligible for treatment of acute and emergent conditions only which requires medical consultant approval. Coverage for the recipient of continuing general assistance shall be termed "major medical."~~

~~(a) An "acute condition" is defined as having a short and relatively severe course, not chronic, and an "emergent condition" is defined as occurring unexpectedly and demanding immediate action, either of which includes:~~

~~(i) Rabies prevention inoculation. Initial treatment may be started on an emergency basis, however, the approval of the medical consultant must be requested within fourteen days, including date treatment was initiated. Rabies serum shall be requested from the epidemiology section of the department's division of health services, Olympia.~~

~~(ii) Hospitalization for acute and/or emergent psychiatric or mental conditions. Voluntary admissions in an acute or emergent phase of psychiatric or mental illness and involuntary commitments by the court are covered by the program for eligible recipients. (See WAC 388-86-050(3)(a) and (b) for limitations of stay).~~

~~(b) Major medical coverage includes service in response to an acute and emergent need applicable to the recipient of a continuing general assistance grant and includes those conditions of less urgency where medical experience indicates a failure to treat will usually result in the rapid development of an emergent condition. Certain nonacute and nonemergent conditions that are covered and may be approved by the medical consultant are:~~

~~(i) Specific maintenance drugs:~~

~~(A) Certain necessary drugs for conditions such as cardiovascular disease, diabetes, mental illness, epilepsy, nephritis, and carcinoma may be prescribed subject to approval by the local medical consultant. Examples of such drugs are cardiac control agents, insulin and oral antidiabetic tablets, anticonvulsant agents, psychotropic drugs, urinary antiinfective agents.~~

~~(B) Drugs for former patients of state mental institutions. Tranquilizers, antidepressants, antiepileptics, and agents used for treatment of drug-induced Parkinsonism may be provided to former patients of state hospitals and~~

schools for the mentally retarded. The attending physician prescribes the necessary drugs on Form 6-02 mental hospitals for the mentally retarded and mails the prescription directly to the institution.

(ii) Nonemergent care, subject to approval of the medical consultant, if such care:

(A) Will avoid the need for hospitalization, or

(B) Is medically indicated in unusual circumstances by the attending physician and concurred with by the medical consultant.

(2) Limitations on medical services for eligible recipients of a continuing general assistance grant:

(a) Hearing aids are not provided.

(b) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).

(c) All treatment and drugs must be approved by the medical consultant. See WAC 388-87-025(1).

(d) Dental coverage as is described in WAC 388-86-020.

(e) Mental health services are provided only in local community mental health centers.

(3) One physician office call a month will be provided.

(4) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis will be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.

(5) Eligibility factors applicable to the recipient of medical only are:

(a) The applicant must have acquired one thousand dollars in unpaid medical expenses over a twelve-month period:

(b) The one thousand dollars in unpaid medical expenses is the deductible. This amount plus any participation is the responsibility of the recipient of medical only.

(c) Recipients undergoing detoxification for an acute alcohol condition are not required to incur the one thousand dollars deductible as an eligibility factor for the covered period of detoxification. When any other medical need is identified, the requirements for acute and emergent need and one thousand dollars deductible shall apply.

(d) Citizenship is not a requirement of eligibility.

(6) Additional factors applicable to the recipient of medical only are:

(a) Maternity care is covered for persons not categorically relatable or eligible under the "H" program. This will usually apply only to nonresidents who have no medical coverage through the state of residence and for out-of-state child welfare service cases. Care may include prenatal, delivery, post partum, and such ancillary medical services as may be requested by the attending physician and approved by the medical consultant.

(b) Hospitalization is covered for acute and/or emergent psychiatric or mental conditions. Voluntary admissions in an acute or emergent phase of psychiatric or mental illness and involuntary commitments by the court are covered by the program for eligible recipients. (See

WAC 388-86-050(3) (a) and (b) for limitations on stay.)

(c) Hearing aids and eyeglasses are not provided.

(d) Care outside the state of Washington is not provided except in bordering states as specified in WAC 388-82-030(4).

(e) All treatment and drugs must be approved by the medical consultant. (See WAC 388-87-025(1).)

(f) Dental service is limited to the relief of pain.

(g) Mental health clinic services are not provided.

(h) Certification covers the acute and emergent condition (including specified exceptions) only) is eligible to receive the same scope of care (WAC 388-86-005) as a recipient of medicaid, except that no care will be provided outside the state of Washington other than in bordering states as specified in WAC 388-82-030(4), and shall be subject to the following medical program limitations. Continuing general assistance medical coupons bear the imprint "GAU".

(1) Elective hospital admissions and elective surgery requests require prior medical consultant approval.

(2) Criteria used to determine that the proposed surgery is elective are:

(a) Medical necessity must be established. Definition in chapter 388-80 WAC applies.

(b) Procedure cannot reasonably be delayed.

(3) Prescribed drugs are limited to specific therapeutic classifications. Lists are published through the Drug Formulary and/or official memoranda.

(4) Mental health services will be provided only in community mental health centers.

(5) Hearing aids are not provided.

(6) Covered medical care services may be provided for no more than seven days prior to the date of application.

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

REPEALER

The following section of the Washington Administrative Code is repealed.

(1) WAC 388-86-023 CHIROPRACTIC SERVICES.

WSR 81-10-016

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1648—Filed April 27, 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 ch. 388-87 WAC Medical care—Payment.
Amd ch. 388-91 WAC Medical care—Drugs.
Rep WAC 388-86-096 Podiatry.

This action is taken pursuant to Notice No. WSR 81-06-070 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 22, 1981.

By David A. Hogan
Director, Client and
Community Relations Division

REPEALER

The following section of the Washington Administrative Code is repealed.

(1) WAC 388-86-096 PODIATRY.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-005 PAYMENT—ELIGIBLE PROVIDERS DEFINED (~~—(=) GROUNDS FOR TERMINATING PARTICIPATION~~). (1) Eligible providers are:

(a) Persons currently licensed by the state of Washington to practice medicine, (~~(chiropractic;)~~) osteopathy, dentistry(~~(;)~~) or optometry(~~(; or podiatry)~~),

(b) Persons currently licensed by the state of Washington as professional or practical nurses, or as physical therapists,

(c) A hospital currently licensed by the department,

(d) A nursing home currently licensed and classified by the department as a skilled nursing or intermediate care facility,

(e) A licensed pharmacy,

(f) A home health services agency certified by the department,

(g) An independent (outside) laboratory qualified to participate under Title XVIII or determined currently to meet the requirements for such participation,

(h) A company or individual (not excluded in subsection (3)) supplying items such as ambulance service, oxygen, eyeglasses, other appliances, or approved services,

(i) A provider of screening services that has signed an agreement with the department to provide such services to eligible individuals in the EPSDT program,

(j) A certified center for the detoxification of acute alcoholic conditions,

(k) An outpatient clinical community mental health center, drug treatment center or Indian health service clinic,

(l) A medicare certified rural health clinic,

(m) Approved prepaid health maintenance, prepaid health plans and/or health insuring organizations,

(n) An out-of-state provider of services (a) through (g) with comparable qualifications in state of residence or location of practice.

(2) Under the mandatory and discretionary provision of RCW 74.09.530, the services of the following practitioners will not be furnished to applicants or recipients:

Chiropractors

Podiatrists

Sanipractors

Naturopaths

Homopathists

Herbalists

Masseurs or manipulators

Christian Science practitioners or theological healers

Any other licensed or unlicensed practitioners not otherwise specifically provided for in these rules.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-010 CONDITIONS OF PAYMENT—GENERAL. (1) The department shall be responsible for payment of service rendered to a recipient only when the services are within the scope of care, properly authorized and the recipient certified as eligible.

(2) The fees and rates established by the department shall constitute the full charge for approved medical care and services provided to recipients by the providers.

(3) When a provider of service furnishes services to a known eligible recipient and does not bill the department for services for which the department is responsible for payment, or fails to satisfy department conditions of payment such as prior approval and timely billing, the recipient is under no obligation to pay the provider.

(4) Payment for any service furnished to a recipient by a provider may not be made to or through a factor who advances money to that provider for accounts receivable.

(5) The department will not be responsible for payment for medical care and goods and/or services provided to a recipient enrolled in a department-contracted, prepaid medical plan who fails to use the provider under contract unless emergency conditions exist or the department has approved payment to another provider for provision of a service not covered by the prepaid plan.

(6) The department will not be responsible for payment of that portion of medical care or services reimbursable within a reasonable time by a third party resource available to the recipient such as health insurance coverage, casualty insurance or when medical needs result from accident or injury caused by another party. See (~~(WAC 388-83-010(1))~~) chapter 388-83 WAC.

(7) Payment for care on the federally aided medical programs will be retroactive for three months prior to the month of application provided the applicant would have been eligible when the care was received. The applicant to a federally aided program need not be eligible for medical assistance at the time of actual application. (~~(See WAC 388-84-005(2)(b)).~~) Payment for care on

~~the fully state funded medical program may be retroactive for seven days prior to the date of application according to WAC 388-86-120(2)(h). Participation in the cost of medical care must be applied as outlined in WAC 388-83-045(6), and the service must be within the scope of care provided by the program.~~) Medical services that require approval under the appropriate medical program must be approved by the ~~((ESSO))~~ CSO medical consultant for the retroactive period. ~~((See WAC 388-86-095(6)(a)):~~)

(8) A claim by a provider for payment for services rendered to a person who subsequently is determined to be ineligible at the time service was rendered may be paid under the following conditions only:

(a) The ineligible person must have been certified as both financially and medically eligible,
 (b) Payment has not been made from sources outside the department.

(c) A request for such payment must be submitted and approved by the division of medical assistance.

(9) The department reimbursement level will not exceed the maximum rates established by Medicare. Payment for medically necessary services shall be made on the basis of usual and customary charges or the rates established by the department, whichever is lower.

(10) Payment for well baby care is not authorized except as provided under the EPSDT program. See WAC 388-86-027.

AMENDATORY SECTION (Amending Order 1112, filed 4/15/76)

WAC 388-87-011 CONDITIONS OF PAYMENT—MEDICARE DEDUCTIBLE AND COINSURANCE—WHEN PAID BY DEPARTMENT. The department shall be responsible for the deductible and coinsurance amounts for recipients participating in the benefits of Parts A and B of Medicare (Title XVIII of the Social Security Act) when the following conditions are met:

(1) Total combined reimbursement to the provider from Medicare and the department does not exceed the department's fee schedule, see WAC 388-87-010~~((2))~~.

(2) Services provided are within the scope of the medical program~~((:))~~.

(3) ~~((Recipients of federal aid medical care only (FAMCO) participate in the cost of care from available excess resources, see WAC 388-83-045(7), and~~

~~((4))~~) The provider accepts assignment for Medicare payment.

AMENDATORY SECTION (Amending Order 1359, filed 12/8/78)

WAC 388-87-012 CONDITIONS OF PAYMENT—CONSULTANT'S AND SPECIALIST'S SERVICES AND FEES. (1) When services of a consultant or specialist are required, whether the patient has been referred by a physician or is being treated by the specialist as the attending physician, the approval of the medical consultant is not necessary. This rule applies to consultation or treatment in the home, office, or medical institution. ~~((See WAC 388-86-095(4)):~~)

(2) A copy of the consultation report must accompany the claim for consultant fees. If the report is not submitted with the billing, the fee for an initial office or hospital call will be paid dependent upon where consultation was given.

(3) When a specialist treats a patient for minor conditions or for chronic conditions of long duration, the standard fee for initial and subsequent office calls is allowed.

(4) Consultant's fees shall not be paid when the consulting physician specialist or other provider subsequently performs surgery or renders treatment for which flat fees are applicable, see WAC 388-86-095~~((4))~~.

(5) If more than one specialist is called in to examine a patient during a spell of illness, billings are subject to review and approval by the chief of the office of medical assistance. (See WAC 388-87-025~~((4))~~).

(6) Payment will be made for a psychological evaluation only when a physician has obtained the necessary approval to refer an eligible patient, whom he is treating, for such evaluation. Treatment by a psychologist is not provided. (See WAC 388-87-025(2)(n)).

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-013 CONDITIONS OF PAYMENT—HOSPITAL CARE. (1) A hospital must request approval of admission for nonemergent conditions from the local medical consultant before payment is made for services provided to recipients of the state funded program~~((s))~~.

(2) The department will not be responsible for payment for additional days of hospitalization in the case of a hospitalized recipient when the PAS limitations have been exceeded and the provider has not requested an extension within termination of service or an extension request has been denied unless prior contractual arrangements are made by the department for a specified length of stay. Payment for the additional days spent in the hospital would then depend upon any private agreement or contract between the provider and the patient.

(3) A beneficiary of Title XVIII medicare who is not in a state institution shall use his nonrenewable lifetime hospitalization reserve of sixty days before payment for hospitalization will be made from Title XIX funds.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-87-025 SERVICES REQUIRING APPROVAL OF MEDICAL CONSULTANT. (1) ~~((All services rendered recipients of continuing general assistance and medical only require approval of the local medical consultant. When a medical emergency is alleged but not apparent, the otherwise eligible applicant for medical only may be referred to a participating physician for diagnosis and medical treatment if indicated. Such applicant may not be authorized this one office call unless one thousand dollars in unpaid medical bills have been accrued prior to application. Subsequent to such~~

~~denial a medical only applicant has twelve months to incur one thousand dollars in medical costs. For this one office call only, the signature on the authorization form may be by a CSO designee whose signature is on file in the office of provider services.))~~

~~((f2)) Services to recipients of medical assistance and continuing general assistance ((requiring)) require certain approvals ((are)).~~

~~((a)) (2) All surgical procedures require approval by the local medical consultant - see WAC 388-86-095((f6)) and 388-86-110. ((The requesting physician shall submit form 525-100 to the CSO.)) Only the surgeon need obtain written approval for surgery. The services of the surgical assistant and the anesthesiologist or anesthetist do not require approval. Their billings for payment, however, must show the patient's diagnosis and a cross reference to the surgeon. ((For approval of non-emergent surgery see WAC 388-87-027.))~~

~~((b)) (3) Requests for medical appliances and prosthetic devices must have prior approval ((with the following exceptions:)) according to WAC 388-86-100.~~

~~((i) External braces involving neck, trunk and/or extremities.~~

~~((ii) Other nonreusable items costing less than \$150 if provision of the item will expedite a recipient's release from a hospital.~~

~~((c) All requests for reusable medical equipment and requests for surgical appliances provided, other than as described in subdivision (b), must be submitted on form 525-101 for the medical consultant's approval. If approval is received and the material to be supplied is to be billed by another provider of service it is necessary for the physician to transmit the approved form 525-101 to the provider for billing purposes - see WAC 388-86-100.))~~

~~((d)) (4) Requests for allergy testing shall be submitted on appropriate state form for prior approval by the local medical consultant. The extent of service to be provided shall be indicated. In the event an independent laboratory bills for the allergy testings, the requesting physician shall send the approved state form to the laboratory as the billing authority.~~

~~((e)) (5) Drugs not listed in the department's formulary or any single prescription exceeding the maximum limit established - see WAC 388-91-020.~~

~~((f)) (6) Admission to a hospital - see WAC 388-87-070 and 388-86-050((f2)).~~

~~((g)) (7) Initial provision of oxygen service for a recipient under sixty-five years of age in his own home. Repeat deliveries of oxygen for the same illness do not require medical consultant approval - see 388-86-080((f1)) and 388-87-080.~~

~~((h)) (8) Approval of physical therapy on an outpatient basis or in a nursing home when prescribed by the attending physician - see WAC 388-86-090.~~

~~((i)) (9) For certain bordering ((situations)) cities and out-of-state medical care - see WAC 388-82-030((f4) and (5);)) and 388-86-115.~~

~~((j) All major appliances - see WAC 388-86-100.))~~

~~((k)) (10) For consultant or specialist referral when such referrals exceed two such consultants or specialists - see WAC 388-86-095((f4)).~~

~~((l)) (11) Respiratory therapy in excess of five treatments requires approval.~~

~~((m)) (12) Speech therapy requires an initial evaluation; both the evaluation and subsequent therapy require prior approval - see WAC 388-86-098.~~

~~((n)) (13) Psychological evaluation provided in connection with medical diagnosis and treatment (see WAC 388-87-012((f6))).~~

~~((o) Requests for audiometric evaluation require prior approval. See WAC 388-86-012.))~~

~~((p)) (14) Requests for taxi transportation.~~

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-027 SERVICES REQUIRING PRIOR APPROVAL BY STATE OFFICE. (1) The following services requiring approval of the local medical consultant shall also receive prior approval of the chief of the office of medical policy and procedure:

(a) Nonemergent surgical procedures - see WAC 388-86-095((f5));

(b) Prosthetic devices and major appliances - see WAC 388-86-100;

(i) Purchase of reusable medical appliances and aids to mobility costing more than five hundred dollars,

(ii) Purchase of nonreusable surgical appliances or prosthetic devices costing more than five hundred dollars except those described in WAC 388-87-025((f2)(b)).

(2) With the exception of prosthetic devices and major appliances, subsection (1) does not apply to CSOs or regions which have full time medical consultants who are authorized to give approval.

(3) The medical director or designee may approve the purchase of a hearing aid for less than 50 decibel loss if social information justifies the need.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-030 RESPONSIBILITY OF PHYSICIAN-PATIENT ADMITTED TO HOSPITAL.

~~((f1)) Admission to a hospital shall be requested by the attending physician. The signature of the attending physician on the department's hospital invoice is not required; however, the hospital must enter the diagnosis, justification for admission and the physician's name and provider number in the appropriate section of the invoice.~~

~~((2) The completed hospital invoice shall be forwarded to the CSO for review and appropriate action by the medical consultant.))~~

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-87-070 PAYMENT-HOSPITAL CARE.

~~((f1)) The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020. Except for nonallowable revenue codes, reimbursable cost will be determined according to Medicare cost reimbursement methods. Recipients of Medicaid~~

funded hospital services must have been approved as financially and medically eligible for hospitalization. They are:

~~((a))~~ (1) Recipients of federal aid grants, including essential persons,

~~((b))~~ (2) Children in foster care for whom the department is making payment, who are eligible for medical assistance,

~~((c))~~ (3) Recipients of continuing general assistance~~((:))~~.

~~((d) Recipients of federal aid medical care only;~~
~~(e) Recipients of medical only who cannot be categorically related and who have satisfied the one thousand dollars deductible as specified by WAC 388-83-045(2)(c).~~

~~(2) Payment shall be based on the satisfaction of the criteria for the minimum deductible of one thousand dollars for recipients of medical only.))~~

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-87-077 PAYMENT—MENTAL HEALTH CENTER SERVICES. ~~((+))~~ Payment for approved mental health center services to eligible recipients as defined in WAC 388-86-067 shall be on the basis of a contract between the department and participating mental health center. Medical consultant approval for these services is not required.

~~((2) No payment shall be allowed for a recipient of medical only. See also WAC 388-86-120.))~~

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-87-105 PAYMENT—MEDICAL CARE OUTSIDE STATE OF WASHINGTON. (1) Medical care furnished in designated ~~((border))~~ bordering ~~((states))~~ cities mentioned in WAC 388-82-030~~((+))~~ is not considered to be out-of-state care. Payment is made to the provider of service as for care provided within the state of Washington. Provider licensure requirements, however, would be those of the state in which care is rendered.

(2) Payment is authorized for out-of-state medical care furnished only to categorically needy recipients ~~((of medical assistance (MA)))~~.

(3) The three month retroactive coverage applies to out-of-state care given to eligible applicants. ~~((See WAC 388-84-005(2)(b)))~~

(4) When out-of-state service is provided (excluding state office approved care in a skilled nursing home) in a state with a Title XIX medical care program, payment shall be authorized at the rate paid by the medical care program of the state in which the service is rendered. If provided in a state without a Title XIX program, payment shall be authorized at the rate charged, but not to exceed the rate paid for the service under Title XVIII medicare.

(5) Out-of-state providers shall be furnished with necessary billing forms and instructions~~((; except dentists whose billings shall be submitted to the Washington Dental Service))~~.

(6) If the deductible or coinsurance portions of medicare are claimed, it will be necessary for the provider to submit his billing to the intermediary or carrier in his own state on the appropriate medicare billing form. If the state of Washington is checked as being responsible for medical billing on the form, the intermediary or carrier may bill on behalf of the provider or may return the billing to the provider for submitting to the state.

(7) Approved care in out-of-state skilled nursing home will be paid either at the rates for care charged in that state for recipients of public assistance, or in an amount not to exceed the rate for skilled nursing home care in the state of Washington, whichever is the lesser amount. Exceptions to the rule in this subsection may be granted only by the director of the bureau of nursing home affairs.

REPEALER

The following section of the Washington Administrative Code is repealed.

(1) WAC 388-87-047 PAYMENT—CHIROPRACTIC SERVICES.

AMENDATORY SECTION (Amending Order 1554, filed 10/9/80)

WAC 388-91-010 DRUGS—PERSONS ELIGIBLE. (1) A drug formulary will list all drug preparations which are provided without prior approval of medical consultant. It will include a description of program limitations, rules and program policy and penalties. The decision to place drugs in the division of medical assistance program drug formulary is based on these criteria:

(a) The drug must be established as a part of necessary and essential care for the condition for which it is to be used.

(b) The drug must be in general use by the physicians practicing in Washington.

(c) The drug must be of moderate cost. Generic forms will be used when listed under DSHS or federal maximum allowable cost (MAC) programs. When two preparations of equal effectiveness but disparate costs are presented, the less expensive one will be selected for the formulary.

(d) Drugs must not be classified "ineffective" or "possibly effective" by the food and drug administration.

(e) The drug must not be experimental.

(2) The following process is used to determine the acceptability of a drug preparation for possible listing in the formulary:

(a) Objective, scientific information and utilization data is reviewed for appropriateness according to the criteria in subsection (1) of this section, by the program medical staff, or,

(b) The secretary may appoint an advisory committee in accordance with RCW 43.20A.360 to review and advise the division of medical assistance on the acceptability of the drug preparation.

(c) The medical director or his designee may make appropriate changes in the formulary ~~((consistence))~~ consistent with subsection (1) of this section, and may

accept recommendations of the advisory committee providing that action is in compliance with regulations governing the program and with acceptable management policies.

(d) Acceptable drugs will be included in the next subsequent edition of the formulary.

(3) In accordance with the department's rules and regulations drugs are provided for:

(a) The necessary and essential medical care of recipients of federal assistance grant ~~((or federal aid medical care only (FAMCO)))).~~

~~(b) ((The treatment of acute and emergent conditions of recipients of medical only who cannot be categorically related. These persons are identified by the notation "MEDICAL SERVICES LIMITED" on their medical identification coupons. Recipients of continuing general assistance will have the notation "GAU-major medical-A/E" on their coupons. All drugs provided to such recipients require the approval of the local office medical consultant)) Recipients of state-funded medical care are furnished maintenance medications as listed by therapeutic classifications in the current division of medical assistance drug formulary. These persons are identified by the notation "GAU" on their medical identification coupons.~~

~~((c) Certain necessary drugs such as cardiac control agents, insulin and oral antidiabetic agents, anticonvulsant agents, urinary anti-infective agents, broncho-dilator agents and antineoplastics may be provided to recipients of continuing general assistance and medical only. All such drugs provided require approval of the local office medical consultant:))~~

AMENDATORY SECTION (Amending Order 1402, filed 5/16/79)

WAC 388-91-016 DRUGS—LIMITATIONS TO PAYMENT. (1) The department does not provide:

(a) Nonformulary drugs which can be purchased without a prescription such as: Nose drops, cotton, alcohol, vitamins, simple laxatives, advertised antacids such as but not limited to Tums, Roloids, etc.;

(b) Any drug regularly supplied as an integral part of program activity by other public agencies such as the U.S. veterans' administration, U.S. department of health ~~((; education and welfare))~~ and human services - division of Indian health, local health department, etc.;

(c) Drugs, biologicals, supplies, appliances, and equipment furnished by an extended care facility under Title XVIII of the Social Security Act;

(d) Drugs ordered for a hospitalized patient. These are to be furnished by the hospital;

(e) Drugs to individuals who have elected to be enrolled in a special group medical coverage contract which includes the provision of drugs as a part of the contract.

(f) Drugs listed in the federal register as "ineffective" or "possibly effective." Payment will not be made for such prescriptions under any circumstances.

(2) The department furnishes psychotherapeutic drugs and agents used for treating drug-induced Parkinsonism which are prescribed for eligible former patients of

Washington state institutions for the mentally ill and retarded. The attending physician shall mail the prescription, form 6-02, directly to the institution from which the patient has been discharged ~~((; form 13-32 to schools for the retarded or form 6-02 to mental hospitals))~~. The medication is then mailed by the facility pharmacy to the patient. Payment is not made to pharmacist providers in this situation. Coupon confirming eligibility should be attached.

(3) Prescribed nonformulary drugs will be allowed for unusual conditions only when approved by the local medical consultant.

(4) The physician who provides a drug (oral or by ~~((the department))~~ injection) incidental to an office call may include a fee established by the division on the basis of the acquisition cost of the drug in addition to his office call fee. In the event the cost of the drug given the patient exceeds this fee, the physician may include on his invoice for his professional services to the patient the actual cost of the drug indicating name of manufacturer and strength of dosage. ~~((Payment to the physician for the cost of drugs will be limited to:~~

(a) Penicillin and other antibiotics

(b) Estrogens and androgens

(c) Cortisone and derivatives

(d) Treatment of aplastic and pernicious anemia

(e) Antineoplastic preparations

~~(f) Preparations used in the treatment of hypochromic anemias after malabsorption has been clinically demonstrated:))~~

(5) Payment shall not be made for a prescription ordered for an individual recipient and used to replace drugs drawn from the doctor's stock for the treatment of such recipient. Payment shall not be allowed for experimental or controversial medications and those unrelated to the above.

AMENDATORY SECTION (Amending Order 1542, filed 9/9/80)

WAC 388-91-035 DRUGS—PHARMACIST'S AGREEMENT. (1) Vendor service agreement, form DSHS 6-48 must be filed with department of social and health services, Olympia, Washington 98504. Forms may be obtained from the department's office of provider services LG 11, Olympia, WA 98504.

(2) To participate in this program, a licensed pharmacy must agree to furnish goods and services in accordance with the department's rules, regulations and payment procedures. Fees and rates established by the department according to WAC 388-91-020(3) shall constitute the full and complete charge for approved medical care and goods and services provided to recipients by the vendor or providers.

(3) All pharmacists and pharmacies agreeing to render goods and services to eligible persons shall submit such charges as agreed upon between the department and the individual or firm monthly and shall present their final charges not more than one hundred twenty days after the termination of their service or as otherwise provided by state law. Bills presented after the required one hundred twenty-day period shall be a charge against the state only when a written extension has been

given by the ((health services)) division of medical assistance before the one hundred twenty-day period ends.

WSR 81-10-017
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-162, Cause No. TR-1456—Filed April 27, 1981]

In the matter of amending WAC 480-62-080 relating to accident reporting by railroads.

This action is taken pursuant to Notice No. WSR 81-07-060 filed with the Code Reviser on March 18, 1981. This amendment shall take effect pursuant to RCW 34.04.040(2).

This rule amendment proceeding is brought on pursuant to RCW 80.01.040 and 81.44.065 and is intended administratively to implement these statutes.

This rule 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 Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 81-07-060 the above matter was scheduled for amendment at 8:00 a.m., Wednesday, April 22, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton, and Commissioners Robert C. Bailey and 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 17, 1981. Under the terms of said notice, interested persons were also afforded the opportunity to submit data, views or arguments orally at 8:00 a.m., Wednesday, April 22, 1981 in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the April 22, 1981 meeting, the commission considered the rule change proposal. Written comments were received from Burlington Northern Railroad, Union Pacific Railroad, and Columbia & Cowlitz Railway Company. These comments were submitted to assist staff in reaching its current proposal. The current proposal responds to the concerns of these parties. Oral comments were received from Charley Hough, representing the United Transportation Union and Jim Charlton representing the Brotherhood for Locomotive Engineers in support of the rules as proposed.

The rule changes affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-62-080 should be amended to read as set forth in Appendix "A," attached hereto and made a part hereof by reference. The amendment herein

adopted requires reporting of accidents or incidents involving leaks or spills of hazardous materials in which railroad employees or the public could be endangered.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-62-080 relating to accident reporting by railroads, be, and the same is hereby adopted as set forth in Appendix "A" as a permanent rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04(2).

IT IS FURTHER ORDERED That the order and the annexed rule after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington this 27th day of April 1981.

Washington Utilities and Transportation Commission

Robert W. Bratton, Chairman

Robert C. Bailey, Commissioner

A. J. Benedetti, Commissioner

APPENDIX A

AMENDATORY SECTION (Amending Order R-122, Cause No. TV-1199, filed 2/7/79)

WAC 480-62-080 ACCIDENT REPORTS. (1) Each railroad must promptly report by telephone to a specific telephone number and/or person to be designated from time to time by the commission whenever the railroad learns of the occurrence of an accident and/or incident arising from the operation of the railroad which results in the:

(a) Leakage or spillage of hazardous material which could endanger railroad employees or the public at the scene of an accident;

(b) Death of a railroad employee, rail passenger or any other person;

~~((b))~~ (c) Death of or injury to any person involved in a railway-highway crossing accident;

~~((c))~~ (d) Damages of five hundred thousand dollars or more to railroad and/or nonrailroad property.

(2) Each report made by telephone shall be promptly followed by a telegraphic report to the commission.

(3) Each report must state the:

(a) Name of the railroad(s) involved;

(b) Name and position of the reporting individual;

(c) Time and date of the accident and/or incident;

(d) Circumstances of the accident and/or incident;

(e) Identity of casualties, if any; and

(f) Identity of fatalities, if any.

(4) Accidents involving joint operations must be reported by the railroad that controls the track and directs the movement of trains where the accident has occurred.

WSR 81-10-018
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-163, Cause No. TR-1457—Filed April 27, 1981]

In the matter of adopting WAC 480-62-100 relating to railroad bridge safety.

This action is taken pursuant to Notice No. WSR 81-07-061 filed with the Code Reviser on March 18, 1981. This rule adoption shall take effect pursuant to RCW 34.04.040(2).

This rule adoption proceeding is brought on pursuant to RCW 80.01.040 and 31.44.065[81.44.065] and is intended administratively to implement these statutes.

This rule 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 Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 81-07-061 the above matter was scheduled for adoption at 8:00 a.m., Wednesday, April 22, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington before Chairman Robert W. Bratton and Commissioners Robert C. Bailey and 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 17, 1981. Under the terms of said notice, interested persons were also afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, April 22, 1981, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the April 22, 1981 meeting, the commission considered the rule change proposal. Written comments were received from Burlington Northern Railroad, Union Pacific Railroad, and the Brotherhood of Maintenance of Way Employees. The comments by the railroads assisted staff in drafting its current proposed rule. The Brotherhood's comments also were of assistance, but requested that OSHA requirements be adopted. As staff indicated at the meeting, one additional area of bridge safety has been addressed since the initial notices; the requirement that a boat be provided, where useful and for bridges less than 25 feet above the water surface. This additional requirement was addressed by the Brotherhood as well as the railroads in their written comments. Oral comments were received from Bill Jones of the Brotherhood of Maintenance of Way Employees in support of the rules as proposed, including the provisions requiring a boat under some circumstances.

The rule changes affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-62-100 should be adopted to read as set forth in Appendix "A," attached hereto and made a part hereof by reference. WAC 480-62-100 as adopted, will require specific safety protections when significant bridge construction or repair work is being performed. The commission determines that the rule as

currently proposed, with the added provision regarding boats, are sufficient to protect the workers and at the same time are flexible enough to cover the variety of situations that exist in the field.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-62-100 relating to railroad bridge safety, be, and the same is hereby adopted as set forth in Appendix "A" as a permanent rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04(2).

IT IS FURTHER ORDERED That the order and the annexed rule after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington this 27th day of April, 1981.

Washington Utilities and Transportation Commission

Robert W. Bratton, Chairman

Robert C. Bailey, Commissioner

A. J. Benedetti, Commissioner

APPENDIX A

NEW SECTION

WAC 480-62-100 BRIDGE SAFETY RULES. Whenever any railroad is involved in bridge construction, bridge structure repairs, track structure repairs or replacement on bridges, the railroad shall comply with the provisions of this rule, except that track structure repairs which are of a minor nature and short duration and can be completed working between the rails such as spot welding, spiking, and joint bolt replacement, are not subject to the safety belt, lifeline, lanyard, safety nets and life preserver requirements of this rule.

(1) Safety belts, lifelines, lanyards.

(a) Where workers are employed on railroad bridges twenty-five feet or more above the ground or water surface, and it is impractical to provide staging, ladders, scaffolds, or safety nets, safety belts and lifelines shall be provided and used.

(b) Lifelines, safety belts, and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt, or lanyard actually subject to inservice loading, as distinguished from static load testing, shall not be used again for employee safeguarding.

(c) Lifelines shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds, and lifelines shall be of a sufficient length from the point of their attachment so that a falling man will not swing into the substructure immediately below the floor of the bridge.

(d) Safety belt lanyard shall be a minimum of one-half inch nylon, or equivalent, with a maximum length to provide for a fall of no greater than six feet. The rope shall have a nominal breaking strength of 5,400 pounds.

(e) All safety belt and lanyard hardware shall be drop forged or pressed steel, cadmium plated in accordance with type 1, class B plating specified in Federal Specification QQ-P-416. Surface shall be smooth and free of sharp edges.

(f) All safety belts and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(2) Safety nets.

(a) Where workers are employed on railroad bridges twenty-five feet or more above the ground or water surface, and it is impractical to provide staging, ladders, scaffolds, safety belts and lifelines, safety nets shall be provided and used.

(b) Where safety net protection is required by this rule, operations shall not be undertaken until the net is in place and has been tested. The manufacturer's current certification of testing shall satisfy the requirements of this subsection.

(c)(i) Nets shall extend eight feet beyond the edge or the work surface where employees are exposed and shall be installed as close under the work surface as practical but in no case more than twenty-five feet below such work surface. Nets shall be hung with sufficient clearance to prevent user's contact with the surface or structures below. Such clearances shall be determined by impact load testing.

(ii) It is intended that only one level of nets be required for bridges.

(d) The mesh size of nets shall not exceed six inches by six inches. All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test. Edge ropes shall provide a minimum breaking strength of 5,000 pounds.

(e) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(f) Connections between net panels shall develop the full strength of the net.

(3) Life preservers.

(a) Where workers are employed on railroad bridges less than twenty-five feet above the water surface and are working under conditions which expose them to a risk of drowning, they shall wear a United States Coast Guard approved life saving device, unless it can be shown that conditions, such as shallow water, are such that flotation would not be achieved.

(b) Prior to and after each use, the buoyant life saving device shall be inspected for defects which would alter their strength or buoyancy. Defective units shall not be used.

(c) Ring buoys with at least ninety feet of line shall be provided and readily available for emergency rescue operations. Distance between ring buoys shall not exceed two hundred feet.

(4) Boats.

(a) Where workers are employed on railroad bridges less than twenty-five feet above the water surface and are working under conditions which expose them to a

risk of drowning, one life saving boat shall be immediately available.

(b) The boat requirement of this subsection shall not apply when the water surface is of such a nature due to swift currents, insufficient depth, or other conditions, that a boat may not be safely moored and used in effecting a rescue.

(c) Whenever boats cannot be used, well marked lifelines close to the water surface shall be provided, and wherever practical, the line shall be stretched across the water.

WSR 81-10-019

ADOPTED RULES

**UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-164, Cause No. TR-1458—Filed April 27, 1981]

In the matter of adopting WAC 480-62-090, relating to handling of hazardous materials by railroads.

This action is taken pursuant to Notice No. WSR 81-07-059 filed with the Code Reviser on March 18, 1981. This rule adoption shall take effect pursuant to RCW 34.04.040(2).

This rule adoption proceeding is brought on pursuant to RCW 80.011.040[80.01.040] and 81.44.065 and is intended administratively to implement these statutes.

This rule 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 81-07-059 the above matter was scheduled for adoption at 8:00 a.m., Wednesday, April 22, 1981 in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton, and Commissioners Robert C. Bailey and 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 17, 1981. Under the terms of said notice, interested persons were also afforded the opportunity to submit data, views or arguments orally at 8:00 a.m., Wednesday, April 22, 1981 in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the April 22, 1981 meeting, the commission considered the rule change proposal. Written comments were received from Burlington Northern Railroad, Union Pacific Railroad, and Columbia & Cowlitz Railway Co. These comments were submitted to assist staff in reaching its current proposal. The current proposal responds to the concerns of these parties. No oral comments were received.

The rule changes affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-62-090 should be adopted to read as set forth in Appendix "A," attached hereto and

made a part hereof by reference. WAC 480-62-090 as adopted, will adopt by reference comprehensive federal regulations on the handling of hazardous materials by railroad companies.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-62-090 relating to handling of hazardous materials by railroads, be, and the same is hereby adopted as set forth in Appendix "A" as a permanent rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04(2).

IT IS FURTHER ORDERED That the order and the annexed rule after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington this 27th day of April, 1981.

Washington Utilities and Transportation Commission

Robert W. Bratton, Chairman

Robert C. Bailey, Commissioner

A. J. Benedetti, Commissioner

APPENDIX A

NEW SECTION

WAC 480-62-090 HAZARDOUS MATERIALS REGULATIONS. (1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 171 through 174, and parts 178 and 179, as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to define hazardous materials for purposes of carriage by rail, and to state the precautions that must be observed in storage packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying railroad cars and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all railroad companies operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every railroad company operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

WSR 81-10-020
ADOPTED RULES
OFFICE OF
FINANCIAL MANAGEMENT
[Order 50—Filed April 28, 1981]

I, Joe Taller, director of the Office of Financial Management, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

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.

This action is taken pursuant to Notice No. WSR 81-09-010 filed with the code reviser on April 8, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.03.050 and 43.03.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 27, 1981.

By Joe Taller
Director

AMENDATORY SECTION (Amending Order 41, filed 3/12/79)

WAC 82-28-050 ALLOWANCE IN LIEU OF ACTUAL EXPENSES FOR SUBSISTENCE AND LODGING. (1) When reimbursement for subsistence and lodging in a commercial facility (a public facility selling lodging accommodations to travelers) is authorized, a rate of (~~(\$35.00)~~) \$40.00 per day shall be allowed for travel within the state of Washington and (~~(\$40.00)~~) \$50.00 per day for travel outside the state of Washington except for those cities in-state and out-of-state designated High Cost Cities—U.S.A. and High Cost Cities—Foreign (see WAC 82-28-06001). When travel is for a period of less than 24 hours but involves lodging in a commercial facility, reimbursement will be at the rate of (~~(\$1.46)~~) \$1.67 per hour in-state and (~~(\$1.67)~~) \$2.08 per hour out-of-state. The name of the commercial facility used must be shown on the travel expense voucher.

(2) When lodging expenses are not incurred, per diem that reflects reimbursement for subsistence costs only will be paid. The per diem will be (~~(\$1.50)~~) \$1.80 and \$2.00 per hour limited to a maximum of 10 hours in any 24 hour period for (~~(both)~~) in-state and out-of-state travel respectively.

(3) When an employee uses a travel trailer or camper in lieu of commercial lodging facilities for his own convenience, he shall be reimbursed for the actual space

rental cost as evidenced by a receipt. Reimbursement for subsistence costs will be at the rate ~~((of \$1.50 per hour, limited to a maximum of 10 hours in any 24 hour period))~~ established in WAC 82-28-050(2). Under no circumstances, will reimbursement exceed the ~~(((\$35.00)) \$40.00 or ~~(((\$40.00)) \$50.00~~ per day maximums established for in-state and out-of-state travel respectively.~~

(4) Exceptions to subsection (3) above may be made when in the opinion of the agency director suitable commercial lodging is not available, state lodging is not provided, and there is a benefit to the state for the employee to remain at his temporary work station rather than commute to suitable lodging.

With the concurrence of the employee, the agency director may authorize in such circumstances the use of a privately-owned travel trailer or camper, and reimburse the employee at the ~~(((\$35.00)) \$40.00 and ~~(((\$40.00)) \$50.00~~ per day maximums established for in-state and out-of-state travel reimbursement. High cost area rates will not apply to reimbursement for use of trailers or campers.~~

(5) Per diem allowance shall not be authorized under any of the following conditions:

(a) When the employee will not incur expenses for lodging because it is furnished by a state agency.

(b) When an employee will not incur expenses for meals because they will be furnished by a state agency.

(c) When it is evident that actual costs of subsistence and lodging will be significantly less than the per diem allowance.

(6) When per diem is not authorized, employees shall be reimbursed within the limits of these regulations for actual costs which have been incurred for subsistence and lodging.

(7) Where the cost of meals is included in the registration fee of a meeting, conference or convention, an appropriate deduction therefor shall be made from the authorized per diem allowance.

(8) Except as otherwise provided by law, those persons appointed to serve without compensation on any state board, commission or committee, if entitled to reimbursement of travel expenses, shall be reimbursed as follows:

(a) Those individuals who serve on any part-time board, commission, council, committee or other group of similar nature which is established by executive, legislative or judicial branch to participate in state government and whose function is primarily an advisory, coordinating or planning capacity, shall be paid travel expenses at the hourly rate of ~~(((\$1.46)) \$1.67 or ~~(((\$1.67)) \$2.08~~ for in-state or out-of-state respectively, for each hour spent in going to, attendance at the meeting and return to home.~~

(b) Those individuals who serve on any part-time board, commission, council, committee or other group of similar nature which has rule-making authority, performs quasijudicial functions, has responsibility for the administration or policy direction of a state agency or program, or performs regulatory or licensing functions with respect to a specific profession, occupation, business or industry, shall be paid ~~(((\$35.00)) \$40.00 or~~

~~(((\$40.00)) \$50.00~~ per day for in-state or out-of-state respectively, for each day or portion thereof spent in the conduct of the board, commission, council, etc., business.

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

AMENDATORY SECTION (Amending Order 41, filed 3/12/79)

WAC 82-28-06001 SPECIAL ALLOWANCES FOR HIGHER THAN USUAL SUBSISTENCE AND LODGING COST AREAS. (1) The following ~~((categories of cities))~~ locations are considered high cost areas and officials or employees ~~((staff))~~ may be reimbursed subsistence and lodging expenses as follows:

(a) High Cost ~~((Cities))~~ Locations—U.S.A. The actual cost of lodging as evidenced by a receipt, plus subsistence based on ~~(((\$1.50)) \$2.30~~ per hour limited to a maximum of 10 hours in any 24 hour period, total reimbursement for subsistence and lodging not to exceed the maximum reimbursement rate established for a particular city or locality by the federal government and ~~((promulgated annually))~~ published periodically by the office of financial management.

(b) High Cost ~~((Cities))~~ Locations—Foreign. Reimbursement for subsistence and lodging expense ~~((shall be at))~~ may be paid up to the maximum rate established for a particular city or locality by the federal government ~~((and promulgated annually))~~ as published periodically by the office of financial management. The hourly rate will be determined by dividing the reimbursement rate by 24.

~~((2) The office of financial management shall publish prior to July 1 of each year, the list of cities and maximum allowance for subsistence and lodging for each city as established by the federal government and in effect at the time of publication. The list of cities and allowances shall be effective for the entire ensuing fiscal year.))~~

(2) In lieu of receiving reimbursement at the rate specified for the High Cost Locations—U.S.A. employees may be reimbursed the per diem allowance specified in WAC 82-28-050 provided that this method of reimbursement is determined prior to the start of the trip and approved in writing by the agency head, or his designee.

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

AMENDATORY SECTION (Amending Order 49, filed 5/22/79)

WAC 82-28-080 REIMBURSEMENT FOR USE OF PRIVATELY-OWNED MOTOR VEHICLES. (1) Reimbursement shall be allowed at a rate not to exceed 18 1/2¢ per mile for official travel. Mileage between points in the state shall be determined on the basis of the distances shown on the latest state transportation commission map, and the out-of-state mileage on the basis of standard highway mileage guides or by odometer readings. "Vicinity" miles as determined by odometer readings shall be shown on the voucher as a separate figure for each day's travel.

(2) When an official or employee requests to use a privately-owned vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or designee, the official or employee shall be reimbursed at a rate ~~((not to exceed 14¢ per mile))~~ established pursuant to WAC 82-28-190(2).

(3) Reimbursement shall be payable to only one of two or more employees traveling in the same motor vehicle on the same trip.

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

WSR 81-10-021

ADOPTED RULES

OFFICE OF

FINANCIAL MANAGEMENT

[Order 52—Filed April 28, 1981—Eff. June 1, 1981]

I, Joe Taller, director of the Office of Financial Management, do promulgate and adopt at Olympia, Washington, the annexed rules relating to payment of moving expenses, amending WAC 82-24-130.

This action is taken pursuant to Notice No. WSR 81-07-056 filed with the code reviser on March 18, 1981. Such rules shall take effect at a later date, such date being June 1, 1981.

This rule is promulgated pursuant to RCW 43.03.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 22, 1981.

By Joe Taller
Director

AMENDATORY SECTION (Amending order 42, filed August 24, 1979)

WAC 82-24-130 PAYMENT OF MOVING EXPENSES. (1) The employee will be responsible for payment of moving expenses in excess of the allowable costs set forth in this chapter.

(2) The state traffic manager, division of purchasing, will advise state agencies of the proportionate share of the costs to be borne by the state and by the employee, when the total charges exceed the allowable costs. Charges are prorated on the basis of a ratio of ~~((10,000 pounds))~~ the maximum weight allowed in WAC 82-24-080 to the total weight and will include all costs essential to the physical move of goods as a single unit.

(3) Prior to payment of the carrier invoice the employee and the agency are to review the invoice and indicate agreement or disagreement with the specified

charges. In the event that either the employee or the agency feel that the charges are in error a written notice of the dispute is to be filed with the state traffic manager for resolution. The state traffic manager is to notify the carrier upon receipt of a notice of dispute.

(4) Agencies ~~((should))~~ are to pay the entire amount of the uncontested carrier invoice and separately recover ~~((from))~~ the employee's ~~((his))~~ proportionate share of the cost of the move. ~~((The state agency must collect the employee's share of the cost of the move prior to payment of the carrier's invoice. (The state Constitution prohibits state agencies from collecting the employee's share of the cost after payment has been made to the carrier.))~~

(5) New or transferred employees, when requesting moving services, are to execute a payroll deduction, prior to the state traffic manager, division of purchasing, securing moving services, authorizing the employing agency to withhold the total amount of the employee's share of the cost of the move commencing the first pay date after payment of the uncontested carrier's invoice by the agency. The deduction from the employee's pay is to be made after withholding of mandatory deductions but prior to withholding any voluntary deductions. Mandatory deductions are defined for purposes of this chapter as:

Federal Income Tax

Employee's Share of OASI Contributions

Medical Aid Contributions

Mandatory Retirement Contributions

Court Ordered Payments served on the agency

This payroll deduction authorization is to remain in force until the total amount of the employee's share of the cost of the move has been recovered.

(6) New or transferred employees who do not execute a payroll deduction authorization prior to the authorization of the move will be responsible for arranging their own move and making full payment directly to the carrier. The state will reimburse the employee under this circumstance for either the amount the state would have paid if the move had been arranged through the state traffic manager, division of purchasing, or the actual cost incurred by the employee, whichever is less.

(7) The premium for the state household goods blanket insurance policy will be billed monthly by the department of general administration to agencies for employee moves covered by the policy during the month.

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.

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

WSR 81-10-022
ADOPTED RULES
FORT STEILACOOM
COMMUNITY COLLEGE
 [Order 42—Filed April 28, 1981]

I, Dr. Robert H. Stauffer, President of Community College District No. 11 (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 reduction in force, repealing WAC 132K-112-200.

This action is taken pursuant to Notice No. WSR 81-07-024 filed with the code reviser on March 12, 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 Code is hereby repealed:

WAC 132K-112-200 REDUCTION IN FORCE.

WSR 81-10-023
PROPOSED RULES
BOARD OF PHARMACY
 [Filed April 28, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning pharmaceutical services, adopting WAC 360-13-066;

that such agency will at 1:00 p.m., Thursday, June 18, 1981, in the Burien Police Department, 14905 6th S.W., Burien, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Thursday, June 18, 1981, in the Burien Police Department, 14905 6th S.W., Burien, WA.

The authority under which these rules are proposed is RCW 18.64.005(11).

Interested persons may submit data, views, or arguments to this agency orally at 1:00 p.m., Thursday, June 18, 1981, Burien Police Department, 14905 6th S.W., Burien, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-06-076 filed with the code reviser's office on March 4, 1981.

Dated: April 28, 1981
 By: Charles R. James
 Acting Executive Secretary

WSR 81-10-024
PROPOSED RULES
BOARD OF PHARMACY
 [Filed April 28, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the adoption of WAC 360-17-010, 360-17-020, 360-17-030, 360-17-040, 360-17-050, 360-17-060, 360-17-070, 360-17-080, 360-17-090 and 360-17-100;

that such agency will at 1:00 p.m., Thursday, June 18, 1981, in the Burien Police Department, 14905 6th S.W., Burien, WA, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Thursday, June 18, 1981, in the Burien Police Department, 14905 6th S.W., Burien, WA.

The authority under which these rules are proposed is RCW 18.64.005(11).

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 1:00 p.m., Thursday, June 18, 1981, Burien Police Department, 14905 6th S.W., Burien, WA.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-06-075 filed with the code reviser's office on March 4, 1981.

Dated: April 28, 1981
 By: Charles R. James
 Acting Executive Secretary

WSR 81-10-025
ADOPTED RULES
BOARD OF PHARMACY
 [Order 160—Filed April 28, 1981]

Be it resolved by the Washington State Board of Pharmacy, acting at Burien, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 360-32-050 and 360-32-055.

This action is taken pursuant to Notice No. WSR 81-07-012 filed with the code reviser on March 9, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 69.41.075 which directs that the Washington State Board of Pharmacy has authority to implement the provisions of chapter 61.41 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act

(chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED April 23, 1981.

By Charles R. James
Acting Executive Secretary

AMENDATORY SECTION (Amending Order 149, filed 9/5/79)

WAC 360-32-050 IDENTIFICATION OF LEGEND DRUGS FOR PURPOSES OF CHAPTER 69.41 RCW. (1) In accordance with chapter 69.41 RCW, the board of pharmacy hereby finds that those drugs which have been determined by the food and drug administration, pursuant to the federal Food, Drug and Cosmetic Act, to require a prescription under federal law should also be classified as legend drugs under state law for the reasons that their toxicity or other potentiality for harmful effect, the methods of their use and the collateral safeguards necessary to their use, indicate that they are not safe for use except under the supervision of a practitioner.

(2) The board of pharmacy hereby specifically identifies as legend drugs, for purposes of chapter 69.41 RCW, those drugs which have been designated as legend drugs under federal law and are listed as such in the ~~((1979))~~ 1980-81 edition of the American Druggist Blue Book. Copies of the list of legend drugs as contained in the American Druggist Blue Book shall be available for public inspection at the headquarters office of the state board of pharmacy, 319 East 7th Avenue, Olympia, Washington 98504. Copies of this list shall be available from the board of pharmacy at the above address upon request made and upon payment of a fee in the amount of ~~((10))~~ \$11 per copy.

AMENDATORY SECTION (Amending Order 149, filed 9/5/79)

WAC 360-32-055 EPHEDRINE PRESCRIPTION RESTRICTIONS. (1) ~~((No person shall prepare, compound, dispense, sell, give away, barter, or otherwise distribute))~~ The Board of pharmacy, pursuant to RCW 69.41.075, hereby identifies ephedrine, or any of its salts in a solid or aqueous form normally intended for oral administration, in any quantity, ~~((except as stated in subsections (2) and (3) of this regulation or as provided in RCW 69.41.030))~~ as a legend drug subject to the restrictions of RCW 69.41.030.

~~((2))~~ Preparation or distribution of the drugs in subsection (1) shall be:

(a) Upon a written prescription of a licensed medical practitioner;

(b) Upon an oral prescription of a licensed medical practitioner which is reduced promptly to writing and filed by the pharmacist; or

(c) By refilling the written or oral prescription if such refilling is authorized by the licensed medical practitioner either in the original prescription or by oral order which is reduced promptly to writing and shall include

~~the date of the refill authorization, the initials of the pharmacist receiving the authorization and the filing by the pharmacist;))~~

~~((3))~~ (2) The following products containing ephedrine or its stereoisomers are exempted from the provisions of this regulation:

- | | |
|---|--|
| 1. AMORDRINE tablet
(Searle) | 25mg (as racemic hydrochloride) |
| 2. BRONITIN tablet (Whitehall) | 24mg ephedrine |
| 3. BRONKOID tablet (Breon) | 24mg (as sulfate) |
| 4. BRONKOTABS tablet (Breon) | 24mg (as sulfate) |
| 5. CALCIDRINE SYRUP (Abbott) | 4.2mg/5cc Hcl |
| 6. CHLOR-TRIMENTON DECON-
GESTANT (Schering) | 60mg ephedrine |
| 7. CODIMAL tablet - capsule
(Central Pharmacal) | pseudoephedrine hydrochloride, 30mg |
| 8. CO-TYLENOL COLD FORMULA
for CHILDREN (McNeil) | pseudoephedrine hydrochloride, 7.5mg/5ml |
| 9. D-FEDA (Dooner) | pseudoephedrine hydrochloride, 30mg/5 ml |
| 10. DIMOCOL LIQUID and
CAPSULES (Robins) | psuedoephedrine hydrochloride, 30mg/5 ml or capsules |
| 11. FEDAHIST tablet - syrup
(Dooner) | psuedoephedrine hydrochloride, 60mg/tablet 30mg/5 ml |
| 12. FEDAHIST EXPECTORANT
(Dooner) | psuedoephedrine hydrochloride, 30mg/5 ml |
| 13. FEDRAZIL tablet
(Burroughs Wellcome) | pseudoephedrine hydrochloride, 30mg |
| 14. HISTADYL EC
(Lilly) | ephedrine hydrochloride, 30mg/30 ml |
| 15. HISTIVITE-D
(Vitarine) | ephedrine sulfate, 30mg/30ml |
| 16. NALDEGESIC tablet
(Bristol) | pseudoephedrine, 15mg |
| 17. NOVAFED syrup
(Dow) | pseudoephedrine hydrochloride, 30mg/5ml |
| 18. NOVAFED A
(Dow) | pseudophedrine hydrochloride, 30mg/5ml |
| 19. NOVAHISTINE DMX
(Dow) | pseudoephedrine hydrochloride, 30mg/5 ml |
| 20. NYQUIL
(Vicks) | ephedrine sulfate, 8mg/30 ml |
| 21. PRIMATINE M tablet
(Whitehall) | 24mg (as hydrochloride) |
| 22. QUELIDRINE
(Abbott) | ephedrine hydrochloride, 5mg/5 ml |
| 23. QUIET-NITE
(Rexall) | ephedrine sulfate, 10mg/30 ml |
| 24. ROBITUSSION-PE
(Robins) | pseudoephedrine hydrochloride, 30mg/5ml |
| 25. SINACET tablet
(Meyer) | pseudophedrine hydrochloride, 15mg |
| 26. SUDAFED tablet - syrup
(Burroughs Wellcome) | psuedoephedrine hydrochloride, 30mg and 60mg tablets or 5 ml (30mg/ml) |
| 27. VERAQUAD tablet - sus-
pension (Knoll) | 24mg tablet, 12mg/5ml (as hydrochloride) |

WSR 81-10-026
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
 [Order PL 377—Filed April 28, 1981]

Be it resolved by the Washington State Board of Nursing, acting at Renton, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 308-120-170, 308-120-510 and 308-120-511.

This action is taken pursuant to Notice No. WSR 81-07-011 filed with the code reviser on March 9, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.88.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 25, 1981.

By Thelma Cleveland, R.N.
 Chairman

AMENDATORY SECTION (Amending Order PL 196, filed 7/25/75)

WAC 308-120-170 DOCUMENTS WHICH INDICATE AUTHORIZATION TO PRACTICE REGISTERED NURSING IN WASHINGTON. The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

(1) License. A license is ((†)) issued upon completion of all requirements for licensure - confers the right to use the title registered nurse and the use of its abbreviation, R.N.

(2) ((Temporary)) Interim permit. An ((temporary)) interim permit may be issued to a graduate from an approved ((registered)) nursing ((program)) school who has met all qualifications, has filed an application for examination and is eligible for admission to the ((first)) licensing examination ((scheduled following date of graduation)).

(a) This permit expires when a license is issued, ((failure notice is received,)) when the candidate receives first notice of failure, or within one year ((of)) from the date of issuance, whichever is the earliest date. The permit is not renewable.

(b) An applicant who does not write the examination on the date scheduled shall return the permit to the division of professional licensing.

(c) The ((temporary)) interim permit authorizes the holder to perform functions of registered nursing as described in chapter 18.88 RCW. It is in violation of the law regulating the practice of registered nursing to use the title "registered nurse". The title ((temporary)) "interim permit nurse" or "graduate nurse" may be used.

~~(3) Memorandum of approval. A memorandum of approval of application for license by endorsement is issued pending printing of the license. The date of expiration is on the memorandum.) Limited educational license. A limited educational license may be issued to a person who has been on nonpracticing status for three years or more and who wishes to return to active status (see WAC 308-120-185).~~

(4) Certified registered nurse (CRN) recognition document. A CRN recognition document may be issued to any person who meets the requirements of the board as contained in WAC 308-120-300. Only persons holding this recognition document shall have the right to use the title "certified registered nurse" or the abbreviation "CRN". This document authorizes the CRN to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) CRN prescriptive authorization document. A CRN prescriptive authorization document may be issued to any person who meets the requirements of the board as contained in WAC 308-120-410. This document authorizes the CRN to prescribe legend drugs within his or her scope of practice and is valid only with a current registered nurse license.

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

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

AMENDATORY SECTION (Amending Order PL 339, filed 3/27/80)

WAC 308-120-510 NURSE ADMINISTRATOR FOR APPROVED SCHOOL OF NURSING. (1) Nurse administrators shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) A ((minimum of a)) baccalaureate degree in nursing and a master's degree ((in nursing or public health)) with a major in nursing from an accredited college or university ((which includes evidence of preparation in administration, curriculum development and/or teaching)).

(c) A minimum of five years of professional experience as a registered nurse which includes two years teaching in an approved school of nursing ~~((and one year administrative experience in nursing)).~~

Exceptions shall be justified to and approved by the board of nursing.

(2) Nurse administrators are responsible for the following functions:

(a) Create and maintain an environment conducive to teaching and learning.

(b) Serve as liaison with the central administration and other units of the college or university.

(c) Organize and administer the nursing program.

(d) Provide educational leadership for the faculty and students of the school.

(e) Facilitate recruitment, selection and development of qualified faculty.

(f) Recommend faculty for appointment, promotion, tenure and retention.

(g) Facilitate program evaluation and development.

(h) Plan and administer the budget.

(i) Facilitate arrangements for all necessary resources and services.

(j) Facilitate peer and student evaluation of teaching effectiveness.

(k) Facilitate development of long range goals and objectives for the nursing program.

(l) Facilitate the recruitment, selection and retention of students.

(m) Assure that the minimum rules/regulations of the state board of nursing are effectively implemented.

(3) The nurse administrator shall have sufficient time provided for carrying out administrative responsibilities. Instructional responsibilities of the nurse administrator shall be consistent with the scope of the administrative responsibility.

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

AMENDATORY SECTION (Amending Order PL 339, filed 3/27/80)

WAC 308-120-511 FACULTY FOR APPROVED SCHOOLS OF NURSING. (1) Faculty shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) ~~((Academic preparation and professional experience consistent with their respective areas of responsibility:))~~ After January 1, 1983, all newly appointed faculty shall have had a minimum of one year of professional experience as a registered nurse.

(c) ~~The baccalaureate degree in nursing shall be ((a)) the minimum requirement for faculty appointment until January 1, 1985 ((at which time a minimum of a master's degree in nursing or public health shall be required)).~~ After January 1, 1985, in addition to the baccalaureate degree in nursing, all newly appointed faculty shall be required to hold a master's degree with a major in nursing from an accredited college or university.

Exceptions shall be justified to and approved by the board of nursing.

(2) Principal functions of the faculty shall include but not be limited to:

(a) Develop, implement and evaluate the philosophy and objectives of the program;

(b) Construct, implement, evaluate and revise the curriculum;

(c) Develop and evaluate policies and standards for the selection, admission, promotion and graduation of nursing students within the framework of the policies of the college or university;

(d) Evaluate student achievement in terms of course and program objectives, assign grades for courses according to policies, and recommend successful candidates for the degree or diploma;

(e) Develop, implement and evaluate statements of policy necessary for the operation of the program, and participate in appropriate activities of the college or university;

(f) Participate in academic advising of students;

(g) Provide for peer and student evaluation of teaching effectiveness;

(h) Participate in periodic review of the total nursing program; and

(i) Participate in the overall faculty activities of the college or university, e.g., governance, interdepartmental teaching and research.

(3) A nursing faculty organization, with delineated policies and procedures, shall be established in harmony with the policies of the college or university.

(a) All faculty shall participate in the activities of the faculty organization in ways consistent with their position and responsibilities.

(b) Committees shall be established as necessary to carry out the functions of the faculty effectively. The purposes and membership of each committee shall be defined clearly.

(c) Meetings shall be held on a regular basis.

(d) Minutes, including faculty action, shall be recorded in writing and kept on file for ready reference.

(4) Faculty/student ratio.

(a) Faculty shall be provided in adequate number and kind to meet the purposes and objectives of the program.

(b) Twelve students is the maximum for which a faculty member shall be responsible at any one time in the clinical area. A lower ratio may apply to students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

(i) The preparation and expertise of the faculty member;

(ii) The objectives to be achieved;

(iii) The level of students;

(iv) The number, type and conditions of patients;

(v) The number, type, location and physical layout of clinical facilities;

(vi) The number of clinical facilities being used for a particular course.

Exceptions shall be justified to and approved by the board of nursing.

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 81-10-027

ADOPTED RULES

BOARD OF PHARMACY

[Order 159—Filed April 28, 1981]

Be it resolved by the Washington State Board of Pharmacy, acting at Burien, Washington, that it does

promulgate and adopt the annexed rules relating to the amending of WAC 360-13-010.

This action is taken pursuant to Notice No. WSR 81-06-076 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 Washington State Board of Pharmacy as authorized in RCW 18.64.005(11).

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

APPROVED AND ADOPTED April 23, 1981.

By Charles R. James
Acting Executive Secretary

AMENDATORY SECTION (Amending Order 104, filed 12/5/69)

WAC 360-13-010 PROMULGATION. In the interests of protecting public health the Washington state board of pharmacy shall hereby allow the use of an emergency drug kit in any nursing home holding a valid Washington state (~~department of health~~) nursing home license. The emergency drug kit shall be considered to be a physical extension of the pharmacy supplying the emergency drug kit and shall at all times remain under the ownership of the supplying pharmacy.

WSR 81-10-028
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-27—Filed April 28, 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 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 allows a harvest of surplus chinook returning to Ringold Hatchery.

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 28, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-57-16000J COLUMBIA RIVER Notwithstanding the provisions of WAC 220-57-160, effective May 1 through May 31, 1981, it is unlawful to take, fish for or possess salmon for personal use from the waters of the Columbia River except while angling from shore from the east bank in that portion of the Columbia River from a Department of Fisheries boundary marker located approximately one-half mile upstream of Spring Creek (Ringold Hatchery rearing pond outlet) downstream to a Department of Fisheries boundary marker located approximately three-quarters of a mile downstream of Ringold wasteway outlet. **BAG LIMIT: A**

WSR 81-10-029
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-26—Filed April 28, 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 and personal use shellfish 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 test fishery has indicated there is an adequate supply of shrimp for limited harvest.

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 28, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-52-05300I COMMERCIAL - SHRIMP SEASON - HOOD CANAL Notwithstanding the provisions of WAC 220-52-050 and WAC 220-52-053, it is unlawful to take, fish for or possess shrimp

for commercial purposes in Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B and 27C, except as follows:

From 10:00 A.M. June 1, to 6:00 P.M. June 28, 1981 with shellfish pots (maximum of 100 pots).

A harvest log as required by WAC 220-52-050 must be sent in weekly, with the week ending on Wednesday. The log must be postmarked not later than Friday of that week.

NEW SECTION

WAC 220-56-32500B PERSONAL USE - SHRIMP SEASON - HOOD CANAL Notwithstanding the provisions of WAC 220-56-084, it is lawful to take, fish for and possess for personal use, shrimp taken in Hood Canal southerly of a line projected between the Hood Canal Floating Bridge abutments from 10:00 A.M. May 16 to 6:00 P.M. June 28, 1981. The daily bag limit shall be 10 pounds or 10 quarts in the shell.

WSR 81-10-030
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
[Filed April 28, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 43.101.080(2), that the Washington State Criminal Justice Training Commission intends to adopt, amend, or repeal rules concerning requirement of basic law enforcement training, amending WAC 139-14-010;

that such agency will at 10:00 a.m., Thursday, June 18, 1981, in the Washington State Criminal Justice Training Center, Seattle, 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 the Washington State Criminal Justice Training Center, 2450 South 142nd, Seattle, WA 98168.

The authority under which these rules are proposed is RCW 43.101.080(2).

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., Thursday, June 18, 1981, Washington State Criminal Justice Training Center, 2450 South 142nd, Seattle, WA 98168.

Dated: April 27, 1981

By: James C. Scott
Executive Director

STATEMENT OF PURPOSE

Rule: Amendatory section WAC 139-14-010, Requirement of Basic Law Enforcement Training.

Agency: Washington State Criminal Justice Training Commission.

General Purpose of Rule: Generally, this rule will be adopted to implement the provisions of chapter 212, Laws of 1977 1st ex. sess., and to amplify, clarify and amend the existing rule.

Description, Summary, and Statutory Authority for Rule: This rule describes this state's basic training requirement for law enforcement officers by providing that all commissioned officers shall successfully complete the 440-hour basic academy; exemptions from such requirement are amended as specified; notification action upon non-compliance is described. The statutory authority for adoption of this rule is found in chapter 212, Laws of 1977 1st ex. sess.

Responsible Agency Personnel: The following personnel of the Washington State Criminal Justice Training Commission have responsibility for drafting, implementing, and enforcing this rule: James C. Scott, Executive Director and Garry E. Wegner, Assistant Director: Washington State Criminal Justice Training Commission, Mail Stop PW-11, Olympia, WA 98504, (206) 753-7450.

Agency Comments: The commission believes this rule is necessary, reasonable, and self-explanatory.

AMENDATORY SECTION (Amending Order 14, filed 1/17/78)

WAC 139-14-010 REQUIREMENT OF BASIC LAW ENFORCEMENT TRAINING. (1) All full-time commissioned law enforcement employees of a city, county, or political subdivision of the state of Washington, except officers of the Washington State Patrol, unless otherwise exempted by the Washington State Criminal Justice Training Commission, shall as a condition of continued employment successfully complete a 440-hour basic law enforcement academy sponsored or conducted by the Commission, or obtain a Certificate of Equivalent Basic Training from the Commission. This requirement of basic law enforcement training shall be met within the initial 15-month period of law enforcement employment, unless otherwise extended by the Commission.

(2) Law enforcement personnel exempted from the requirement of subsection (1) shall include:

- (a) sheriff
- (b) auxiliary and reserve personnel
- (c) commissioned personnel

(i) whose usual and regular function does not include and will not include the general line enforcement of traffic or criminal laws of the state of Washington or any political subdivision thereof; provided that ~~((chiefs of police shall not be exempted solely upon the basis of this subsection))~~ a chief of police who requests exemption under this subsection may be exempted only upon approval by the Board on Law Enforcement Training Standards and Education, or

(ii) whose initial date of continuing, full-time, regular and commissioned law enforcement employment within the state of Washington precedes January 1, 1978, and such employment is without break or interruption in excess of 90 days, or

(iii) who have been certified in accordance with the requirement of subsection (1) above, and thereafter have engaged in regular and commissioned law enforcement employment without break or interruption in excess of 24-month duration.

(3) Each law enforcement agency of the state of Washington, or any political subdivision thereof, except the Washington State Patrol, shall immediately notify the Commission by approved form of each instance wherein a commissioned officer begins continuing and regular employment with that agency on or after January 1, 1978. Such notification shall be maintained by the Commission and shall be utilized by the

Commission for the subsequent scheduling, notification, and enrollment required for compliance with the basic law enforcement training requirement.

(4) Failure to comply with the above requirement of basic law enforcement training shall result in notification of non-compliance, by the Commission, on approved form to:

- (a) the individual in non-compliance,
- (b) the head of his/her agency,
- (c) the Civil Service Commission having jurisdiction of such agency,
- (d) the judges and clerks of the municipal, district, and superior courts in which said agency is located,
- (e) the state Auditor's Office, and
- (f) any other agency or individual, as determined by the Commission.

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 81-10-031
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed April 28, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 43.101.080, that the Washington State Criminal Justice Training Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 139-32-010;

that such agency will at 1:00 p.m., Friday, June 12, 1981, in the Washington State Criminal Justice Training Center, 2450 South 142nd, Seattle, WA 98168, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Friday, June 12, 1981, in the Washington State Criminal Justice Training Center, 2450 South 142nd, Seattle, WA 98168.

The authority under which these rules are proposed is RCW 43.101.080(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 9, 1981, and/or orally at 1:00 p.m., Friday, June 12, 1981, Washington State Criminal Justice Training Center, 2450 South 142nd, Seattle, WA 98168.

Dated: April 27, 1981

By: James C. Scott
 Executive Director

STATEMENT OF PURPOSE

Rule: Amendatory section WAC 139-32-010, Prosecutor, Public Defender, and Municipal Attorney Training.

Agency: Washington State Criminal Justice Training Commission.

General Purpose of Rule: Generally, this rule will be adopted to implement the provisions of chapter 212, Laws of 1977 1st sess., and to amplify, clarify and amend the existing rule. Specifically, it will serve to clarify and identify, by language of its definition, those members of the Washington State Bar Association who engage in the

public defense of those criminally charged, and because of this public nexus are properly eligible to receive and benefit from the expenditure of state monies and resources by the Washington State Criminal Justice Training Commission.

Description, Summary, and Statutory Authority for Rule: This rule represents a goal statement for the training of public attorneys of this state, and sets forth a program prioritization therein for staff activity and commission expenditure. Additionally, and as amended, it will identify those attorneys in this state who are eligible for participation in such programming.

Responsible Agency Personnel: The following personnel of the Washington State Criminal Justice Training Commission have responsibility for drafting, implementing, and enforcing this rule: James C. Scott, Executive Director and Garry E. Wegner, Assistant Director: Washington State Criminal Justice Training Commission, Mail Stop PW-11, Olympia, WA 98504, (206) 753-7450.

Agency Comments: The commission believes this rule is necessary, reasonable, and self-explanatory.

AMENDATORY SECTION (Amends Order 8, filed 9/23/75)

WAC 139-32-010 ((GOALS OF BOARD ON PROSECUTOR TRAINING STANDARDS AND EDUCATION)) PROSECUTOR, PUBLIC DEFENDER, AND MUNICIPAL ATTORNEY TRAINING. ((The Washington State Criminal Justice Training Commission shall make available the following orientation and in-service training to county prosecuting attorneys, municipal attorneys, and attorneys who are engaged primarily in the defense of persons charged with offenses:

1. An orientation program approved by the Commission designed for persons whose responsibility is prosecution of criminal, juvenile and traffic offenses shall be offered at times and locations to allow such personnel the opportunity of attending within their first six months of employment.

2. An orientation course approved by the Commission for persons whose responsibility is defense of criminal, juvenile and traffic offenses shall be offered at least annually.

3. A criminal law refresher course approved by the Commission which is open to county prosecuting attorneys, municipal attorneys, attorneys who are engaged primarily in the defense of persons charged with offenses, and their staffs, shall be offered annually.

4. Specialized training courses approved by the Commission shall be offered to county prosecutors, municipal attorneys and attorneys who are engaged primarily in the defense of persons charged with offenses; their staffs and public defenders as frequently as quality courses can be developed and offered.

5. Selected courses shall be offered from time to time, regionally, to county prosecutors, municipal attorneys, attorneys engaged primarily in the defense of persons charged with offenses, and their staffs.

6. The Board on Prosecutor Training Standards and Education shall assist the Commission in developing at least one interdisciplinary training program each year.)) The Washington State Criminal Justice Training Commission shall, within the fiscal resources available, develop and annually conduct the following types of training:

(1) basic orientation training for attorneys whose responsibility is prosecuting of criminal, juvenile, and traffic offenses and for attorneys whose primary responsibility is defense of such offenses; and

(2) advanced training for county prosecutors, municipal attorneys, attorneys engaged primarily in the defense of persons charged with offenses, and their attendant support staffs.

Additionally, the Commission may, upon the recommendation of the Board on Prosecutor Training Standards and Education, develop, publish, or distribute training materials and manuals for county prosecutors, municipal attorneys, and attorneys engaged primarily in the defense of persons charged with offenses.

For purposes herein, the term "attorneys who are engaged primarily in the defense of persons charged with offenses" shall be limited to attorneys who expend at least 50 per cent of their employment in the provision of criminal defense services and who are

(a) staff attorneys of any not-for-profit organization which has as its primary function the provision of criminal defense services,

(b) attorneys who provide such services pursuant to a contractual agreement with any public entity, or

(c) attorneys employed by any duly constituted public defender district.

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

WSR 81-10-032

NOTICE OF PUBLIC MEETINGS COMMUNITY COLLEGE DISTRICT 12

[Memorandum—April 27, 1981]

Would you please make the following changes in your Register of public meetings to be held:

Community College District 12
Board of Trustees
Regular Meeting: May 13, 1981, 7:30 p.m.,
Board Room at Olympia Technical Community College, 2011 Mottman Road SW,
Olympia.

This meeting will replace a previously scheduled one for May 14. Thank you.

WSR 81-10-033

ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 1649—Filed April 29, 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 Standards for additional requirements under specified circumstances—Child care expenses for AFDC recipients in approved training plans, repealing WAC 388-29-158.

This action is taken pursuant to Notice No. WSR 81-07-018 filed with the code reviser on March 11, 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 29, 1981.

By David A. Hogan
Director, Client and
Community Relations Division

REPEALER

The following section of the Washington Administrative Code is repealed.

(1) WAC 388-29-158 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—CHILD CARE EXPENSES FOR AFDC RECIPIENTS IN APPROVED TRAINING PLANS.

WSR 81-10-034

ADOPTED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 1650—Filed April 29, 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 general and seasonal day care services, amending WAC 388-15-170.

This action is taken pursuant to Notice No. WSR 81-07-003 filed with the code reviser on March 6, 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 29, 1981.

By David A. Hogan
Director, Client and
Community Relations Division

AMENDATORY SECTION (Amending Order 1552, filed 10/6/80)

WAC 388-15-170 GENERAL AND SEASONAL DAY CARE SERVICES. (1) Day care services include providing care and protection and related services for a child under 15 years of age during that portion of the 24 hour day that neither of the child's parents are able to provide necessary care and supervision for the following reasons:

(a) Parent is employed or seeking employment in accord with an approved case plan, and if an AFDC recipient must meet the eligibility criteria for seasonal day care, or be a resident of a federally recognized Indian reservation, or be a refugee,

(b) Parent is enrolled in an approved Work Incentive Program (WIN) or refugee training program (not to exceed two years) leading toward employment,

(c) For school age parent to complete secondary education or attainment of G.E.D. (not to exceed two years), subject to approval by the department,

(d) For parent who is a resident of a federally recognized Indian reservation and is enrolled in an approved training program (not to exceed two years) leading toward employment,

(e) For AFDC recipient to serve as a volunteer on DSHS advisory board,

(f) Parent to keep physical or mental health appointment,

(g) Child in need of day care as part of children's protective service case plan,

(h) Provided as child welfare services by a professional or other mental health social service agency referral for the child or parents physical/emotional health or support to the family structure.

(2) Goals for General Day Care Services shall be limited to those specified in WAC 388-15-010(1)(a), (b), (c). Also see WAC 388-15-010(2). Also see WAC 388-75-203 through 388-75-396.

(3) Child care including seasonal day care may be purchased for children or families who are:

(a) Individuals whose gross income is equal to or below 38 percent of the state median gross income for a family of four adjusted for family size. (See WAC 388-15-020(2)(d)).

(i) Exception: Residents on federally recognized Indian Reservations whose gross income is equal to or below 80% of the state median income for a family of four adjusted for family size, shall be eligible for general child day care services.

(b) In need of day care as an integral but subordinate part of a child protective service plan, regardless of the level of gross family income.

(4) Eligibility for Seasonal Day Care is:

(a) Both parents, or the single parent (in the case of the one-parent family) must be currently employed or seeking work in agriculturally related work or with agencies which serve migrant families; and

(b) Must derive at least 50% of its annual income from agriculturally related work; and

(c) must have more than one agricultural employer per year; and

(d) Must have a gross income for the past 12 months not to exceed 38% of the state median income adjusted for family size.

(5) Standards for in-home care

(a) In-home care is the care and supervision of a child in her or his own home by a relative or by an unrelated person during part of the 24-hour day while the child's parent(s) are temporarily absent from the home.

(b) When parents request in-home care, a service worker must determine that the caretaker meets the in-home care standards.

(c) Use of in-home care is appropriate when:

(i) There is a qualified caretaker available, and this type of child care is the parental choice,

(ii) The number of children in the family requiring child care is large enough to make it preferable for in-home care and/or,

(iii) A child's physical, mental or emotional problems make it necessary that he remain in his home.

(d) When in-home care is the approved child care plan for the child of a parent involved in basic education, job training, work experience, or other program which DSHS is responsible for arranging, approving or paying, the caretaker must meet the following minimum qualifications and fulfill the following responsibilities:

(i) Be eighteen years of age or older,

(ii) Be free of communicable disease, including tuberculosis, as shown by tests within the year, and every two years thereafter,

(iii) Be of sufficient physical, emotional and mental health to meet the needs of the children in care,

(iv) Subject to the discretion of the worker, give written evidence from a medical authority that he or she is in sufficient physical, emotional and mental health to be a safe caretaker,

(v) Produce written references indicating that she or he is capable of handling children of the ages for whom she or he will be caring and has the ability to provide activities suitable to their ages and interests.

(vi) Be able to work with children without recourse to physical punishment or psychological abuse,

(vii) Be able to accept and follow instructions,

(viii) Maintain personal cleanliness,

(ix) Be prompt and regular in job attendance,

(x) Expect to be evaluated on the above items.

(e) Responsibilities of in-home caretaker - in-home caretaker shall:

(i) Consider her or his primary function that of child care,

(ii) Provide constant care and supervision of the children for whom she or he is responsible throughout the time she or he is on duty in accordance with their needs,

(iii) Provide appropriate activities for children in care.

(6) Payment standards for day care: The rate of payment for day care shall be the prevailing community rate, not to exceed the maximum rate established by the department.

(a) When the parent or parent surrogate is responsible for in-home care, that person will receive payment for the cost of child care and will pay the in-home care provider according to the amount specified in the approved child care plan.

(b) The in-home care provider must sign a receipt at the time that payment is received. The parent/surrogate must send this receipt with his or her statement of child care provided during the previous month to the ESSO before the next child care payment shall be authorized.

(c) If total payments to an individual providing in-home care are expected to be \$50 or more in any one quarter, the employer's share of the FICA tax must be added to the amount authorized for in-home care.

(d) Payment for child care by relative: Unless the performance of child care services by a relative of the parent keeps the relative from accepting or continuing in paid employment, no payment shall be allowed for child care services for the following relatives: father, mother,

grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew or niece. Child care will be considered as in-home care when care is provided in the house of the relative.

(e) Payment for child care to nonresponsible relative: Where a child receiving AFDC is living with a nonresponsible relative not on AFDC and day care is required to support the relative's employment, the child is eligible for day care.

WSR 81-10-035
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1651—Filed April 29, 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 disregard of income and resources, amending WAC 388-28-575.

This action is taken pursuant to Notice No. WSR 81-07-014 filed with the code reviser on March 9, 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 29, 1981.

By David A. Hogan
Director, Client and
Community Relations Division

AMENDATORY SECTION (Amending Order 1399, filed 5/16/79)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) In determining need and the amount of the assistance payment in AFDC, the following shall be disregarded as income and resources:

(a) Any grant or loan to any undergraduate student for educational purposes made or insured under any programs administered by the commissioner of education, U.S. department of health, education, and welfare. The entire amount of such loan or grant is disregarded, irrespective of the use to which the funds are put.

(b) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana, and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana.

(c) Any Indian claim settlement funds distributed per capita or held in trust as authorized in Section 7 of Public Law 93-134 or Section 6 of Public Law 94-114.

(d) The income and resources of an individual receiving benefits under supplemental security income for the period for which such benefits are received.

(e) Any payments received by Alaska natives under the Alaska Native Claims Settlement Act, to the extent such payments are exempt from taxation under Section 21(a) of that act.

(f) From August 1, 1975, to September 30, 1976, forty percent of the first fifty dollars collected by the office of support enforcement in payment on the support obligations for the current month.

(g) Moneys received under The Comprehensive Employment and Training Act of 1973, as amended, as follows:

(i) The \$30 weekly incentive training allowance for AFDC recipients;

(ii) Earnings and allowances received by any youth under the youth incentive entitlement pilot projects, youth community conservation and improvement projects and youth employment and training program.

(h) Retroactive AFDC benefits resulting from a court order modifying a department policy. This subdivision is effective April 1, 1978.

(i) OASDI benefits paid to 18 to 22 year olds who are full-time students.

(j) That part of a veterans' administration educational assistance payment which is for the student's educational expenses, such as, but not limited to, tuition, books, fees, equipment, transportation for school purposes and child care services necessary for school attendance.

(k) HUD community development block grant funds obtained and used under conditions that preclude their use for current living costs.

(2) In determining need and the amount of the assistance payment in AFDC and GA, the following shall be disregarded as income and resources:

(a) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(b) The value of the coupon allotment under the Food Stamp Act of 1964, as amended.

(c) Any compensation provided to volunteers in ACTION programs established by Titles II and III of Public Law 93-113, the Domestic Volunteer Service Act of 1973. This policy is effective retroactively to October 1, 1973.

(d) Any compensation provided volunteers in ACTION programs established by Title I of Public Law 93-113, the Domestic Volunteer Service Act.

(e) Any benefits received under the women, infants and children program (WIC) of the Child Nutrition Act of 1966, as amended and the special food service program for children under the National School Lunch Act, as amended.

(f) Payments made under the Community Services Administration's Emergency Energy Conservation Program of 1979.

WSR 81-10-036
PROPOSED RULES
PARKS AND RECREATION
COMMISSION
 [Filed April 29, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning campsite reservation system, WAC 352-32-035. This rule will be publicly reviewed at least every four years;

that such agency will at 9:00 a.m., Thursday, May 21, 1981, in the Thunderbird Motor Inn, 818 112th N.E., Bellevue, WA 98004, conduct a hearing relative thereto; and that the adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, May 21, 1981, in the Thunderbird Motor Inn, 818 112th N.E., Bellevue, WA 98004.

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to Wednesday, May 20, 1981, and/or orally at 9:00 a.m., Thursday, May 21, 1981, Thunderbird Motor Inn, 818 112th N.E., Bellevue, WA 98004.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-06-055 filed with the code reviser's office on March 3, 1981.

Dated: April 29, 1981

By: D. W. Lowell
 Rules Coordinator

WSR 81-10-037
ATTORNEY GENERAL OPINION
Cite as: AGLO 1981 No. 12
 [April 27, 1981]

**DISTRICTS—PORT—AIRPORTS—IRRIGATION—AGRI-
 CULTURE—DEVELOPMENT OF CERTAIN AIRPORT LAND
 FOR AGRICULTURAL PURPOSES**

An airport board established pursuant to RCW 14.08.200 by joint action between two port districts may not develop airport land belonging to the board with irrigation for agricultural purposes; however, such an airport board may lease property to a third party by private negotiation as authorized by RCW 14.08.200(7) even though it is known that the third party intends to develop the land with irrigation for agricultural purposes—so long as such development is not made a condition or requirement of the lease.

Requested by:

Honorable George L. Sellar
 St. Sen., 12th District
 411-B Legislative Building
 Olympia, Washington 98504

WSR 81-10-038
ADOPTED RULES
COMMISSION ON EQUIPMENT
 [Order 81-04-01—Filed April 30, 1981]

Be it resolved by the Commission on Equipment, acting at the General Administration Building, Olympia, Washington 98504, that it does promulgate and adopt the annexed rules relating to traction devices, chapter 204-24 WAC, flashing amber lamps, chapter 204-38 WAC and towing businesses, chapter 204-66 WAC.

This action is taken pursuant to Notice Nos. WSR 81-01-080, 81-04-040, 81-04-041 and 81-10-001 filed with the code reviser on December 17, 1980, February 3, 1981 and April 23, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.37.280 (chapter 204-38 WAC) and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 46.37.005, 46.37.420 and 46.61.567 which directs that the Commission on Equipment has authority to implement the provisions of RCW 46.37.420 and 46.61.567 (chapters 204-24 and 204-66 WAC).

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

APPROVED AND ADOPTED April 24, 1981.

By R. C. Dale
 Secretary

AMENDATORY SECTION (Amending Order 7607A, filed January 30, 1978)

WAC 204-24-050 USE OF TIRE CHAINS OR OTHER TRACTION DEVICES. When traffic control signs marked "Chains Required" or "~~((Other))~~ Approved Traction Devices ~~((Are))~~ Required" are posted by the Transportation Commission, it shall be unlawful for any vehicle not to have tire chains or approved traction devices mounted on the drive wheels of a vehicle, except the use of special tires or approved traction devices other than tire chains by vehicles over 10,000 pounds gross vehicle weight shall not be permitted. These vehicles must use tire chains as set forth. In addition, a wheel on the last axle of any trailer in a two-vehicle combination of vehicles over 10,000 pounds GVW shall have a tire chain mounted on its tire. If the trailer is equipped with a dual rear axle, the chain may be installed on a tire on the forward-most rear axle. On any vehicle ~~((equipped with))~~ equipped with dual tire drive wheels, individual metal chains of hardened metal may be used on the outside drive wheels, provided a minimum of four such chains equally spaced are used on each such wheel. All-wheel drive vehicles with a gross vehicle weight of 8,000 pounds or less, in gear, equipped with approved traction devices on all wheels, may be exempt from using chains when traffic control signs marked "Chains Required" are posted. PROVIDED:

That tire chains for at least one set of drive wheels are carried upon such vehicle. Where traffic control signs are posted marked "Chains Required", the use of special tires or approved traction devices may not be substituted for tire chains on single drive vehicles. The Washington State Transportation Commission or Washington State Patrol may prohibit any vehicle from entering a chain control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

AMENDATORY SECTION (Amending order 80-05-2, filed May 28, 1980)

WAC 204-38-030 DEFINITIONS. (1) "Flashing" lamps shall include those lamps which emit a beam of light which is broken intermittently and regularly by use of an electronic or electric switch, a rotating reflector, a rotating lamp, or a strobe lamp.

(2) "Other construction and maintenance vehicles" shall mean those vehicles owned or operated by a private company which is in the process of providing highway construction or maintenance services or is working in conjunction with any public utility.

(3) "Pilot cars" shall mean those vehicles which are used to provide escort for overlegal size loads upon the roadways of this state.

(4) "Public utilities vehicles" shall mean those vehicles used for construction, operations, and maintenance, and which are owned or operated by a public or private utility, including, but not limited to, companies providing water, electricity, natural gas, telephone, and television cable services, and railroads.

(5) "Tow trucks" shall mean those vehicle engaged in removing disabled or abandoned vehicles from the roadway and which are used primarily for that purpose.

(6) "Animal control vehicles" shall mean those vehicles, either publicly or privately owned, which are used primarily for transportation of animals to or from animal shelters, humane society facilities, or veterinary medicine facilities.

AMENDATORY SECTION (Amending order 80-05-2, filed May 28, 1980)

WAC 204-38-040 MOUNTING OF LAMPS. One or more flashing amber lamps may be mounted on public utilities vehicles, other construction and maintenance vehicles, pilot cars, ((and)) tow trucks, and animal control vehicles. The lamp(s) shall be mounted and shall be of sufficient intensity so as to be clearly visible to approaching traffic for at least five hundred feet in normal sunlight.

The provisions of WAC 204-72-030 and WAC 204-72-040 shall be adhered to as they relate to the mounting of warning lamps.

AMENDATORY SECTION (Amending order 80-05-2, filed May 28, 1980)

WAC 204-38-050 USE OF LAMPS. Flashing amber lamps shall be used on the vehicles described in WAC 204-38-((050))040 only when such vehicles are actually involved in construction, maintenance, or operations which require that warning be given to ensure the

protection of the motoring public or the work crew. Warning lamps shall not be illuminated while traveling to or from the site of operations. For the purposes of tow truck operations, the site of operations shall be only that place where vehicles are attached to or detached from the tow truck. Lamps on pilot cars shall be illuminated only while the vehicle is actually providing escort service.

Nothing in this chapter shall relieve the operator of any vehicle from displaying any other light or warning device required by statute or regulation, and nothing herein shall permit any vehicle operator to disregard any traffic law. The lamps permitted by this chapter shall be of a type approved by the Commission on Equipment.

AMENDATORY SECTION (Amending Order 7720H, filed 8/31/79)

WAC 204-66-180 VEHICLE TOWING OPERATOR QUALIFICATIONS. In addition to WAC 204-66-160, tow truck operators appointed to perform towing services pursuant to this regulation shall observe the following practices and procedures:

(1) When called by the patrol, the tow truck operator will dispatch a tow truck within five minutes during normal business hours.

(2) Tow trucks dispatched at the request of the patrol after normal business hours, will be on the move within the assigned zone within ten minutes after receiving the call.

(3) The tow truck that is dispatched will arrive at the stated location within a reasonable time considering distance and traffic conditions.

(4) If for any reason a tow operator is unable to dispatch a tow truck within the stated time, the tow truck operator shall so advise the patrol. In the event the tow truck does not arrive at the scene within a reasonable time, the patrol will contact another tow business to perform the necessary services.

(5) A tow operator on rotation who is unable to dispatch within the time stated in WAC 204-66-180, paragraphs 1, 2, 3, and 4, will forfeit his turn and be placed at the bottom of the rotation list as if he had responded.

(6) Consistent refusal or failure of the appointee to respond to calls from the patrol for towing services may result in the suspension or revocation of the tow operator's letter of appointment.

(7) The tow operator will advise the patrol when he receives a private call for a tow and the circumstances indicate that the tow is for a vehicle which has been involved in an accident or other such incident on the public roadway. The tow operator also will advise the patrol of all traffic accidents on private property resulting in bodily injury or death when the operator has received a private call for a tow at such an accident.

(8) The tow operator will notify the patrol before moving any vehicle involved in an accident on a public highway under the jurisdiction of the patrol as defined in the motor vehicle code, Title 46 RCW((:)) or where it appears that the driver of the vehicle to be moved is under the influence of intoxicants or drugs, or is otherwise incapacitated.

(9) When the patrol is in charge of an accident scene or other such incident, a tow operator shall not respond to such scene unless his services have been specifically requested by the patrol or the driver/owner or his agent.

(10) The tow operator shall be available twenty-four hours a day for the purpose of receiving calls or arranging for the release of vehicles. Business hours will be posted conspicuously at the operator's place of business so they can be seen during business hours and non-business hours. A copy will also be sent to the secretary of the commission and patrol district commander of the district in which the tow operator does business. Changes of business hours will be sent to the secretary of the commission and district commander ten days before their effective date.

(11) The tow operator shall have a secure storage area for the vehicles stored by the operator at the request of the patrol. Such storage area shall comply with Department of Licensing requirements for registered disposers (WAC 308-61-110).

(12) Tow operators will notify the appropriate patrol office of the release of stored vehicles within five work days after the release of such vehicle. Notification to the patrol will be made in such a manner prescribed by the district commander of the area concerned.

(13) Tow operators will post current towing service rates in a conspicuous place at the company's place of business and shall list such rates on a form approved by the commission. A copy of the current rates will be sent to the secretary of the commission and patrol district commander of the district in which the tow operator has applied for a letter of appointment. Any change(s) in service rates will be forwarded to the district commander of the area and to the secretary of the commission ten days prior to the proposed change(s). All charges made for towing services arising from calls issued by the patrol shall be consistent with current posted towing rates and shall be based only upon services listed on the prescribed form.

(14) If the commission receives written complaints from towing customers or the patrol concerning commission appointed tow business alleging "price gouging," "over-charging," charging for services not received, and other such pricing abuses and/or any improprieties, it will cause such allegations to be investigated by the patrol; and, if such abuses are established, the letter of appointment of any such business may result in the suspension, revocation, or denial of the letter of appointment by the commission.

(15) Tow operators will maintain, for one year, records on towed and released vehicles which were towed at the request of the patrol. This record will include but not be limited to:

(a) An itemized receipt of charges to the claimant of the vehicle.

(b) An inventory sheet or copy thereof made out by the trooper at the scene of the tow and signed by the tow truck driver.

Such records will be available for inspection by the patrol during normal business hours at the appointee's place of business for which the letter of appointment has been issued.

(16) The tow truck driver will sign an inventory sheet made out by the trooper at the scene of the tow and receive a copy.

(17) Tow operators will obtain and maintain current registration as a disposer by the Department of Licensing pursuant to chapter 308-61 WAC and chapter 178, 1st extraordinary session, Laws of 1979.

(18) Each towing operator shall carry at least five thousand dollars of insurance to protect against vehicle damage from, including but not limited to, fire and theft incurred from the time a vehicle comes into his custody pursuant to this regulation, until he releases or otherwise disposes of it. Each towing operator shall also carry at least fifty thousand dollars of liability insurance for property or bodily injury. Insurance must be sufficient to compensate for any loss of or damage to property entrusted to the towing firm.

The commission shall be notified within ten days of any change which leaves the tow operator without the necessary minimum coverage. A copy of the insurance policy or certificate of coverage shall be filed with the secretary of the commission. The insurer shall notify the commission within five days if the policy is canceled.

(19) Tow operators shall perform towing tasks competently. The standard of competence shall be that quality of work which is accepted as efficient and effective within the towing industry.

(20) No tow operator or his employee or agent shall misappropriate, wrongfully convert to his own use or abuse any property entrusted to his care or storage as a result of performing towing services or for the benefit of a towing service customer.

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 81-10-039

ADOPTED RULES

PENINSULA COLLEGE

[Order 6, Resolution 81-06-031—Filed April 30, 1981]

Be it resolved by the board of trustees, of Community College District #1, Peninsula College, acting at Peninsula College, Port Angeles, Washington, that it does promulgate and adopt the annexed rules relating to the repeal of WAC 132A-104-005 relating to board meetings.

This action is taken pursuant to Notice No. WSR 81-06-031 filed with the code reviser on February 26, 1981. Such rules shall take effect pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of Community College District #1, Peninsula College, as authorized by chapter 28B.50 RCW, primarily RCW 28B.50.140(13) and .130.

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 Paul G. Cornaby
President of the College
Secretary to the Board of Trustees

REPEALER

WAC 132A-104-005 BOARD MEETINGS.

WSR 81-10-040
PROPOSED RULES
DEPARTMENT OF
EMERGENCY SERVICES
[Filed April 30, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and chapter 38.52 RCW, that the Washington State Department of Emergency Services intends to adopt, amend, or repeal rules concerning emergency management assistance funding, chapter 118-10 WAC;

and that the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, June 9, 1981, in the Conference Room, 4220 East Martin Way, Olympia.

The authority under which these rules are proposed is chapter 38.52 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 9, 1981, and/or orally at 10:00 a.m., Tuesday, June 9, 1981, 4220 East Martin Way, Olympia, WA 98504.

Dated: April 30, 1981

By: Hugh H. Fowler
Director

STATEMENT OF PURPOSE

Title: Criteria for allocation of emergency management assistance funding.

Description of Purpose: Criteria to disperse emergency management assistance funds received from federal sources.

Statutory Authority: Chapter 38.52 RCW.

Summary of Rule: Establishes rules for the dispersment of emergency management assistance funds to local emergency services organizations.

Agency personnel responsible for drafting, implementation and enforcement: F.P. Etheridge, Jr., 4220 East Martin Way, Olympia, WA 98504, 753-5255.

Organization proposing rule, and whether public, private or governmental: Washington State Department of Emergency Services, Governmental.

Chapter 118-10 WAC
CRITERIA FOR ALLOCATION OF EMERGENCY MANAGEMENT ASSISTANCE FUND

NEW SECTION

WAC 118-10-010 PURPOSE. The purpose of this regulation is to establish criteria to be applied by the Director, Washington State Department of Emergency Services, in allocating available Emergency Management Assistance (EMA) funds received from federal sources to political subdivisions of this state for the purpose of carrying out the administration of civil defense or emergency services programs.

NEW SECTION

WAC 118-10-020 DEFINITIONS. (1) Administrative Expenses: Necessary and essential expenses, other than personnel expenses as defined in this section, of a grantee and its subgrantees incurred in the administration of civil defense or emergency services programs, as detailed in Federal Civil Preparedness Guidelines CPG 1-3, as charged.

(2) Personnel expenses. Necessary and essential civil defense or emergency services expenses for personnel on the approved staffing pattern of a grantee for salaries, wages and fringe benefits for such employees appointed in accordance with state and local government laws and regulations under a system which meets federal merit system and other applicable federal requirements.

(3) Program papers. Formal identification of specific actions to be accomplished by a state and its political subdivisions during the fiscal year for which federal funds are being requested by the state based upon state and local program paper input.

(4) Operational plans. Operational plans are part of the state administrative plan. They identify the available personnel, equipment, facilities, supplies and other resources of the state and its political subdivisions and provide for coordinated direction and control or operations to be taken throughout the state in the event of a nuclear attack, peacetime nuclear incident, man-made disaster, hazardous materials incident or natural disaster.

(5) State director shall mean the director of the Department of Emergency Services, or his designee.

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 118-10-030 EMA FUNDS ELIGIBILITY CRITERIA. Political subdivisions of the state will be eligible for allocation of available EMA funds if:

(A) The local emergency services agency for which funds are sought has a current basic emergency operations plan approved by the state director. The plan will provide for nuclear, man-made and natural disasters. Annexes for the support of the plan must be up-to-date or there must be a schedule for their completion acceptable to the state director.

(B) The director/coordinator of the emergency services agency for which funds are sought must be a full-time employee of the agency in order for the position to be covered for EMA funding purposes. However, with approval of the state director, eligibility for funding this position may be extended to cover specific part-time local directors/coordinators when the state director finds, under the prevailing local conditions, it is not practicable to have a full-time director/coordinator. Under no circumstances will funding be allocated if the director/coordinator works less than 8 hours per week on civil defense and disaster preparedness duties, and as many additional hours as are required to conduct an adequate program as described in CPG 1-5 standards. The director/coordinator shall be paid a salary commensurate with the extent and difficulty of the duties of the job and with other salaries paid by local government. In all jurisdictions, competent persons should be designated and trained for civil preparedness functions such as operations, shelter maintenance, communications, and radiological defense, and to carry out such functions in emergencies as well as to assist in developing readiness for emergencies. In larger jurisdictions, these positions should be paid on a full-time basis to assure professionally competent services personnel, rather than assigning the functions to other government employees, who are employed in other unrelated functions.

(C) EMA funds will be allocated to local emergency services organizations to the extent that such funds are available. The state director will review the activities of each EMA recipient through a semi-annual progress report and/or on-site survey to determine the recipient's accomplishments. Unless a waiver of program goals deficiencies has been obtained from the state director, the EMA funds allocated to an

emergency services organization which has not accomplished its program goals may be reduced during the next fiscal year by an amount consistent with the deficiencies in the program. The fund thus unencumbered may be reallocated, at the discretion of the state director, to those emergency services organizations which are meeting their program goals.

(D) Distribution of funds. All available funds will be distributed on an equal basis in accordance with the standards and priorities established in Federal Register 44 CFR Part 302 dated October 1, 1980, CPG 1-3, Change 1 May 15, 1977 and CPG 105, April 1978.

WSR 81-10-041
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-28—Filed April 30, 1981]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use 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 the ocean salmon angling season is set to conform with the recommendation of the Pacific Fishery Management Council. The bag limit adjustment will provide an angling opportunity that parallels adjacent waters.

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 30, 1981.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-56-19000D SALMON ANGLING. (1) Notwithstanding the provisions of WAC 220-56-190, effective May 2 through May 22, 1981, it is unlawful to take, fish for or possess salmon for personal use from waters west of a line projected from the most westerly point on Cape Flattery to the Tatoosh Island Light, thence to Bonilla Point; the Pacific Ocean; and waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10.

(2) Notwithstanding the provisions of WAC 220-56-190, effective immediately through May 22, 1981, the personal use salmon bag limit in that portion of the Strait of Juan de Fuca westerly of the mouth of the Sekiu River and easterly of a line projected from the

most westerly point on Cape Flattery to the Tatoosh Island Light to Bonilla Point is Bag Limit H as defined in WAC 220-56-180 (6).

WSR 81-10-042
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 81-29—Filed April 30, 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 this order sets regulations that conform with the recommendations of the Pacific Fishery Management Council.

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 30, 1981.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-00400P TROLL SIZE RESTRICTION. (1) Effective May 1, 1981 until further notice, it is unlawful for any treaty Indian fisherman to take, fish for or possess chinook salmon less than 24 inches in length, or coho salmon less than 16 inches in length taken with troll gear for commercial purposes in Puget Sound Salmon Management and Catch Reporting Area 4B.

(2) Effective May 1, 1981 until further notice, it is unlawful for any treaty Indian fisherman to take, fish for or possess chinook salmon less than 24 inches in length or coho salmon less than 16 inches in length taken with troll gear for commercial purposes in Coastal Salmon Management and Catch Reporting Areas 4 and 4A.

(3) Effective May 1, 1981 until further notice, it is unlawful for any treaty Indian fisherman to take, fish for or possess chinook salmon less than 28 inches in length or coho salmon less than 16 inches in length taken with troll gear for commercial purposes in Coastal Salmon Management and Catch Reporting Areas 2 and 3.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-00400N TROLL SIZE RESTRICTION (80-23).

WSR 81-10-043
PROPOSED RULES
URBAN ARTERIAL BOARD

[Filed April 30, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Urban Arterial Board intends to adopt, amend, or repeal rules concerning design standards for urban arterials, amending WAC 479-16-060;

that such agency will at 9:30 a.m., Thursday, July 16, 1981, in the Highway Administration Building, Board Room, Olympia, Washington 98504, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Thursday, July 16, 1981, in the Highway Administration Building, Board Room, Olympia, Washington 98504.

The authority under which these rules are proposed is chapter 47.26 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 15, 1981.

Dated: April 30, 1981

By: Robert A. Plaquet
 Executive Secretary

STATEMENT OF PURPOSE

Title: WAC 479-16-060 Design Standards for Urban Arterials.

Result Of Federal Law Or Federal Or State Court Action: N/A.

Statutory Authority: Chapter 47.26 RCW.

Summary Of Rule: Rule is amended to provide current date.

Reason For Rule: Rule requires cities and counties to build Urban Arterial projects according to design standards. Amendment allows updating of design standards for 1981 UAB Program.

For Further Information: Robert A. Plaquet, Executive Secretary, 753-7199.

Proponents Of Rule: The Urban Arterial Board.

Comments: None.

AMENDATORY SECTION (Amending Order 460, filed 9/16/77)

WAC 479-16-060 DESIGN STANDARDS FOR URBAN ARTERIALS. Cities and counties within federal urban areas shall, in

preparing and implementing their urban arterial programs, follow the Design Standards for ((City and County)) Urban Arterials in the state of Washington dated ((September 5, 1968, or as amended)) July 16, 1981.

Incorporated cities outside federal urban areas shall, in preparing and implementing their urban arterial programs, follow the design standard ((Neighborhood)) Collector Arterial found in the Design Standards for ((City and County)) Urban Arterials in the state of Washington dated ((September 5, 1968, or as amended)) July 16, 1981.

A copy of these standards shall be available upon request to the office of the Urban Arterial Board. These standards shall be used for all projects presented for approval of Urban Arterial Trust Funds on July 16, 1981, and thereafter.

WSR 81-10-044
EMERGENCY RULES
DEPARTMENT OF TRANSPORTATION
(Transportation Commission)

[Order 19, Resolution 106—Filed April 30, 1981]

Be it resolved by the Washington State Transportation Commission, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to the adoption of a new Schedule of Tolls for the Washington State Ferry System, amending WAC 468-300-010, 468-300-020, 468-300-030, 468-300-040 and 468-300-050.

We, the Washington State Transportation Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the increase in tolls and reduction in discounts for commutation tickets adopted by Resolution No. 104 will create hardship to ferry users which will be unnecessary to impose in the event that additional tax subsidy in the sum of \$15,000,000 is made available to the Washington State Ferries in the 1981-1983 biennium.

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

This rule is promulgated pursuant to RCW 47.60.325 which directs that the Department of Transportation has authority to implement the provisions of RCW 47.60.325.

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

APPROVED AND ADOPTED April 21, 1981.

By Vaughn Hubbard
 Chairman

AMENDATORY SECTION (Amending Order 17, Resolution 104, filed 3/31/81)

WAC 468-300-010 FERRY PASSENGER TOLLS. ((~~1~~) If additional tax support does not become available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:))

ROUTES	PASSENGER						
	Full Fare One Way	Half Fare** One Way	COM- MU- TATION	SCHOOL COM- MU- TATION	EXCURSION- ROUND TRIP***		
			20 Rides *****	20 Rides *****	Full Fare	Half Fare **	
					Ages		
					12-20	5-11	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(1.50) <u>1.35</u>	.75 <u>.70</u>	24.00 <u>16.20</u>	15.00 <u>13.50</u>	7.50 <u>6.75</u>	2.15 <u>1.90</u>	1.10 <u>.95</u>
Pt. Townsend-Keystone Edmonds-Kingston							
Fauntleroy-Vashon Southworth-Vashon	(1.90) <u>1.70</u>	1.00 <u>.90</u>	15.20 <u>10.20</u> *****	9.50 <u>8.50</u>	4.75 <u>4.25</u>	N/A	N/A
Pt. Defiance-Tahlequah							
Mukilteo-Clinton Lofall-Southpoint	(.95) <u>.85</u>	.50 <u>.45</u>	15.20 <u>10.20</u>	9.50 <u>8.50</u>	4.75 <u>4.25</u>	1.35 <u>1.20</u>	.70 <u>.60</u>
Anacortes to Lopez	(1.85) <u>1.65</u>	.95 <u>.85</u>	29.60 <u>19.80</u>	18.50 <u>16.50</u>	9.25 <u>8.25</u>		
Shaw, Orcas or Friday Harbor	(2.10) <u>1.85</u>	1.05 <u>.95</u>	33.60 <u>22.20</u>	21.00 <u>18.50</u>	10.50 <u>9.25</u>	N/A	N/A
Sidney	(2.30) <u>2.05</u>	1.15 <u>1.05</u>	36.00 <u>24.60</u>	23.00 <u>20.50</u>	11.50 <u>10.25</u>	5.65	2.85
Friday Harbor to Lopez, Shaw or Orcas	(1.50) <u>1.35</u>	.75 <u>.70</u>	24.00 <u>16.20</u>	15.00 <u>13.50</u>	7.50 <u>6.75</u>	N/A	N/A
Between Lopez, Shaw, or Orcas	(.95) <u>.85</u>	.50 <u>.45</u>	15.20 <u>10.20</u>	9.50 <u>8.50</u>	4.75 <u>4.25</u>	N/A	N/A
Sidney to Lopez	3.55	1.80	N/A	N/A	N/A	N/A	N/A
Shaw or Orcas	3.30	1.65	N/A	N/A	N/A	N/A	N/A
Friday Harbor	3.15	1.60	N/A	N/A	N/A	N/A	N/A

*These routes operate on one-way only toll collection system.

**Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare.

NOTE: Half-fare privilege does not include vehicle.

***One day excursion for walk-on passengers with limited time ashore. Special stay aboard excursion rate (one-half of amounts shown) effective only during designated special events on routes and at times as determined by the Secretary of Transportation (not to exceed 14 days per year on any route).

****School Commutation Tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

*****A combination Ferry/Bus Public Transit Passenger Monthly Reusable Ticket Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route, and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus, or for walk-on passengers, on weekdays only, on those routes which have connecting bus service as part of the Transit Operating Plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the Secretary of Transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.

*****On the Fauntleroy-Vashon route, a combination Ferry/Bus Public Transit Monthly Reuseable Ticket Rate shall apply.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage or for refunds. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

((2) If additional tax support becomes available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:

ROUTES			PASSENGER		SCHOOL		EXCURSION-ROUND TRIP***	
			COM-	COM-				
	Full Fare	Half Fare**	MU-TATION	MU-TATION	Full Fare	Half Fare	Full Fare	Half Fare
	One Way	One Way	20 Rides	20 Rides				
			*****	*****				
					Ages			
					12-20	5-11		
Fauntleroy-Southworth	}	}	22.40	14.00	7.00	1.95	1.00	
Seattle-Bremerton								
Seattle-Winslow								
Pt. Townsend-Keystone								
Edmonds-Kingston								
Fauntleroy-Vashon	}	}	13.60	8.50	4.25	N/A	N/A	
Southworth-Vashon								
Pt. Defiance-Tahlequah								
Mukilteo-Clinton	}	}	13.60	8.50	4.25	1.20	.60	
Lofall-Southpoint								
Anacortes to Lopez			27.20	17.00	8.50			
Shaw, Orcas or			30.40	19.00	9.50	N/A	N/A	
Friday Harbor			33.60	21.00	10.50			
Sidney			N/A	N/A	N/A	5.65	2.85	
Friday Harbor to Lopez, Shaw or Orcas			22.40	14.00	7.00	N/A	N/A	
Between Lopez, Shaw, or Orcas			13.60	8.50	4.25	N/A	N/A	
Sidney to Lopez								
Shaw or Orcas			N/A	N/A	N/A	N/A	N/A	
Friday Harbor								

*These routes operate on one-way only toll collection system.

**Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route. NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare.

NOTE: Half-fare privilege does not include vehicle.

***One day excursion for walk-on passengers with limited time ashore. Special stay aboard excursion rate (one-half of amounts shown) effective only during designated special events on routes and at times as determined by the Secretary of Transportation (not to exceed 14 days per year on any route).

****School Commutation Tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed

by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

*****A combination Ferry/Bus Public Transit Passenger Monthly Reusable Ticket Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route, and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus, or for walk-on passengers, on weekdays only, on those routes which have connecting bus service as part of the Transit Operating Plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the Secretary of Transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.

*****On the Fauntleroy-Vashon route, a combination Ferry/Bus Public Transit Monthly Reusable Ticket Rate shall apply.

*****Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage or for refunds. Washington state ferries shall enter into agreements with banks to sell commutation tickets.))

AMENDATORY SECTION (Amending Order 17, Resolution 104, filed 3/31/81)

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS. ((†) If additional tax support does not become available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:))

	AUTO**		MOTORCYCLE		BICYCLE & RIDER			Excursion	
	INCL. DRIVER		INCL. DRIVER		Full Fare One Way	Half Fare One Way	Commutation 20 Rides****	Round Trip***	
	One Way	Commutation Rides****	One Way	Commutation Rides****				Full Fare	Half Fare
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(5.10) 4.50	91.80 72.00	2.75 2.45	44.00 32.65	2.15 1.90	1.40 1.25	34.40 19.00	3.45 3.00	2.40 2.05
Pt. Townsend-Keystone Edmonds-Kingston									
Fauntleroy-Vashon Southworth-Vashon	(6.90) 6.10	62.10 48.80	3.70 3.30	29.60 22.00	2.90 2.60	2.00 1.80	23.20 13.00	N/A	N/A
Pt. Defiance-Tahlequah									
Mukilteo-Clinton	(3.45) 3.05	62.10 48.80	1.85 1.65	29.60 22.00	1.45 1.30	1.00 .90	23.20 13.00	2.35 2.10	1.70 1.50
Lofall-Southpoint									
		10 Rides							
Anacortes to Lopez	(5.60) 4.95	50.40 39.60	3.25 2.90	52.00 38.65	2.55 2.25	1.65 1.45	40.80 22.50		
Shaw, Orcas or Friday Harbor	(6.30) 5.60	56.70 44.80	3.75 3.35	60.00 44.65	2.85 2.55	1.80 1.65	45.60 25.50	N/A	N/A
Sidney	(7.20) 6.40	64.80 51.20	4.30 3.85	68.80 51.35	3.25 2.90	2.10 1.90	52.00 29.00		
	21.20	N/A	10.65	N/A	6.95	4.50	N/A	9.65	6.85
Friday Harbor to Lopez, Shaw or Orcas	(4.50) 4.00	40.50 32.00	2.75 2.45	44.00 32.65	2.15 1.90	1.40 1.25	34.40 19.00	N/A	N/A
Between Lopez, Shaw, or Orcas	(3.05) 2.70	27.45 21.60	1.85 1.65	29.60 22.00	1.45 1.30	1.00 .90	23.20 13.00	N/A	N/A
Sidney to Lopez Shaw or Orcas Friday Harbor	16.80 16.25 15.55	N/A	8.05 7.65 7.20	N/A	4.95 4.70 4.40	3.20 3.05 2.85	N/A	N/A	N/A

*These routes operate on one-way only toll collection system.

**Stages - option of paying Auto rate plus full fare for passengers (See Stages and Busses).

**Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase

for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

***One day excursion for bicycle and rider with limited time ashore.

****Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage or for refunds.

Washington state ferries shall enter into agreements with banks to sell commutation tickets.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route between May 1, and September 1 due to limited space.

((2) If additional tax support becomes available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:

	AUTO**		MOTORCYCLE		BICYCLE & RIDER			Excursion	
	INCL. DRIVER		INCL. DRIVER					Round Trip***	
	One Way	Commutation Rides****	One Way	Commutation Rides****	Full Fare One Way	Half Fare One Way	Commutation Rides****	Full Fare	Half Fare
Fauntleroy-Southworth									
Seattle-Bremerton									
Seattle-Winslow	4.60	82.80	2.50	40.00	1.95	1.25	31.20	3.05	2.10
Pt. Townsend-Keystone									
Edmonds-Kingston									
Fauntleroy-Vashon									
Southworth-Vashon	6.20	55.80	3.30	26.40	2.70	1.90	21.60	N/A	N/A
Pt. Defiance-Tahlequah									
Mukilteo-Clinton	3.10	55.80	1.65	26.40	1.35	.95	21.60	2.20	1.60
Lofall-Southpoint									
	10 Rides								
Anacortes to Lopez	5.10	45.90	2.95	47.20	2.30	1.45	36.80		
Shaw, Orcas	5.70	51.30	3.40	54.40	2.60	1.65	41.60	N/A	N/A
or Friday Harbor	6.50	58.50	3.90	62.40	2.95	1.95	47.20		
Sidney	21.20	N/A	10.65	N/A	6.95	4.50	N/A	9.65	6.85
Friday Harbor to Lopez,									
Shaw or Orcas	4.10	36.90	2.50	40.00	1.95	1.25	31.20	N/A	N/A
Between Lopez, Shaw, or Orcas	2.75	24.75	1.65	26.40	1.35	.95	21.60	N/A	N/A
Sidney to Lopez	16.80		8.05		4.95	3.20			
Shaw or Orcas	16.25	N/A	7.65	N/A	4.70	3.05	N/A	N/A	N/A
Friday Harbor	15.55		7.20		4.40	2.85			

*These routes operate on one-way only toll collection system.

**Stages - option of paying Auto rate plus full fare for passengers (See Stages and Busses).

***Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

***One day excursion for bicycle and rider with limited time ashore.

****Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage or for refunds. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

~~SUMMER SURCHARGE~~

~~A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.~~

~~PENALTY CHARGES~~

~~Owner of vehicle without driver will be assessed a \$50.00 penalty charge.~~

~~Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.~~

~~SPECIAL SCHOOL RATE~~

~~School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.~~

~~NOTE: Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route between May 1, and September 1 due to limited space.)~~

AMENDATORY SECTION (Amending Order 17, Resolution 104, filed 3/31/81)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER AND EXPRESS SHIPMENT FERRY TOLLS. ((+)) If additional tax support does not become available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium tolls shall be as follows:))

ROUTES	OVERSIZED VEHICLES** UNDER 25' LONG		OVERSIZED VEHICLES** 25' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Fauntleroy-Southworth Seattle-Bremerton	((8.15 <u>7.25</u>	146.70 <u>116.00</u>	11.20 <u>9.95</u>	201.60 <u>159.20</u>	11.20 <u>9.95</u>	.75)) <u>.70</u>
Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone						
Fauntleroy-Vashon	((10.80 <u>9.60</u>	97.20 <u>76.80</u>	14.40 <u>12.80</u>	129.60 <u>102.40</u>	14.40 <u>12.80</u>	1.00)) <u>.90</u>
Southworth-Vashon Pt. Defiance-Tahlequah						
Mukilteo-Clinton	((5.40 <u>4.80</u>	97.20 <u>76.80</u>	7.20 <u>6.40</u>	129.60 <u>102.40</u>	7.20 <u>6.40</u>	.50)) <u>.45</u>
Lofall-Southpoint						
Anacortes to Lopez, 10 Rides						((-.95)) <u>.85</u>
Shaw, Orcas or Friday Harbor	((11.20 <u>9.95</u>	100.80 <u>79.60</u>	15.25 <u>13.55</u>	137.25 <u>108.40</u>	15.25 <u>13.55</u>	1.05)) <u>.95</u> ((+.15)) <u>1.05</u>
Sidney	28.95	N/A	39.55	N/A	39.55	<u>2.50</u>
Friday Harbor to Lopez, Shaw or Orcas	((8.15 <u>7.25</u>	73.35 <u>58.00</u>	11.20 <u>9.95</u>	100.80 <u>79.60</u>	11.20 <u>9.95</u>	.75)) <u>.70</u>
Between Lopez, Shaw or Orcas	((5.40 <u>4.80</u>	48.60 <u>38.40</u>	7.20 <u>6.40</u>	64.80 <u>51.20</u>	7.20 <u>6.40</u>	.50)) <u>.45</u>
Sidney to Lopez, Shaw, Orcas or Friday Harbor	20.15	N/A	27.55	N/A	27.55	<u>1.80</u> <u>1.65</u> <u>1.60</u>

(a) BULK NEWSPAPERS per 100 lbs. \$((+95))1.75
(Shipments exceeding 60,000 lbs. in any month shall be assessed ((-95)).85¢ per 100 lbs.)

(b) EXPRESS SHIPMENTS per 100 lbs. \$((+9.05))17.00
(Shipments exceeding 100 lbs. assessed \$((6.35))3.63 for each 25 lbs. or fraction thereof.)

San Juan Inter-Island express shipments will be handled @ \$((2.55))2.25 per 100 lbs.

*These routes operate on one-way only toll collection system.

**Includes Motor Homes, and Mobile Campers that exceed eight feet in height. Excludes trucks licensed over 8,000, passenger busses and stages.

*****Stages - Option of paying Auto-driver rate plus full fare for each passenger.**

- A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.
- For vanpool fares, see WAC 468-300-020 under Auto.

******Half fare.**

*******Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage or for refunds.**
 Washington state ferries shall enter into agreements with banks to sell commutation tickets.

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

- (a) Daily Newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.
- (b) Emergency shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

((2) If additional tax support becomes available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:

ROUTES	OVERSIZED VEHICLES** UNDER 25' LONG		OVERSIZED VEHICLES** 25' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Edmonds-Kingston Pt. Townsend-Keystone	7.40	133.20	10.15	182.70	10.25	.70
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Fahlequah	9.80	88.20	13.00	117.00	13.00	.90
Mukilteo-Clinton Lofall-Southpoint	4.90	88.20	6.50	117.00	6.50	.45
Anacortes to Lopez, Shaw, Orcas or Friday Harbor Sidney	10 Rides 10.15	91.35	13.85	124.65	14.00	.85 .95 1.10 2.50
Friday Harbor to Lopez, Shaw or Orcas	7.40	66.60	10.15	91.35	10.25	.70
Between Lopez, Shaw or Orcas	4.90	44.10	6.50	58.50	6.50	.45
Sidney to Lopez, Shaw, Orcas or Friday Harbor	20.15	N/A	27.55	N/A	27.55	1.80 1.65 1.60

(a) **BULK NEWSPAPERS** per 100 lbs. \$1.80
 (Shipments exceeding 60,000 lbs. in any month shall be assessed .85¢ per 100 lbs.)

(b) **EXPRESS SHIPMENTS** per 100 lbs. \$17.30
 (Shipments exceeding 100 lbs. assessed \$5.75 for each 25 lbs. or fraction thereof.)

San Juan Inter-Island express shipments will be handled @ \$2.30 per 100 lbs.

*These routes operate on one-way only toll collection system.

**Includes Motor Homes, and Mobile Campers that exceed eight feet in height. Excludes trucks licensed over 8,000, passenger busses and stages.

***Stages - Option of paying Auto-driver rate plus full fare for each passenger.

- A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per

~~trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.~~

~~For vanpool fares, see WAC 468-300-020 under Auto.~~

~~****Half fare.~~

~~*****Commutation tickets shall be valid only for 90 days from date of purchase after which time the tickets shall not be accepted for passage or for refunds.~~

~~Washington state ferries shall enter into agreements with banks to sell commutation tickets.~~

SUMMER SURCHARGE

~~A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.~~

PENALTY CHARGES

~~Owner of vehicle without driver will be assessed a \$50.00 penalty charge.~~

~~(a) Daily Newspapers, in bundles, to be received and delivered without receipt and subject to owner's risk will be transported between ferry terminals on regular scheduled sailings.~~

~~(b) Emergency shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.)~~

AMENDATORY SECTION (Amending Order 17, Resolution 104, filed 3/31/81)

WAC 468-300-040 TRUCK FERRY TOLLS. ((+)) If additional tax support does not become available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:))

ROUTES	TRUCK, INCL. DRIVER									
	***8,001 to 10,000	10,001 to 16,000	16,001 to 22,000	22,001 to 28,000	28,001 to 36,000	36,001 to 48,000	48,001 to 60,000	60,001 to 72,000	Over 72,000 to 80,000	Over 80,000 per 1,000 Lbs.

Faultleroy-Southworth Seattle-Bremerton Seattle-Winslow	((8.25 7.20	11.25 10.00	14.50 12.80	17.50 15.60	21.50 19.20	28.25 25.00	35.00 31.20	41.75 37.00	48.25 43.00	.75)) .70
Pt. Townsend-Keystone Edmonds-Kingston										
Faultleroy-Vashon Southworth-Vashon	((10.50 9.60	14.00 12.80	18.00 16.00	22.00 19.60	27.00 24.00	36.00 32.00	44.50 39.60	54.00 48.00	62.00 55.20	1.00)) .90
Pt. Defiance-Tahlequah										
Mukilteo-Clinton	((5.25 4.80	7.00 6.40	9.00 8.00	11.00 9.80	13.50 12.00	18.00 16.00	22.25 19.80	27.00 24.00	31.00 27.60	.50)) .45
Lofall-Southpoint										
**Anacortes to Lopez Shaw, Orcas	((11.25 10.00	15.25 13.60	19.25 17.20	23.25 20.80	28.75 25.60	37.50 33.40	46.75 41.60	55.75 49.40	64.50 57.40	1.00)) .80
or Friday Harbor Sidney	29.00	((39.50 39.60	50.25 50.20	60.75 60.80	73.50 73.40	97.50 97.40	121.50 121.60	145.50 145.60	152.25 152.20	2.50)) 2.60
**Friday Harbor to Lopez, Shaw or Orcas	((8.25 7.20	11.25 10.00	14.50 12.80	17.50 15.60	21.50 19.20	28.25 25.00	35.00 31.20	41.75 37.00	48.25 43.00	.75)) .85
**Between Lopez, Shaw or Orcas	((5.25 4.80	7.00 6.40	9.00 8.00	11.00 9.80	13.50 12.00	18.00 16.00	22.25 19.80	27.00 24.00	31.00 27.60	.50)) .55
**Sidney to Lopez Shaw((;)) or Orcas ((σ))	((20.25 20.20	27.50 27.60	35.50 35.40	42.50 42.40	50.75 50.80	67.75 67.80	84.75 84.80	101.50 101.60	106.00 106.00	1.75)) 1.80
Friday Harbor										

*These routes operate on one-way only toll collection system.

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

***Trucks under 8,001 lbs. will be classified as automobiles, unless over 8 feet in overall height. (See Oversized Vehicles.)

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the "22,001 to 28,000" rate. Semi-trucks are considered two truck units.

PENALTY CHARGES -

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL -

12 or more, one-way unit crossings within any consecutive six day period 25%
 Semi-trucks are considered two truck units.

((The current 25 percent discount rate for volume usage by trucks shall be reduced to 20 percent, and shall be extended to stages and buses. Discounted script shall be available in minimum lots of \$500 for use by trucks and stages and buses only. Truck and stage and bus discount tolls may be obtained only through payment in such script.))

OVERWIDTH CHARGES -

Any over legal width vehicle, trailer, load or combination requiring a special permit for highway use (exceeding 8 feet in width as provided in RCW 46.44.010) shall be assessed a 50% surcharge applied to the total fare.

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

((2) If additional tax support becomes available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:

ROUTES	TRUCK, INCL. DRIVER									
	***8,001 to 10,000	10,001 to 16,000	16,001 to 22,000	22,001 to 28,000	28,001 to 36,000	36,001 to 48,000	48,001 to 60,000	60,001 to 72,000	Over 72,000 to 80,000	Over 80,000 per 1,000 Lbs.

Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston	7.50	10.00	13.00	16.00	19.50	25.50	31.75	37.75	43.75	.75
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	9.50	13.00	16.00	20.00	24.50	33.00	40.50	49.00	56.50	1.00
Mukilteo-Clinton Lofall-Southport	4.75	6.50	8.00	10.00	12.25	16.50	20.25	24.50	28.25	.50
**Anacortes to Lopez Shaw, Orcas or Friday Harbor	10.25	13.75	17.50	21.25	26.00	34.25	42.50	50.50	58.50	1.00
Sidney	29.00	39.50	50.25	60.75	73.50	97.50	121.50	145.50	152.25	2.50
**Friday Harbor to Lopez, Shaw or Orcas	7.50	10.25	13.25	16.00	19.50	25.50	32.00	38.00	44.00	.75
**Between Lopez, Shaw or Orcas	4.75	6.50	8.00	10.00	12.25	16.50	20.25	24.50	28.25	.50
**Sidney to Lopez Shaw, Orcas or Friday Harbor	20.25	27.50	35.50	42.50	50.75	67.75	84.75	101.50	106.00	1.75

*These routes operate on one-way only toll collection system.

**Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

***Trucks under 8,001 lbs. will be classified as automobiles, unless over 8 feet in overall height. (See Oversized Vehicles.)

****UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the "22,001 to 28,000" rate. Semi-trucks are considered two truck units.

PENALTY CHARGES -

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

~~DISCOUNT PERCENTAGES FROM REGULAR TOLL~~

~~The current 25 percent discount rate for volume usage by trucks shall be reduced to 20 percent, and shall be extended to stages and buses. Discounted script shall be available in minimum lots of \$500 for use by trucks and stages and buses only. Truck and stage and bus discount tolls may be obtained only through payment in such script.~~

~~OVERWIDTH CHARGES~~

~~Any over legal width vehicle, trailer, load or combination requiring a special permit for highway use (exceeding 8 feet in width as provided in RCW 46.44.010) shall be assessed a 50% surcharge applied to the total fare.~~

~~Emergency trips during nonservice hours while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.))~~

AMENDATORY SECTION (Amending Order 17, Resolution 104, filed 3/31/81)

WAC 468-300-050 TRAILER FERRY TOLLS. ((+)) If additional tax support does not become available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:))

ROUTES	TRAILER					
	UNDER 10 One Way	10'-0" to Under 20' One Way	20'-0" to Under 30' One Way	30'-0" to Under 40' One Way	40'-0" to Under 50' One Way	50'-0" & Over One Way
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	(2.75) <u>2.45</u>	5.10 <u>4.50</u>	8.15 <u>7.25</u>	17.45 <u>15.55</u>	28.25 <u>25.15</u>	35.00) <u>31.15</u>
Pt. Townsend-Keystone Edmonds-Kingston						
Fauntleroy-Vashon Southworth-Vashon	(3.70) <u>3.30</u>	6.90 <u>6.10</u>	10.80 <u>9.60</u>	21.60 <u>19.20</u>	35.90 <u>32.00</u>	45.00) <u>40.00</u>
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	(1.85) <u>1.65</u>	3.45 <u>3.05</u>	5.40 <u>4.80</u>	10.80 <u>9.60</u>	17.95 <u>16.00</u>	22.50) <u>20.00</u>
Lofall-Southpoint						
Anacortes to Lopez	(3.25) <u>2.90</u>	5.60) <u>4.95</u>				
Shaw or Orcas	(3.75) <u>3.35</u>	6.30 <u>5.60</u>	11.20 <u>9.95</u>	23.35 <u>20.80</u>	37.70 <u>33.55</u>	46.65) <u>41.55</u>
Friday Harbor	(4.30) <u>3.85</u>	7.20) <u>6.40</u>				
Sidney	<u>10.65</u>	<u>21.20</u>	<u>28.95</u>	<u>60.75</u>	<u>97.45</u>	<u>121.50</u>
Friday Harbor to Lopez, Shaw or Orcas	(2.75) <u>2.45</u>	4.50 <u>4.00</u>	8.15 <u>7.25</u>	17.45 <u>15.55</u>	28.25 <u>25.15</u>	35.00) <u>31.15</u>
Between Lopez, Shaw, or Orcas	(1.85) <u>1.65</u>	3.05 <u>2.70</u>	5.40 <u>4.80</u>	10.80 <u>9.60</u>	17.95 <u>16.00</u>	22.50) <u>20.00</u>
Sidney to Lopez	<u>8.05</u>	<u>16.80</u>				
Shaw or Orcas	<u>7.65</u>	<u>16.25</u>	<u>20.15</u>	<u>42.40</u>	<u>67.80</u>	<u>84.75</u>
Friday Harbor	<u>7.20</u>	<u>15.55</u>				

*These routes operate on one-way only toll collection system.

(((2)) If additional tax support becomes available in the amount of \$7 million or more, as projected by the secretary of transportation or his designee for the 1981-83 biennium, tolls shall be as follows:

ROUTES	TRAILER					
	UNDER 10 One Way	10'-0" to Under 20' One Way	20'-0" to Under 30' One Way	30'-0" to Under 40' One Way	40'-0" to Under 50' One Way	50'-0" & Over One Way
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	<u>2.50</u>	<u>4.60</u>	<u>7.40</u>	<u>15.85</u>	<u>25.70</u>	<u>31.80</u>
Pt. Townsend-Keystone Edmonds-Kingston						
Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	<u>2.30</u>	<u>6.20</u>	<u>9.80</u>	<u>19.60</u>	<u>32.70</u>	<u>40.90</u>
Mukilteo-Clinton Lofall-Southpoint	<u>1.65</u>	<u>3.10</u>	<u>4.90</u>	<u>9.80</u>	<u>16.35</u>	<u>20.45</u>

ROUTES	TRAILER					
	10'-0" to	20'-0" to	30'-0" to	40'-0" to	50'-0" to	
	Under 10' One Way	Under 20' One Way	Under 30' One Way	Under 40' One Way	Under 50' One Way	& Over One Way
Anacortes to Lopez	2.95	5.10				
Shaw or Orcas	3.40	5.70	10.15	21.25	34.25	42.40
Friday Harbor	3.90	6.50				
Sidney	10.65	21.20	28.95	60.75	97.45	121.50
Friday Harbor to Lopez, Shaw or Orcas	2.50	4.10	7.40	15.85	25.65	31.80
Between Lopez, Shaw, or Orcas	1.65	2.75	4.90	9.80	16.35	20.45
Sidney to Lopez	8.05	16.80				
Shaw or Orcas	7.65	16.25	20.15	42.40	67.80	84.75
Friday Harbor	7.20	15.55				

*These routes operate on one-way only toll collection system.))

WSR 81-10-045
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed April 30, 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 356-15-120 Special assignment pay provisions.
- Amd WAC 356-18-090 Vacation leave—Accrual.
- Amd WAC 356-22-090 Examinations—Composition.
- Amd WAC 356-26-040 Registers—Name removal for cause—Grounds enumerated—Requirements.
- Amd WAC 356-30-280 Probationary period—((Period)) Transfer ((-)), Intra-agency re-appointment to higher class.
- Rep WAC 356-18-210 Part-time employees—Vacation and sick leave;

that such agency will at 10:00 a.m., Thursday, June 11, 1981, in the Board Hearings 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, June 11, 1981, in the Board Hearings 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 June 9, 1981, and/or orally at 10:00 a.m., Thursday, June 11, 1981, Board Hearings Room, 600 South Franklin, Olympia, WA 98504.

Dated: April 28, 1981
 By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amend: WAC 356-15-120.
 Title: Special Assignment Pay Provisions.
 Purpose: Specifies those classes and/or responsibilities which have been determined to merit special pay in addition to standard pay.
 Statutory Authority: Chapter 41.06 RCW.

Summary: New language would provide for payment of basic salary plus four salary ranges for Department of Revenue employees in Revenue Auditor classifications who are permanently assigned and maintain an office at an out-of-state location or are on a one-year roving assignment out-of-state.

Reasons: Sponsor cites the following: Recruiting difficulties: there is a critical need to retain existing staff and create a favorable recruiting climate to attract new candidates for out-of-state locations. Retirements and auditors electing to return in-state has resulted in a decline from 13 auditors in 1976 to 9 at the present time. We now face the serious possibility of several additional staff terminating their agreements and returning in-state. Need to service an increase in accounts in the face of declining staff.

Responsibility For Drafting: Jim Flynn, Personnel Manager, Department of Revenue, General Administration Building (MS: AX-02), Phone: 753-5527 and Robert Makula, Personnel Analyst, Standards and Surveys Division, Department of Personnel, 600 South Franklin, Olympia, WA (MS: FE-11), Phone: 753-2529. Implementation: Personnel Manager and Business Manager, Department of Revenue, General Administration Building (MS: AX-02). Enforcement: Personnel Manager, Department of Revenue and Office of Financial Management.

Proposed by: Department of Revenue, Governmental Agency.

Comments: By the Department of Revenue: The proposal is designed to recruit and retain staff in out-of-state locations. The nine auditors involved in this proposal produced audit recovery of \$6,301,840 in the fiscal year ending June 30, 1980. By the Department of Personnel: The staff has not had the opportunity to review this request with the Department of Revenue. It cannot, therefore, comment on its merits at this time.

Amend: WAC 356-18-090.

Title: Vacation Leave—Accrual.

Purpose: Specifies method and rate by which full-time employees accrue vacation leave.

Statutory Authority: RCW 43.01.040.

Summary: Proposed addition would specify method by which employees who usually work less than 40 hours a week receive credit for vacation leave; also, refers to "payroll hours" rather than "hours worked".
Reasons: a) the same rule would address full and part-time employees; b) change of "hours worked" to "payroll hours" would bring rule into consent with current practice; c) provides for the repeal of an obsolete rule (WAC 356-18-210).

Responsibility For Drafting: Bill B. Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, Olympia, WA, Phone: 753-7125. Implementation: Standards and Survey Division, Department of Personnel; Enforcement: Individual Agencies.

Proposed by: Department of Social and Health Services, Governmental Agency.

Comments: Will aid payroll guidelines.

Amend: WAC 356-22-090.

Title: Examinations—Composition.

Purpose: Sets forth the types of exams which may be used for testing applicants; also, allows the director, after obtaining approval from the Personnel Board, to screen the number of applicants to be given an oral exam.

Statutory Authority: Chapter 41.06 RCW.

Summary: Proposal would allow a written, performance, or E&T screening approach to be used on all exam announcements, without prior approval from the Personnel Board. It would also set limits to be followed in the screening procedure.

Reasons: This rule would stop the useless testing of hundreds of applicants.

Responsibility For Drafting: Roger Sanford, Personnel Analyst, Operations Division, Department of Personnel, 600 South Franklin, Olympia, WA (MS: FE-11), Phone: 753-5928. Implementation and Enforcement: Department of Personnel, 600 South Franklin, Olympia, WA.

Proposed by: Department of Personnel, Governmental Agency.

Comments: N/A.

Amend: WAC 356-26-040.

Title: Registers—Name Removal For Cause—Grounds Enumerated—Requirements.

Purpose: Specifies those reasons for which an eligible may be removed from a state employment register and sets forth procedures to be followed.

Statutory Authority: Chapter 41.06 RCW.

Summary: New language is basically of a housekeeping nature and to make rule reflect current practice of not sending a removal letter to those persons who request removal from a register or who cannot be located by the postal authorities.

Reasons: In the two situations cited above, it is the Department of Personnel stance that sending a removal letter is a useless act, both from an economic and workload standpoint.

Responsibility For Drafting: Carol Schmitt, Personnel Analyst, Certifications & Scheduling Section, Department of Personnel, 600 South Franklin, Olympia, WA (MS: FE-11), Phone: 753-2374. Implementation and Enforcement: Department of Personnel, 600 South Franklin, Olympia, WA.

Proposed by: Department of Personnel, Governmental Agency.

Amend: WAC 356-30-280.

Title: Probationary Period—Transfer, Intra-Agency Re-Appointment To Higher Class.

Purpose: Prohibits the transferring or promotion of an employee during his/her probationary period, but allows a new open competitive appointment in a higher class.

Statutory Authority: Chapter 41.06 RCW.

Summary: Proposal would eliminate the prohibition against transferring a probationary employee.

Reasons: Change would allow an employee to be moved when in the best interests of the agency and would allow for employee rotation through various units for training and experience purposes during their first six months of employment.

Responsibility For Drafting: Reggie Taschereau, Department of Social and Health Services, Office Building #2, Olympia, WA (MS: OB-14), Phone: 753-2460. Implementation: All State Agencies; and Enforcement: Department of Personnel, Office of the State Auditor.

Proposed by: Department of Social and Health Services, Governmental Agency.

Comments: The Department of Personnel has several questions regarding the effect of this proposed rule change. One major question is whether or not this would allow employees to be transferred from registers while in a probationary period.

Repeal: WAC 356-18-210.

Title: Part-Time Employees—Vacation and Sick Leave.

Purpose: Specifies method by which part-time employees will accrue vacation and sick leave.

Statutory Authority: RCW 43.01.040.

Summary/Reasons: Repeal will lessen duplication and possible conflict; elements of this rule being incorporated in other rules.

Responsibility For Drafting: Bill B. Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, Olympia, WA (MS: FE-11), Phone: 753-7125. Implementation and Enforcement: N/A.

Proposed by: Department of Social and Health Services, Governmental Agency.

Comments: This proposed repeal is contingent upon adoption of additions to WAC 356-18-090.

AMENDATORY SECTION (Amending Order 137, filed 11/13/79)

WAC 356-15-120 SPECIAL ASSIGNMENT PAY PROVISIONS. Classes to which this Rule applies are marked with the letters "AP" after their titles in the Compensation Plan.

(1) For supervision, training and counseling of mentally retarded residents or mental patients. Basic salary range plus two salary ranges shall be paid only to employees in the classes below who have this supervision assigned.

- 0610 - Retail Clerk 1
- 0612 - Retail Clerk 2
- 8003 - Food Service Aide 1
- 8005 - Food Service Aide 2
- 8007 - Food Service Aide 3
- 8205 - Laundry Worker 1
- 8430 - Seamstress 1
- 8432 - Seamstress 2

(2) For full time assignment to forklift operations. Basic salary range plus \$10 per month shall be paid only to employees in the class below who have this duty assigned.

- 7770 - Warehouse Worker 1

(3) For required Scuba diving. Basic salary range plus \$7.50 per diving hour shall be paid to employees (other than Master Diver) who have this duty assigned.

(4) For (a) assignment to a telephone board with four or more positions; (b) specific assignment to primary responsibility for security communications control or emergency admissions processing at an institution; or (c) direct supervisory responsibility over PBX Operators having assignments (a) or (b) above. Basic salary range plus two ranges shall be paid only to employees in the classes below who are assigned these responsibilities.

- 0215 - PBX Operator
- 0216 - Chief PBX Operator

(5) For assignment to operate highway equipment rated above their present classification. Basic salary range plus the hourly difference between the top step of the Maintenance Technician 3 class and the top step of the salary range representing a four-range increase over the Maintenance Technician 3 class. Employees operating higher rated highway equipment shall be credited with a minimum of four hours pay at the higher rate for each work day in which they are required to operate the higher level equipment. Overtime for such assignments will be computed at one-and-one-half times the higher salary rate. This special assignment pay shall not apply to employees operating higher level highway equipment in a bona fide training assignment. This special pay provision shall apply only to employees in the classes below.

- 7107 - Maintenance Technician 1
- 7109 - Maintenance Technician 2
- 7111 - Maintenance Technician 3
- 7115 - Maintenance Lead Technician
- 7182 - Ferry Operator 1

(6) The Personnel Board may approve special pay provisions to the Compensation Plan to reflect hazardous/dangerous working conditions of specific positions when: ~~((+))~~ (a) such conditions are not normally expected of those positions assigned to the respective classes; and ~~((+))~~ (b) such provisions are found to be in accordance with prevailing practices in the industry and/or local community in which the position works.

(7) Basic salary range plus four ranges shall be paid to employees in the Wildlife Control Agent (4105), Wildlife Agent 1 (4110) and 2 (4111) classes. This compensation is for all hours worked subject to provisions of WAC 356-15-030(1)(e).

(8) Basic salary plus four ranges shall be paid to Fisheries employees in the Fisheries Patrol Officer (4120), Fisheries Patrol Boat Operator 1 (4127) and Airplane Pilot 1 (7348) classes. This compensation

is in lieu of all hours worked subject to provisions of WAC 356-15-030(1)(e).

(9) Basic salary range plus four ranges for each day employees within the classification of Custodian are assigned specific duties which require the use of scaffolding or safety harnesses when cleaning windows from the outside and above the first floor. Also, basic salary plus two ranges for employees within the classification of Custodian who are assigned full time to a floor care crew and operate heavy duty floor cleaning and waxing equipment.

(10) Effective July 1, 1981, basic salary range plus four ranges shall be paid Department of Revenue employees in Revenue Auditor classifications who are permanently assigned and maintain an office at an out-of-state location or are on a one-year roving assignment out-of-state.

AMENDATORY SECTION (Amending Order 45, filed 4/17/72)

WAC 356-18-090 VACATION LEAVE—ACCRUAL. (1) Full time employees who were in pay status for 15 or more calendar days including holidays shall be credited monthly with the following rates of vacation leave for each year of employment. Part time, intermittent, hourly or seasonal employees whose payroll hours are usually less than 40 hours a week shall be credited with vacation leave under the same conditions as a full time employee. The hours credited shall be at their respective ratio of payroll hours to the payroll hours requirement for full time employment.

(a) During the first year of current continuous employment — 96 hours (12 days) per annum.

(b) During the second year of current continuous employment — 104 hours (13 days) per annum.

(c) During the third and fourth years of current continuous employment — 112 hours (14 days) per annum.

(d) During the fifth, sixth, and seventh years of current continuous employment — 120 hours (15 days) per annum.

(e) During the eighth, ninth, and tenth total years of employment — 128 hours (16 days) per annum.

(f) During the eleventh, twelfth, and thirteenth total years of employment — 136 hours (17 days) per annum.

(g) During the fourteenth, fifteenth, and sixteenth total years of employment — 144 hours (18 days) per annum.

(h) During the seventeenth, eighteenth, and nineteenth total years of employment — 152 hours (19 days) per annum.

(i) During the twentieth, twenty-first, and twenty-second total years of employment — 160 hours (20 days) per annum.

(j) During the twenty-third, twenty-fourth, and twenty-fifth total years of employment — 168 hours (21 days) per annum.

(k) During the twenty-sixth year of total employment and after — 176 hours (22 days) per annum.

(2) Vacation leave is cumulative to a maximum of 240 hours (30 working days) unless the employee's request for leave is deferred by the agency and a statement of necessity filed with the Director of Personnel. Such deferred leave may be credited in excess of the 30-day maximum until such leave is granted by the employing agency.

AMENDATORY SECTION (Amending Order 49, filed 8/17/72)

WAC 356-22-090 EXAMINATIONS—COMPOSITION. (1) The Director of Personnel, or ~~((his))~~ designated representative, shall determine, by uniform standards, the appropriate examination for a register for a class and the tests, or combination of tests and relative weights to be assigned. Examinations shall be practical in nature and of such character as to determine the capacity of the applicant to perform the duties of the particular class of positions for which ~~((he))~~ the applicant is competing as well as ~~((his))~~ the applicant's general background and related knowledge, and shall be rated objectively. A passing score may be required on each test included in the examination.

Examinations shall normally consist of one or a combination of the following:

~~((+))~~(a) A written test.

~~((+))~~(b) A performance test.

~~((+))~~(c) An oral test.

~~((+))~~(d) An evaluation of experience and training.

(2) When the Director of Personnel determines that the number of applicants responding to an ~~((open competitive or combined register))~~ examination announcement is excessive in relation to the number of projected job openings, ~~((he))~~ the Director may ~~((with prior approval~~

from the Board use a preliminary examination of the applicants' experience and training, designed to admit to the oral test only those applicants who possess the best qualifications)) limit admission to the oral test to those scoring highest on a preliminary test which may be a written test, performance test, or an evaluation of experience and training. The number admitted to the oral test shall be at least twice the number of anticipated vacancies for the subsequent year or 20% of those applicants with passing scores, whichever is greater; but never less than 16 or the entire body of passing applicants, whichever is less.

(3) When the Director of Personnel determines that the number of applicants to be admitted to the oral examination will be limited by a screening procedure as authorized by WAC 356-22-090(2), the Department of Personnel will ensure that, in addition, a representative number of protected group members are also admitted to the oral examination.

AMENDATORY SECTION (Amending Order 87, filed 5/4/76)

WAC 356-26-040 REGISTERS—NAME REMOVAL FOR CAUSE—GROUNDS ENUMERATED—REQUIREMENTS. (1) Upon notifying the Personnel Board of the intended action(s), the Director of Personnel or designee may remove the name of an eligible from a register for any of the following reasons:

(a) For any of the causes stipulated in the chapter on appeals (WAC 356-34-010).

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a statement from the eligible declining an appointment and/or ((stating that he/she no longer desires consideration for a)) future interest in positions in that class.

(d) If a promotional candidate has twice waived consideration for a position in the class for which the register was established.

(e) If an eligible fails to reply to a written inquiry as to availability after five days in addition to the time required to receive and return the inquiry.

(f) If an eligible accepts an appointment and fails to report for duty at the time and place specified without giving satisfactory reasons for the delay to the appointing authority.

(g) If an eligible was certified and reported "not satisfactory" on three occasions or if the eligible was certified and the appointing authority reported the eligible "considered but not appointed" on four separate occasions, or if the appointing authority reports either "not satisfactory" or "considered but not appointed" for a total of four times.

(h) Rejection or waiver of employment offered to a person from either of the reduction-in-force registers when the person had earlier indicated availability to accept work in that geographic area and agency; except when the person is ill or disabled. The Director of Personnel may require a letter from medical authorities verifying the illness or disability.

(i) If an open competitive eligible indicates availability in a specific geographic area and subsequently refuses referral or appointment to a position in that area.

(2) The Director of Personnel or designee shall notify the eligible of this action and the reasons therefore by mail to the last known address, except in those cases in (1) (b) or (c) above. The Director should advise the eligible of the right to appeal.

(3) An eligible's name shall be reinstated on the register upon showing of cause satisfactory to the Director of Personnel or in accordance with the decision of the Personnel Board upon appeal.

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

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-30-280 PROBATIONARY PERIOD—((PERIOD))—TRANSFER((—)), INTRA-AGENCY RE-APPOINTMENT TO HIGHER CLASS. (1) An employee shall not be ((transferred or)) promoted during the probationary period; however, an employee certified from the open competitive or reemployment register may be re-appointed to a higher class within the employing agency while serving satisfactorily in a probationary period and shall begin a trial service period in the higher class.

(2) The employee, while serving in the higher class, shall complete the probationary period for and be granted permanent status in the

lower class together with rights normally accruing to trial service for the remaining initial six-month period in the higher class, provided that:

(a) ((His p)) Performance in the higher class is satisfactory.

(b) The higher and lower classes are in the same or a closely related field.

(3) An employee facing reduction-in-force may be transferred during a probationary period and continue to serve out ((his)) the probationary period.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-18-210 PART-TIME EMPLOYEES—VACATION AND SICK LEAVE.

WSR 81-10-046 PROPOSED RULES INSURANCE COMMISSIONER [Filed May 1, 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 minimum loss ratios, reserve standards and filing requirements for group and individual disability insurance policies delivered in the state of Washington. (Final wording of the proposed rules may be changed prior to adoption.);

and that the adoption, amendment, or repeal of such rules will take place at 2 p.m., Wednesday, July 1, 1981, in the Insurance Commissioner's Office, Airdustrial Park, Tumwater, Washington.

The authority under which these rules are proposed is RCW 48.02.060(3)(a) to effectuate RCW 48.12.030, 48.12.060, 48.12.080, 48.18.110(2) and 48.05.140.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 80-17-036 and 81-06-011 filed with the code reviser's office on November 18, 1980 and February 19, 1981.

Dated: April 30, 1981
By: Robert E. Johnson
Deputy Commissioner

WSR 81-10-047 ADOPTED RULES DEPARTMENT OF AGRICULTURE [Order 1730—Filed May 1, 1981]

I, Michael V. Schwisow, deputy director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Promulgation, repealing WAC 16-54-001, Promulgation, repealing WAC 16-54-004, Domestic equine, Requires EIA testing of horses coming from Oregon, amending WAC 16-54-071 and Domestic bovine animals. Requires health certificates on dairy breed cattle consigned to state-federal approve stockyard; test dates from 6-12 months and 3-4 months, amending WAC 16-54-082.

This action is taken pursuant to Notice No. WSR 81-07-055 filed with the code reviser on March 18, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 16.36 and 16.40 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 30, 1981.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1540, filed 10/17/77)

WAC 16-54-071 DOMESTIC EQUINE. Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. ~~((Horses moving to and from Oregon and Washington are excluded from test requirements.))~~

AMENDATORY SECTION (Amending Order 1579, filed 6/7/78)

WAC 16-54-082 DOMESTIC BOVINE ANIMALS. All domestic bovine animals (including bison) except those for immediate slaughter at a federally inspected establishment, or to a quarantined registered ((quarantined)) feed lot, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved stockyard, shall be accompanied by a health certificate (WAC 16-54-030 ~~((this Order))~~) and shall meet the following requirements:

(1) Tuberculosis. ~~((a))~~ All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis. ~~((a))~~ Cattle originating from states other than Washington: All domestic bovine animals (including bison) moving into Washington, except those consigned to quarantined registered ((quarantined)) feed lots, or to federally inspected slaughter establishments for immediate slaughter, or beef breed cattle or slaughter only dairy breed cattle consigned to a state-federal approved stockyard, shall be moved on a permit issued by the animal health division of the department of agriculture and an official interstate health certificate, and shall meet the following requirements:

~~((f))~~ (a) All cattle must be negative to an official brucellosis test conducted within forty-five days prior to date of entry and will be quarantined on the premises of destination and kept separate from all other cattle for retest not less than thirty nor more than sixty days from

the date of previous test, except that the following classes of cattle are exempt from these test requirements:

~~((a))~~ (i) Calves under six months of age.

~~((b))~~ (ii) Steers and spayed heifers.

~~((c))~~ (iii) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

~~((d))~~ (iv) Immediate slaughter cattle going directly to a federally inspected slaughter establishment.

~~((e))~~ (v) Cattle consigned directly to a quarantined registered ((quarantined)) feed lot.

~~((f))~~ (vi) Cattle from certified brucellosis free herds.

~~((g))~~ (vii) Beef breed cattle eligible for brucellosis testing coming from contiguous states certified brucellosis free may be moved to state-federal approved livestock markets in Washington to meet entry health requirements. Cattle of the beef breeds from such equal status states and having the same import requirements as Washington are exempt from second test and quarantine requirements if found brucellosis negative on entry.

~~((h))~~ (b) After January 1, 1979, all female dairy cattle must be identified as official brucellosis calfhood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

~~((a))~~ (i) Calves under ~~((three))~~ four months of age.

~~((b))~~ (ii) Those cattle consigned directly to a federally inspected slaughter plant.

~~((c))~~ (iii) Those cattle consigned directly to a quarantined registered ((quarantined)) feed lot.

~~((d))~~ (iv) Spayed heifers.

~~((iii))~~ (c) Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the animal health division and originate in a county or other political subdivision of equal status where brucellosis has not been diagnosed in the preceding twelve months, or tested negative to brucellosis within thirty days of entry.

REPEALER

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

(1) WAC 16-54-001 PROMULGATION

(2) WAC 16-54-004 PROMULGATION

WSR 81-10-048

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1731—Filed May 1, 1981]

I, Michael V. Schwisow, deputy director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Washington cattle sale requirements. Change testing date from 6 to 12 months; vaccination dates to 4-12 months of age, amending WAC 16-86-015.

This action is taken pursuant to Notice No. WSR 81-07-054 filed with the code reviser on March 18, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 16.36 and 16.40 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 30, 1981.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1642, filed 8/30/79)

WAC 16-86-015 WASHINGTON CATTLE SALE REQUIREMENTS. (1) No breeding cattle may be sold in this state unless within the thirty days immediately preceding the change of ownership the animal has been tested for brucellosis and the result of that test is negative. Except the following classes of cattle are exempt from this test requirement:

- (a) Calves under ~~((six))~~ twelve months of age.
- (b) Cattle sold or consigned to a registered quarantine feed lot.
- (c) Cattle sold or consigned to an official slaughter establishment for slaughter within fourteen days.
- (d) Steers and spayed heifers.
- (e) Officially calfhood vaccinated beef cattle under twenty-four months of age from herds not under quarantine.

~~((f))~~ (2) The department shall review operation of ~~((this section-))~~ WAC 16-86-015(1) in February 1980, August 1980, and February 1981 to determine the results of the testing program in terms of the numbers of suspects and reactors discovered and the status of the brucellosis situation in the state. The purpose of the review is to assess the need for changes.

~~((g))~~ Unless after a hearing renewal is determined to be necessary, ~~((this section-))~~ WAC 16-86-015(1) shall expire on August 1, 1981.

~~((2))~~ (3) After September 1, 1979, no female dairy cattle may be sold or introduced into commercial dairy herds in the state of Washington unless they are properly identified as official brucellosis vaccinates; except the following classes of cattle are exempt from this requirement:

(a) Calves under ~~((three))~~ four months of age: PROVIDED, That ((f)) female calves under ((three)) four months acquired by the commercial herd and natural female additions shall be officially brucellosis calfhood vaccinated and identified before the age of ((six)) twelve months or removed from the herd.

(b) Female cattle over two years of age in Washington herds.

(c) After January 1, 1980, female cattle over three years of age in Washington herds.

(d) After January 1, 1981, female cattle over four years of age in Washington herds.

(e) After January 1, 1982, female cattle over five years of age in Washington herds.

(f) After January 1, 1983, female cattle over six years of age in Washington herds.

~~((3))~~ (4) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:

(a) Cattle under twenty-four months of age. (Not parturient or post parturient.)

(b) Steers and spayed heifers.

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 81-10-049

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1732—Filed May 1, 1981—Eff. July 1, 1981]

I, Michael V. Schwisow, deputy director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to requirements for authorizing payment to veterinarians for official calfhood vaccination. Limits fee to \$1.00 per calf, amending WAC 16-86-095.

This action is taken pursuant to Notice No. WSR 81-07-054 filed with the code reviser on March 18, 1981. Such rules shall take effect at a later date, such date being July 1, 1981.

This rule is promulgated pursuant to chapters 16.36 and 16.40 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED April 30, 1981.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1642, filed 8/30/79)

WAC 16-86-095 REQUIREMENTS FOR AUTHORIZING PAYMENT TO VETERINARIANS FOR OFFICIAL CALFHOOD VACCINATION. The fee schedule for payment by the department to accredited veterinarians for official brucellosis calfhood vaccination ~~((on one premise under a single ownership))~~ shall be ~~((as follows:))~~ at a rate prescribed by the director not to exceed one dollar per animal.

~~((1))~~ ~~When heifers to be vaccinated number twenty or less, the department shall pay the accredited veterinarian two dollars per animal:))~~

~~((2) If there are over twenty heifers to be vaccinated, the department will pay the accredited veterinarian one dollar seventy-five cents per animal for those in excess of twenty animals:))~~

~~((3)) (1) Official vaccination report - Calfhood vaccinations must be reported to the department within thirty days of occurrence on an approved report form (AGRI 030-3003) issued by the Washington state department of agriculture for the purpose of identifying and recording by official calfhood vaccination eartag or registry tattoo calves officially brucella vaccinated.~~

~~((4)) (2) Accredited veterinarians in private practice may make claim to the department for each beef breed or dairy breed female bovine calf they officially vaccinate in the state of Washington.~~

(a) No claim for payment shall be made except for those officially calfhood vaccinated.

(b) No claim for payment shall be made unless an approved brucella vaccine is used for official calfhood vaccination.

(c) No claim for payment shall be made prior to submitting to the department the official calfhood vaccination report, countersigned by the owner of the animal, identifying by official calfhood vaccination eartag or registry tattoo each individual calf vaccinated.

WSR 81-10-050
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Order 1729—Filed May 1, 1981]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to authorization of payment to veterinarians for official calfhood vaccination, repealing WAC 16-86-095.

I, M. Keith Ellis, 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 funds allocated under chapter 279, Laws of 1979, have been exhausted. No further funds are available until July 1, 1981. Therefore this order shall expire on July 1, 1981, in order that payments may be made thereafter.

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

This rule is promulgated pursuant to chapters 16.36 and 16.40 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 1, 1981.

By M. Keith Ellis
 Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-86-095 REQUIREMENTS FOR AUTHORIZING PAYMENT TO VETERINARIANS FOR OFFICIAL CALFHOOD VACCINATION.

WSR 81-10-051
EMERGENCY RULES
OFFICE OF
FINANCIAL MANAGEMENT
 [Order 51—Filed May 1, 1981]

I, Joe Taller, director of the Office of Financial Management, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- 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.
- Amd WAC 82-28-230 Prospective employee interview expenses.

I, Joe Taller, 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 rapidly increasing costs associated with official travel is placing an undo burden on state employees. Adoption of these increased rates will lessen the economic impact of travel by state employees. The rates have been subject to public hearing and legislative review and this action is taken to hasten the implementation of the rate changes.

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

This rule is promulgated pursuant to RCW 43.03.050 and 43.03.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 1, 1981.

By Joe Taller
 Director

AMENDATORY SECTION (Amending Order 41, filed 3/12/79)WAC 82-28-050 ALLOWANCE IN LIEU OF ACTUAL EXPENSES FOR SUBSISTENCE AND LODGING.

(1) When reimbursement for subsistence and lodging in a commercial facility (a public facility selling lodging accommodations to travelers) is authorized, a rate of (~~(\$35.00)~~) \$40.00 per day shall be allowed for travel within the state of Washington and (~~(\$40.00)~~) \$50.00 per day for travel outside the state of Washington except for those cities in-state and out-of-state designated High Cost Cities—U.S.A. and High Cost Cities—Foreign (see WAC 82-28-06001). When travel is for a period of less than 24 hours but involves lodging in a commercial facility, reimbursement will be at the rate of (~~(\$1.46)~~) \$1.67 per hour in-state and (~~(\$1.67)~~) \$2.08 per hour out-of-state. The name of the commercial facility used must be shown on the travel expense voucher.

(2) When lodging expenses are not incurred, per diem that reflects reimbursement for subsistence costs only will be paid. The per diem will be (~~(\$1.50)~~) \$1.80 and \$2.00 per hour limited to a maximum of 10 hours in any 24 hour period for (~~(both)~~) in-state and out-of-state travel respectively.

(3) When an employee uses a travel trailer or camper in lieu of commercial lodging facilities for his own convenience, he shall be reimbursed for the actual space rental cost as evidenced by a receipt. Reimbursement for subsistence costs will be at the rate (~~(of \$1.50 per hour, limited to a maximum of 10 hours in any 24 hour period)~~) established in WAC 82-28-050(2). Under no circumstances, will reimbursement exceed the (~~(\$35.00)~~) \$40.00 or (~~(\$40.00)~~) \$50.00 per day maximums established for in-state and out-of-state travel respectively.

(4) Exceptions to subsection (3) above may be made when in the opinion of the agency director suitable commercial lodging is not available, state lodging is not provided, and there is a benefit to the state for the employee to remain at his temporary work station rather than commute to suitable lodging.

With the concurrence of the employee, the agency director may authorize in such circumstances the use of a privately-owned travel trailer or camper, and reimburse the employee at the (~~(\$35.00)~~) \$40.00 and (~~(\$40.00)~~) \$50.00 per day maximums established for in-state and out-of-state travel reimbursement. High cost area rates will not apply to reimbursement for use of trailers or campers.

(5) Per diem allowance shall not be authorized under any of the following conditions:

(a) When the employee will not incur expenses for lodging because it is furnished by a state agency.

(b) When an employee will not incur expenses for meals because they will be furnished by a state agency.

(c) When it is evident that actual costs of subsistence and lodging will be significantly less than the per diem allowance.

(6) When per diem is not authorized, employees shall be reimbursed within the limits of these regulations for

actual costs which have been incurred for subsistence and lodging.

(7) Where the cost of meals is included in the registration fee of a meeting, conference or convention, an appropriate deduction therefor shall be made from the authorized per diem allowance.

(8) Except as otherwise provided by law, those persons appointed to serve without compensation on any state board, commission or committee, if entitled to reimbursement of travel expenses, shall be reimbursed as follows:

(a) Those individuals who serve on any part-time board, commission, council, committee or other group of similar nature which is established by executive, legislative or judicial branch to participate in state government and whose function is primarily an advisory, coordinating or planning capacity, shall be paid travel expenses at the hourly rate of (~~(\$1.46)~~) \$1.67 or (~~(\$1.67)~~) \$2.08 for in-state or out-of-state respectively, for each hour spent in going to, attendance at the meeting and return to home.

(b) Those individuals who serve on any part-time board, commission, council, committee or other group of similar nature which has rule-making authority, performs quasijudicial functions, has responsibility for the administration or policy direction of a state agency or program, or performs regulatory or licensing functions with respect to a specific profession, occupation, business or industry, shall be paid (~~(\$35.00)~~) \$40.00 or (~~(\$40.00)~~) \$50.00 per day for in-state or out-of-state respectively, for each day or portion thereof spent in the conduct of the board, commission, council, etc., business.

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 error in the above caption occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 41, filed 3/12/79)WAC 82-28-06001 SPECIAL ALLOWANCES FOR HIGHER THAN USUAL SUBSISTENCE AND LODGING COST AREAS.

(1) The following (~~(categories of cities)~~) locations are considered high cost areas and officials or employees (~~(shall)~~) may be reimbursed subsistence and lodging expenses as follows:

(a) High Cost (~~(Cities)~~) Locations—U.S.A. The actual cost of lodging as evidenced by a receipt, plus subsistence based on (~~(\$1.50)~~) \$2.30 per hour limited to a maximum of 10 hours in any 24 hour period, total reimbursement for subsistence and lodging not to exceed the maximum reimbursement rate established for a particular city or locality by the federal government and (~~(promulgated annually)~~) published periodically by the office of financial management.

(b) High Cost (~~(Cities)~~) Locations—Foreign. Reimbursement for subsistence and lodging expense (~~(shall be at)~~) may be paid up to the maximum rate established

for a particular city or locality by the federal government ((and promulgated annually)) as published periodically by the office of financial management. The hourly rate will be determined by dividing the reimbursement rate by 24.

~~((2) The office of financial management shall publish prior to July 1 of each year, the list of cities and maximum allowance for subsistence and lodging for each city as established by the federal government and in effect at the time of publication. The list of cities and allowances shall be effective for the entire ensuing fiscal year.))~~

(2) In lieu of receiving reimbursement at the rate specified for the High Cost Locations—U.S.A. employees may be reimbursed the per diem allowance specified in WAC 82-28-050 provided that this method of reimbursement is determined prior to the start of the trip and approved in writing by the agency head, or his designee.

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

AMENDATORY SECTION (Amending Order 49, filed 5/22/79)

WAC 82-28-080 REIMBURSEMENT FOR USE OF PRIVATELY-OWNED MOTOR VEHICLES. (1)

Reimbursement shall be allowed at a rate not to exceed 18 1/2¢ per mile for official travel. Mileage between points in the state shall be determined on the basis of the distances shown on the latest state transportation commission map, and the out-of-state mileage on the basis of standard highway mileage guides or by odometer readings. "Vicinity" miles as determined by odometer readings shall be shown on the voucher as a separate figure for each day's travel.

(2) When an official or employee requests to use a privately-owned vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or designee, the official or employee shall be reimbursed at a rate ~~((not to exceed 14¢ per mile))~~ established pursuant to WAC 82-28-190(2).

(3) Reimbursement shall be payable to only one of two or more employees traveling in the same motor vehicle on the same trip.

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

AMENDATORY SECTION (Amending Order 41, filed 5/22/79)

WAC 82-28-230 PROSPECTIVE EMPLOYEE INTERVIEW EXPENSES. (1) Statement of Policy.

RCW 43.03.130 provides in part that any state agency may pay a prospective employee the necessary travel expense in connection with interviewing or examining said employee. It is the responsibility of the agency head to determine that frugality is being exercised.

(2) Prospective Employees Defined. Prospective employees are limited to applicants for the position of director, deputy director, assistant director, state supervisor or equivalent or higher position, engineers or

other personnel having both executive and professional status. In the case of institutions of higher education, prospective employees are limited to applicants being considered for academic positions above the rank of instructor and professional or administrative employees in supervisory positions.

(3) Travel Expenses Defined. (a) Travel expenses are defined as necessary expenses, reimbursable by law to a state employee, which have been incurred by a prospective employee in traveling to and from a designated place for an interview or merit system examination. Travel expenses authorized for this purpose shall be payable at rates prescribed by law for state employees within the standards established by these regulations.

(b) For subsistence and lodging, reimbursement shall be on the same basis as for state employees. ~~((For prospective employees traveling only within the state of Washington, reimbursement for subsistence and lodging shall not exceed \$35.00 per day except in a designated high cost city as provided in WAC 82-28-06001. For prospective employees traveling from outside the state of Washington, reimbursement shall not exceed \$35.00 per day in the state of origin, and \$40.00 per day outside the state of origin.))~~ For purposes of determining the proper per diem rate to be paid a perspective employee, travel within the state in which the person maintains his/her official residence shall be reimbursed at the in-state rate and travel outside of that state shall be reimbursed at the out-of-state rate. Perspective employees shall be eligible for reimbursement for travel within high-cost locations as provided in WAC 82-28-06001. Reimbursement for travel shall be limited to the time required to travel by the most expeditious means.

(c) Transportation expenses shall be authorized in an amount not to exceed the tourist round trip air fare.

(d) Other reimbursable expenses shall include necessary costs incurred in travel by taxicab, bus, rental vehicle or other conveyance from and to the common carrier terminal or place of abode of the prospective employee, as required for the interview or examination.

(4) Mode of Payment. (a) ~~((It is contemplated that))~~ The agency ~~((will))~~ shall reimburse the prospective employee for travel expenses incurred after the prospective employee submits an itemization of such expenses on an invoice voucher (Form A19) in the same detail as required for travel reimbursement to state employees.

(b) When an applicant is called to be interviewed by or on behalf of more than one agency, the travel expenses may be paid directly by the state department of personnel or other corresponding personnel agencies, subject to reimbursement by the interviewing agencies on a pro rata basis.

(5) Prior Authorization Required. If the prospective employee is applying for a classified position, it will be necessary for the interviewing agency to secure prior authorization of the state department of personnel or other corresponding personnel agency before offering to pay said prospective employee's travel expenses.

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

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

WSR 81-10-052
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 81-8—Filed May 1, 1981]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to self-insurers' shares of state fund deficits.

This action is taken pursuant to Notice Nos. WSR 80-14-080, 80-17-017, 80-18-031 and 81-08-063 filed with the code reviser on 10/1/80, 11/13/80, 12/1/80 and 4/1/81. Such rules shall take effect at a later date, such date being June 1, 1981.

This rule is promulgated pursuant to RCW 51.04.020(1) and 51.14.020(4) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED May 1, 1981.

By Sam Kinville
Director

NEW SECTION

WAC 296-15-044 PAYMENT OF DEFICIT. In determining a self-insurer's proper share of any deficit which must be paid to the department, pursuant to section 27(4), chapter 289, Laws of 1971 ex. sess., RCW 51.14.020(4), the following procedures shall apply:

(1) This rule is enacted to replace WAC 296-15-040, as amended, Order 77-19, filed 9/26/77, which has been declared void by order of Thurston County Superior court dated May 12, 1980.

The intent of this rule is to assess each self-insuring employer according to the deficit rule formula in effect as of the date of certification as a self-insurer. This intent is accomplished by applying subsection (2) of this section to employers certified AFTER December 31, 1972, and PRIOR to January 1, 1974; and by applying subsection (3) of this section to employers certified on or AFTER January 1, 1974.

This rule shall not apply to any employer which was certified as a self-insurer prior to the effective date of this rule and which agrees to pay to the Department of Labor and Industries prior to June 1, 1981, a sum agreed to by the employer and the department as said employer's proper share of the deficit as it existed on the date the employer was certified. This agreed sum which, when paid, will be full and final payment by the employer of its share of the deficit, must be pursuant to and

evidenced by a written document, called an "AGREEMENT AND SATISFACTION," executed by the department after April 1, 1981.

(2) The following rules apply to those firms certified after December 31, 1972, and prior to January 1, 1974:

(a) The total state fund deficit, if any, as of the date of certification of an employer's right to self-insure shall be determined by the department based on the actuarial solvency of the state fund as a whole in accordance with recognized workers' compensation insurance principles. The percentage which such total deficit bears to actual total paid claim costs and pension reserve transfers of the state fund over the five fiscal years preceding date of certification exclusive of administrative costs and second injury and catastrophe class costs, shall then be determined.

(b) The deficit attributable to each employer shall be determined by applying the same percentage as determined under subdivision (a) to the actual total paid claim costs and pension reserve transfers of the employer over the preceding five fiscal years.

(3) The following rules apply to those firms certified on or after January 1, 1974:

(a) The total state fund deficit, if any, as of December 31, 1971, shall be determined by the department based on the actuarial solvency of the state fund as a whole in accordance with recognized workers' compensation insurance principles. The percentage which such total deficit bears to actual total paid claim costs and pension reserve transfers of the state fund over the preceding five calendar years ending December 31, 1971, exclusive of administrative costs and second injury and catastrophe costs, shall then be determined.

(b) The deficit attributable to each employer shall be determined by applying the same percentage as determined under subdivision (a) to the actual total paid claim costs and pension reserve transfers of each employer over the preceding five calendar years ending December 31, 1971.

(c) A self-insured employer's share of the deficit as computed under provisions of subdivision (b) will be modified by any change in the fund deficit between January 1, 1972, and the date of certification of the self-insured employer, which modification shall be calculated in the following manner:

A self-insured employer's total premium (industrial insurance and medical aid premium) paid within the period specified above will be compared to the total fund premium paid by all employers during such specified period. The percentage resulting from such comparison shall be applied to the change in the state fund deficit during the specified period which will result in either a debit or credit to the computation made pursuant to subdivision (b): PROVIDED, That any credit applied under this subdivision may not exceed the deficit amount computed pursuant to subdivision (b).

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-15-040 PAYMENT OF DEFICIT.

WSR 81-10-053
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed May 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and WAC 1-12-030, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

- New WAC 458-40-18655 Definitions for 7/1/81 through 12/31/81.
New WAC 458-40-18656 Stumpage value areas—Map for 7/1/81 through 12/31/81.
New WAC 458-40-18657 Hauling distance zones—Maps for 7/1/81 through 12/31/81.
New WAC 458-40-18658 Timber quality code numbers—Tables for 7/1/81 through 12/31/81.
New WAC 458-40-18659 Stumpage values—Tables for 7/1/81 through 12/31/81.
New WAC 458-40-18660 Harvester adjustments—Tables for 7/1/81 through 12/31/81.
Amd WAC 458-40-18600 General.
Amd WAC 458-40-19000 Timber pole volume table for west of Cascade Summit for the calendar period 7/1/81 through 12/31/81.
Amd WAC 458-40-19001 Timber piling volume table for west of Cascade Summit for the calendar period 7/1/81 through 12/31/81.
Amd WAC 458-40-19002 Timber pole volume table for east of Cascade Summit for the calendar period 7/1/81 through 12/31/81.
Amd WAC 458-40-19003 Timber piling volume table for east of Cascade Summit for the calendar period 7/1/81 through 12/31/81.
Amd WAC 458-40-19004 Conversion definitions and factors for the calendar period 7/1/81 through 12/31/81;

that such agency will at 10:00 a.m., Wednesday, June 10, 1981, in the Large Conference Room, 1st Floor, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:30 a.m., Tuesday, June 30, 1981, in the Director's Office, Room 415, General Administration Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 84.33.071.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 10, 1981, and/or orally at 10:00 a.m., Wednesday, June 10, 1981, Large Conference Room, General Administration Building, Olympia, Washington.

Dated: May 4, 1981
By: Trevor W. Thompson
Director, Property Tax

STATEMENT OF PURPOSE

This Statement of Purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Tables for determination of stumpage values. New sections WAC 458-40-18655 through 458-40-18660 and amendatory

sections WAC 458-40-18600 and 458-40-19000 through 458-40-19004.

Purpose: To establish the values for reporting and payment of the timber excise tax levied by RCW 84.33.071.

Statutory Authority: RCW 84.33.071, which directs the Department of Revenue to prepare tables of stumpage values before June 30 and December 31 of each year to be used for the six month periods thereafter.

Summary and Reasons for the Rule: The tables set out the value of stumpage for each species or subclassification of timber within designated areas having similar growing, harvesting and marketing conditions. These values are to be used for computing the timber excise tax due quarterly by timber harvesters upon timber harvested for sale or for commercial industrial use during the period July 1, 1981 through December 31, 1981.

Drafters of the Rule: Bert Hoffman, Evergreen Plaza Bldg., Room 307, 711 South Capitol Way, Olympia, Washington 98501, (206) 753-1359 and Robert Hawley, Evergreen Plaza Bldg., Room 307, 711 South Capitol Way, Olympia, Washington 98501, (206) 753-1385.

Rule Implementation and Enforcement: Trevor W. Thompson, Director, Property Tax, Evergreen Plaza Bldg., Room 301, 711 South Capitol Way, Olympia, Washington 98501, (206) 753-5503.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action requested by the courts.

AMENDATORY SECTION (Amending Order FT 80-6, filed 12/30/80)

WAC 458-40-18600 GENERAL. Pursuant to the duty imposed by RCW 84.33.071 to prepare tables of stumpage values for each species of timber and consistent with the duty to make allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions, and all other relevant factors, the department has promulgated rules and prepared tables which prescribe stumpage values and make allowances for the relevant factors.

WAC 458-40-18600, ((458-40-18649)) 458-40-18655 through ((458-40-18654)) 458-40-18660 and 458-40-19000 through 458-40-19004 are promulgated for the calendar period ((7/1/81)) 7/1/81 through ((6/30/81)) 12/31/81 pursuant to the rule-making requirements, and procedures prescribed or authorized by chapter 34.04 RCW.

NEW SECTION

WAC 458-40-18655 DEFINITIONS FOR 7/1/81 THROUGH 12/31/81. (1) Acceptable Log Scaling Rule. The acceptable log scaling rule shall be the Scribner Decimal C Log Scale Rule or other prevalent measuring practice, provided that such other prevalent measuring practice shall be an acceptable scaling procedure and provided that such procedure shall be submitted to the department for approval prior to the time of harvest.

(2) Approved Log Scaling and Grading Rules. (a) West of the Cascade Summit—Approved Scaling and Grading Rule. With respect to the reporting of timber harvested from private lands in areas west of the Cascade summit, which areas are designated

as stumpage value areas 1, 2, 3, 4, 5, and 11 in the stumpage value area map of WAC 458-40-18656, the methods and procedures published by the Columbia River Log Scaling and Grading Bureau, Grays Harbor Log Scaling and Grading Bureau, and the Puget Sound Log Scaling and Grading Bureau and published as the "Official Log Scaling and Grading Rules" by the Puget Sound Log Scaling and Grading Bureau, Tacoma, Washington are approved by the department for use in those areas.

(b) East of the Cascade Summit—Approved Scaling Rule. With respect to the reporting of timber harvested from private lands in areas east of the Cascade summit, which areas are designated as stumpage value areas 6, 7, 8, 9, and 10 in the stumpage value area map of WAC 458-40-18656, the methods and procedures published by the United States Forest Service under the title "National Forest Log Scaling Handbook" procedures are approved by the department for use in those areas. This log scaling handbook is published under the title FSH 2409-11 National Forest Log Scaling Handbook, Forest Service, United States Department of Agriculture.

(c) East of the Cascade Summit—Established Grading Rule. Because the National Forest Log Scaling Handbook does not contain grading rules, a separate computation shall be made to arrive at the proper grade for purposes of determining the timber quality code number for timber harvested east of the Cascade summit. The grade for quality classification purposes of the timber harvested from private land east of the Cascade summit shall be determined by the number of sawable sixteen foot logs per thousand feet net Scribner Decimal C Log Scale. The computation shall be made under the following three-step procedure:

(i) Step 1. The highest possible total number of sawable sixteen foot logs which could be recovered shall be determined by dividing the sum total of length of all sawable logs harvested by the number sixteen.

(ii) Step 2. The average net volume per sixteen foot recoverable log shall be determined by dividing the total volume harvested (net log scale) by the total number of sixteen foot logs as determined in Step 1.

(iii) Step 3. The total number of logs per thousand board feet (MBF) shall be determined by dividing one thousand by the average net volume as determined in Step 2.

(3) Codominant Trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(4) Department. Department, for the purposes of this chapter, shall mean the department of revenue of the state of Washington.

(5) Dominant Trees. Trees whose crowns are higher than the general level of the canopy and who receive full light from the sides as well as from above.

(6) Forest Excise Tax Payment. Every person who is engaged in business as a harvester of timber from privately owned land shall pay a forest excise tax which shall be equal to the taxable stumpage value of timber harvested for sale or for commercial or industrial use and multiplied by the appropriate rate as provided in RCW 84.33.071.

(7) Harvester. Harvester shall mean every person who from his own privately owned land or from privately owned land of another under a right or license granted by lease or contract, either directly or by contracting with others, takes timber for sale or for commercial or industrial use. It does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(8) Harvested Timber—When Determined. Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined.

(9) Harvest Type. Harvest type shall be a term referring to the grouping of harvested timber by age and type of harvest and shall include and is limited to the following harvest types:

(a) Merchantable Sawtimber, All Ages—The removal of timber east of the Cascade summit shall be reported as "merchantable sawtimber, all ages", unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(b) Old Growth Final Harvest. The removal of any timber from a harvest unit that is 100 years of age or older and west of the Cascade summit shall be reported as "old growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest".

(c) Special Forest Products. The removal of Christmas trees (except as provided in RCW 84.33.170), shake blocks and boards, and posts and other western redcedar products shall be reported as "special forest products harvest".

(d) Thinning. The removal of timber from a harvest unit meeting all the following conditions:

(i) Harvest unit located west of the Cascade summit;

(ii) Timber that is less than 100 years of age;

(iii) The total merchantable volume which is removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

(iv) Not more than forty percent of the total volume removed is from the dominant and codominant trees;

(v) The trees removed in the harvest operation shall be distributed over the entire harvest unit.

(e) Young Growth Final Harvest. The removal of any timber from a harvest unit that is less than 100 years of age and does not meet the definition of thinning in paragraph (d) above and west of the Cascade summit shall be reported as "young growth final harvest" unless the harvest type comes within the definition in this chapter of "special forest products harvest" or within the definition of "thinning harvest".

(10) Harvest Unit. A harvest unit is a harvest area having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest type, harvest adjustments and harvester. A harvest unit may include more than one section.

(11) MBF. As used herein MBF shall mean one thousand board feet measured in Scribner Decimal C Log Scale Rule.

(12) Sawlog. Sawlog shall mean any log large enough to produce one-third of its gross volume in sound lumber or other products that can be sawed.

(13) Small Harvest. A small harvest adjustment is allowed where the total net volume harvested per taxpayer (excluding conifer and hardwood utility does not exceed 1,000 MBF per calendar year and does not exceed 500 MBF per quarter.

(14) Species. Species designation is a biologically-based grouping of harvested timber and shall include but is not limited to the following designations of species and subclassifications thereof (as defined in Agriculture Handbook No. 541 Checklist of United States Trees (Native and Naturalized)):

(a) West of the Cascade summit:

(i) "Douglas-fir", "western hemlock", "true fir", "western redcedar", "noble fir", "Sitka spruce", "Alaska-cedar", "red alder", and "cottonwood" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18659.

(ii) In areas west of the Cascade summit, species designations for the harvest type "special forest products" shall be "western redcedar" (shake blocks and boards), western redcedar flatsawn and shingle blocks "western redcedar and other" (posts), "Douglas-fir", "true fir and others", (Christmas trees).

(b) East of the Cascade summit:

(i) "Ponderosa pine", "lodgepole pine", "western white pine", "Douglas-fir", "western hemlock", "true fir", "western redcedar", "western larch" and "Engelmann spruce" shall be reported as separate species where designated as such in the stumpage value tables of WAC 458-40-18659.

(ii) In areas east of the Cascade summit, species designations for the harvest type "special forest products" shall be "western redcedar" (flatsawn and shingles), "western larch" (flatsawn and shingle blocks), "lodgepole pine and other" (posts), "pine" (Christmas trees), "Douglas-fir and other" (Christmas trees).

(c) All areas:

(i) "Other conifer", as used in the stumpage value tables, shall be all other conifers not separately designated in the applicable stumpage value tables.

(ii) "Hardwood", and "other hardwood", as used in the stumpage value tables, shall be all hardwoods not separately designated in the applicable stumpage value tables.

(iii) "Utility", "conifer utility", and "hardwood utility" are separate species as defined by the "Official Log Scaling and Grading Rules" published by the Puget Sound Log Scaling and Grading Bureau and shall be reported as separate species where designated as such in the stumpage value tables.

(15) Stumpage Value Area. A stumpage value area is an area with specified boundaries which contains timber having similar growing, harvesting, and marketing conditions. Presently, there are eleven such stumpage value areas designated in the state of Washington as shown under WAC 458-40-18656. Stumpage value areas 1, 2, 3, 4, 5, and 11 are located west of the Cascade summit and stumpage value areas 6, 7, 8, 9, and 10 are located east of the Cascade summit.

(16) Stumpage Value of Timber. The stumpage value of timber shall be the appropriate value for each species of timber harvested, or for each species of "special forest product" reported, as set forth in the stumpage value tables under WAC 458-40-18659.

(17) Timber. Timber shall include forest trees, standing or down, on privately owned land, and except as provided in RCW 84.33.170 includes Christmas trees, shake blocks and boards, posts and other western redcedar products.

(18) Timber Quality Code Number. The timber quality code number is a number assigned to the harvest of a particular species within a harvest type under WAC 458-40-18658, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

NEW SECTION

WAC 458-40-18656 STUMPAGE VALUE AREAS—MAP FOR 7/1/81 THROUGH 12/31/81. In order to allow for differences in market conditions and other relevant factors throughout the state as

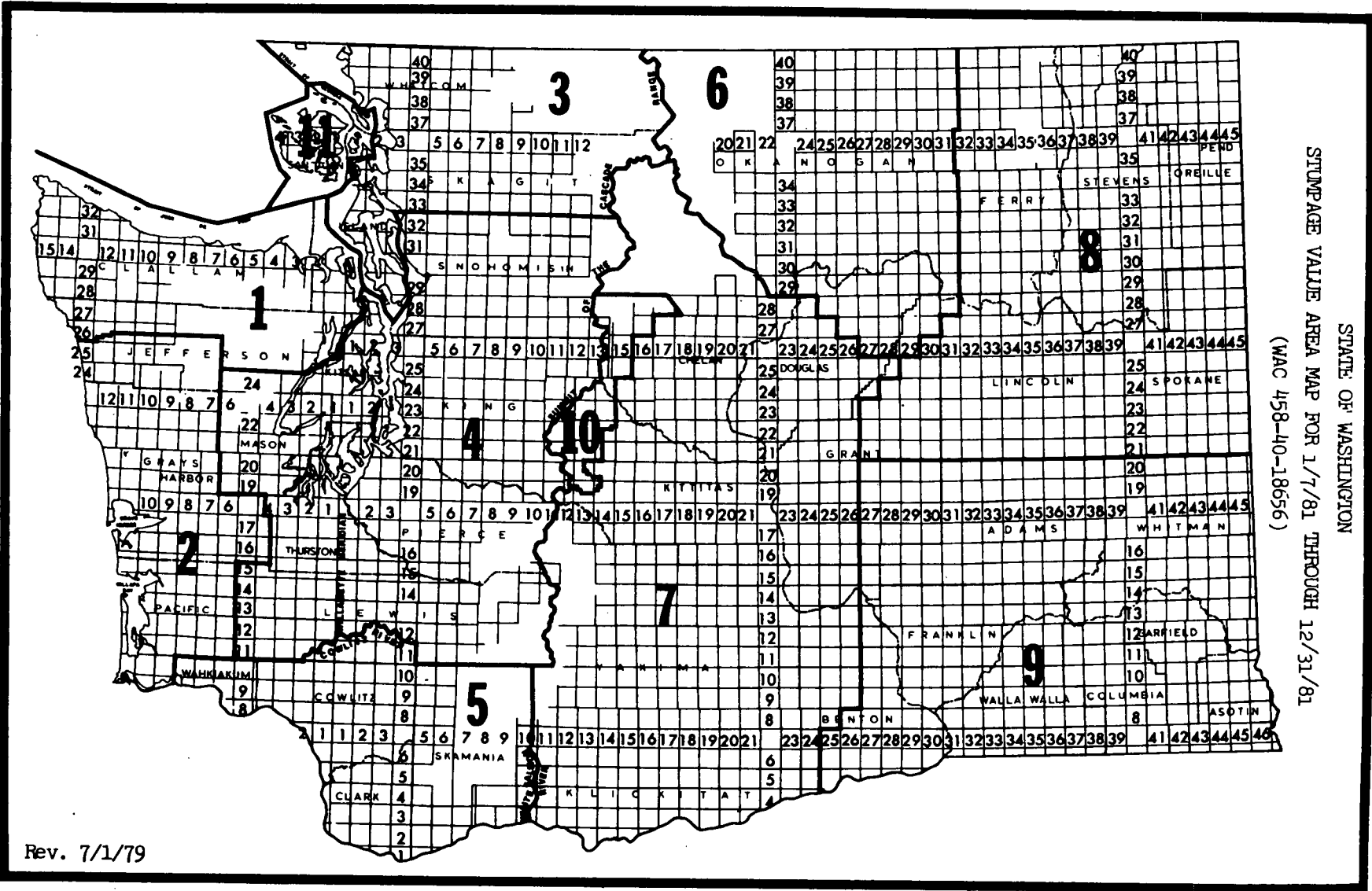
required by RCW 84.33.071(3) the department has created a map designating areas containing timber having similar growing, harvesting, and marketing conditions. The stumpage value area map shall be used for the determination of stumpage values.

The stumpage value area map shown herein shall be used to determine the proper stumpage value table to be used in calculating the taxable stumpage value under WAC 458-40-18659.

The following stumpage value area map is hereby adopted for use during the period of July 1, 1981 through December 31, 1981:

STATE OF WASHINGTON

STORAGE VALUE AREA MAP FOR 1/7/81 THROUGH 12/31/81
 (WAC 458-40-18656)



Rev. 7/1/79

NEW SECTION

WAC 458-40-18657 HAULING DISTANCE ZONES—MAPS FOR 7/1/81 THROUGH 12/31/81. In order to allow for differences in hauling costs and other relevant factors as required by RCW 84.33-.071, the department has designated zones within each stumpage value area which have similar accessibility to conversion points and other similar hauling cost factors.

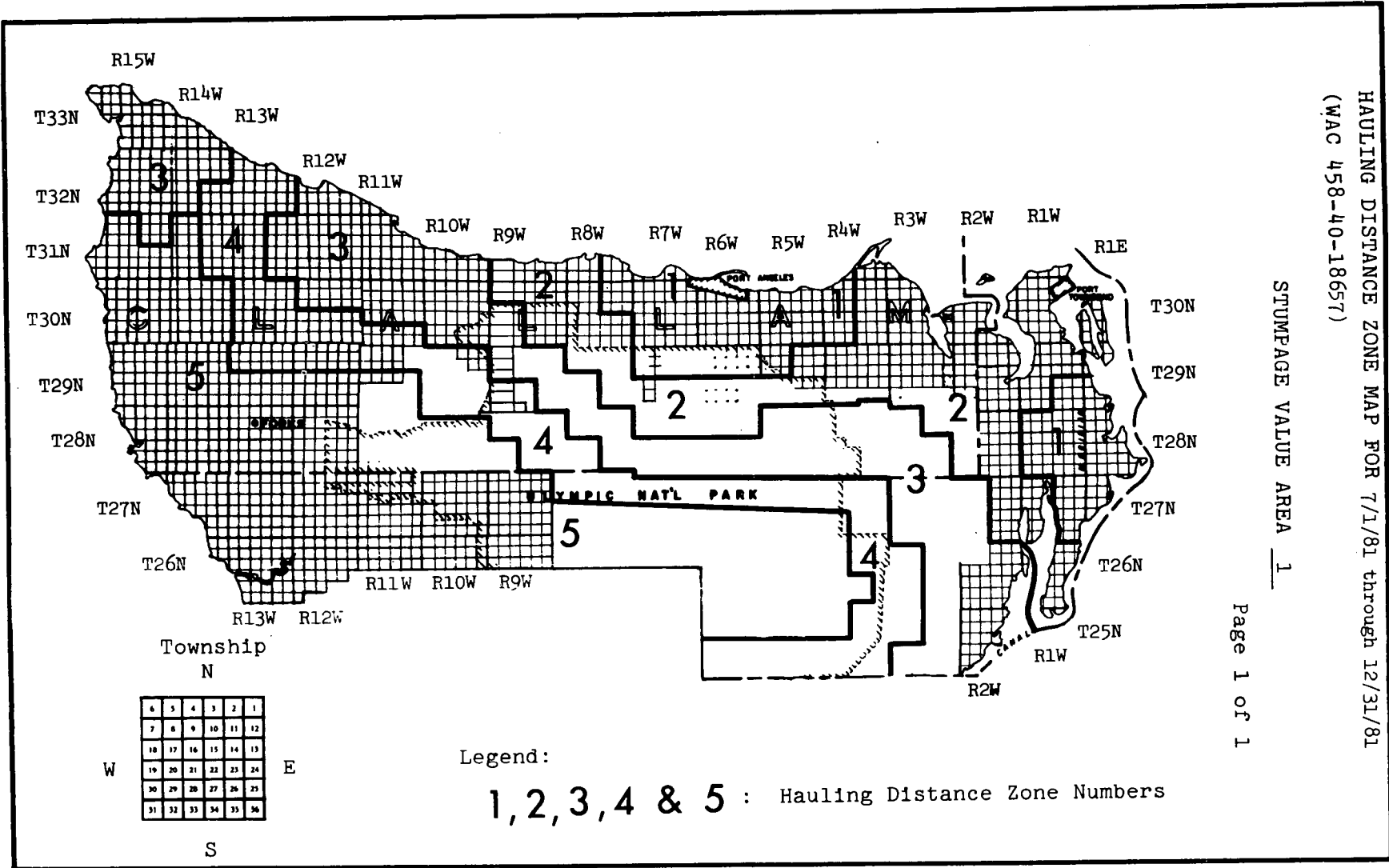
The hauling distance zone numbers on the following hauling distance zone maps establish the hauling distance zone numbers which are to be used in computing timber harvest value under the stumpage value tables of WAC 458-40-18659.

The following hauling distance zone maps designating zones established by the department as having similar hauling costs for transportation of forest products to the market, are hereby adopted for use during the period of July 1, 1981 through December 31, 1981:

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-18657)

STUMPAGE VALUE AREA 1

Page 1 of 1



Legend:

1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

W

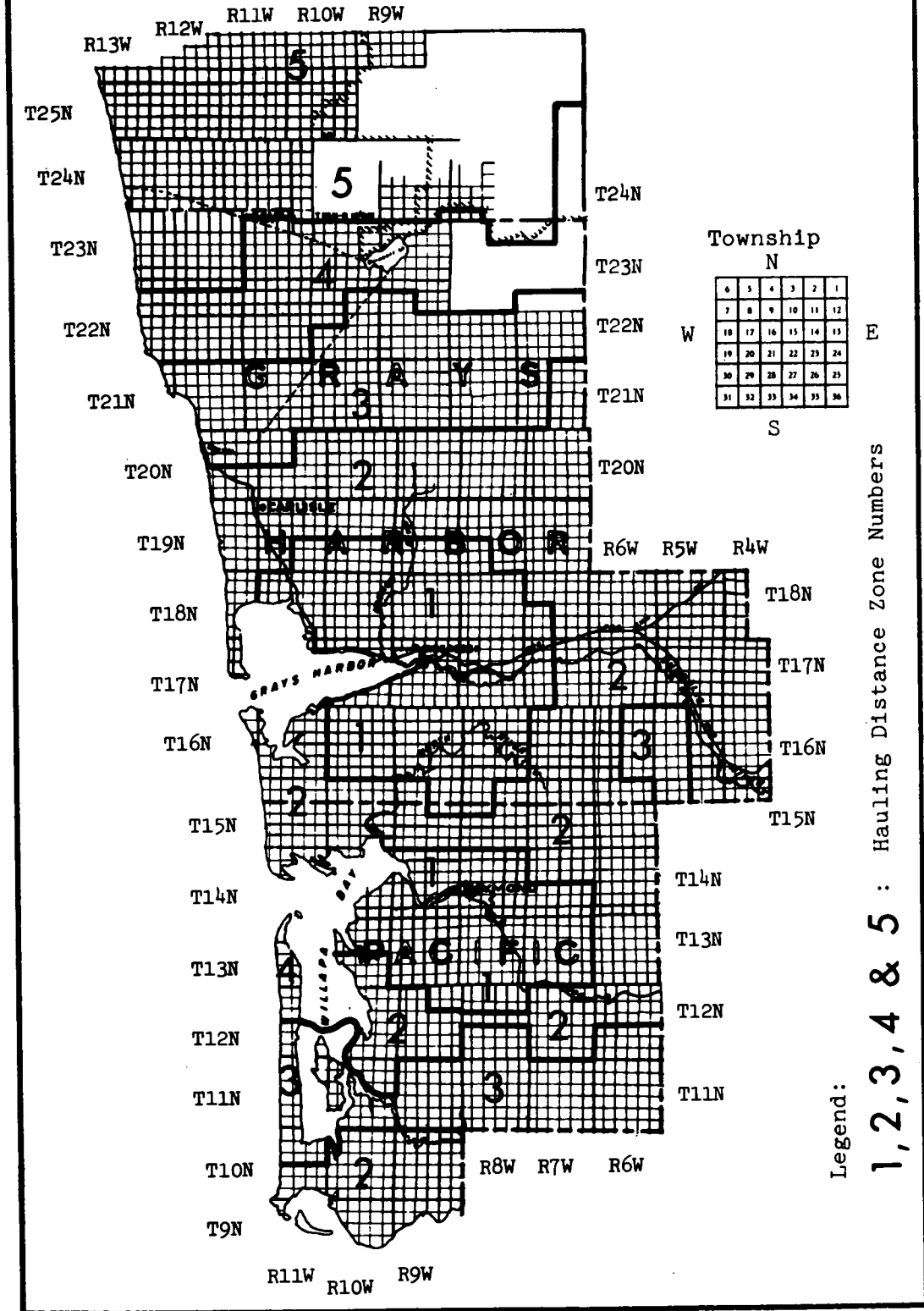
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S

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC458-40-186 57)

STUMPAGE VALUE AREA 2

Page 1 of 1



Township

N					
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36
S					

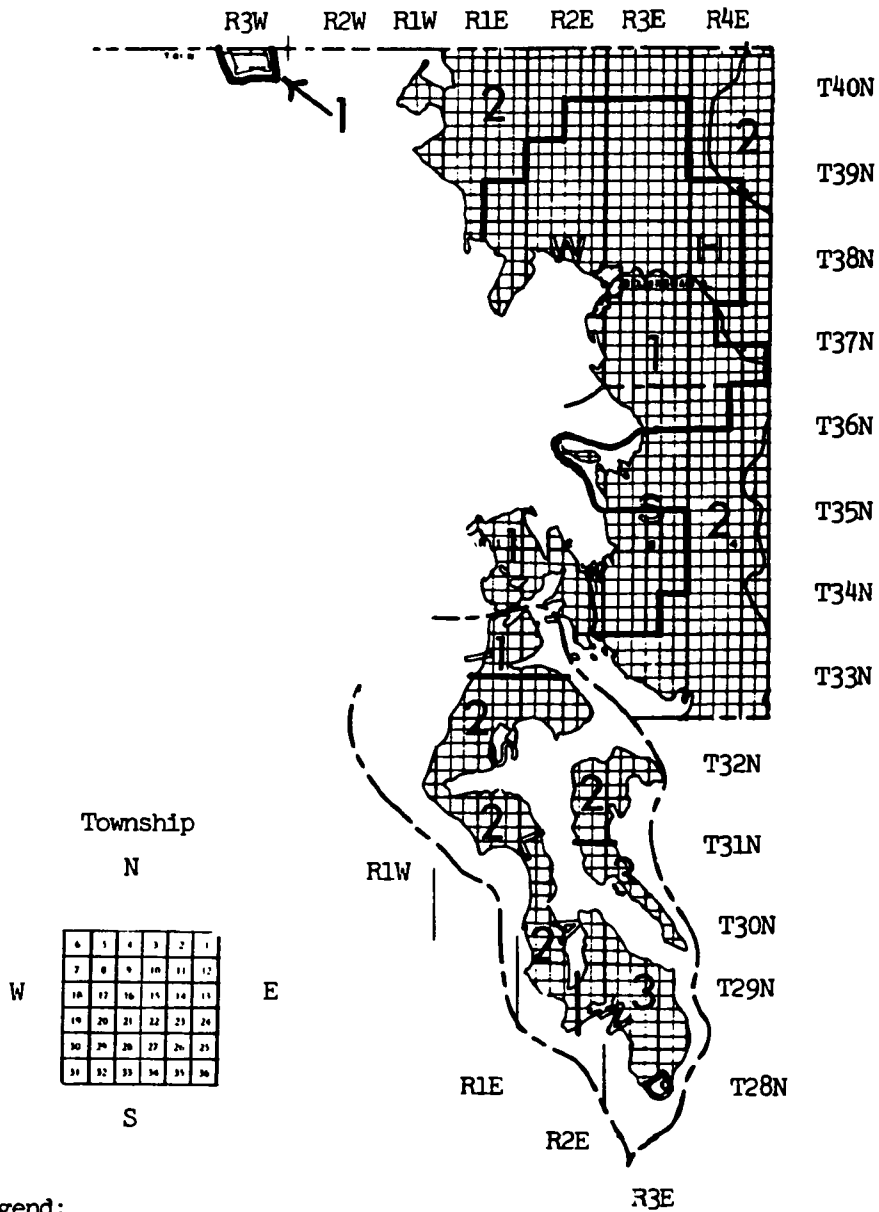
W E

Legend:
1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC458-40-18657)

STUMPAGE VALUE AREA 3

Page 1 of 2

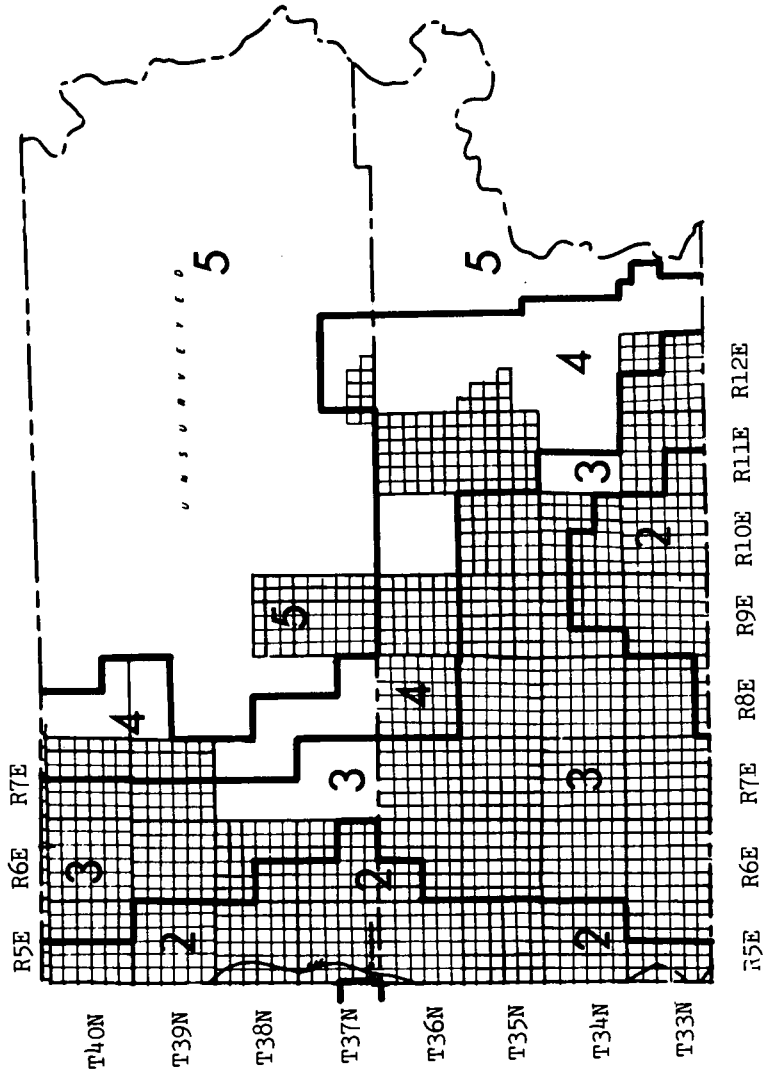


7/1/79

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-18657)

STUMPAGE VALUE AREA 3

Page 2 of 2



Township											
N											
1	2	3	4	5	6	7	8	9	10	11	12
13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32	33	34	35	36
S											
W											
E											

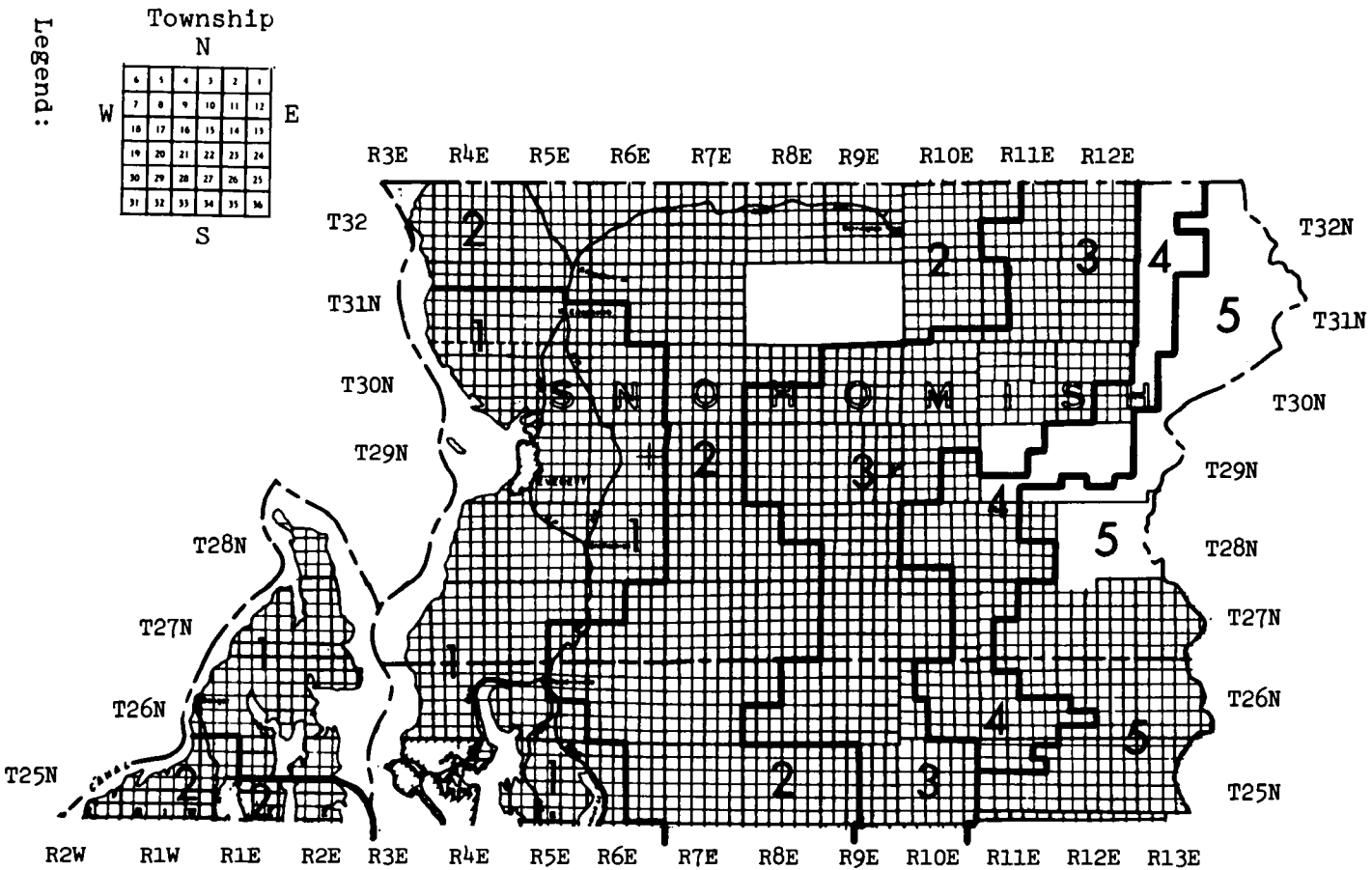
Legend:

2, 3, 4 and 5 : Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-186.57)

STUMPAGE VALUE AREA 4

Page 1 of 3



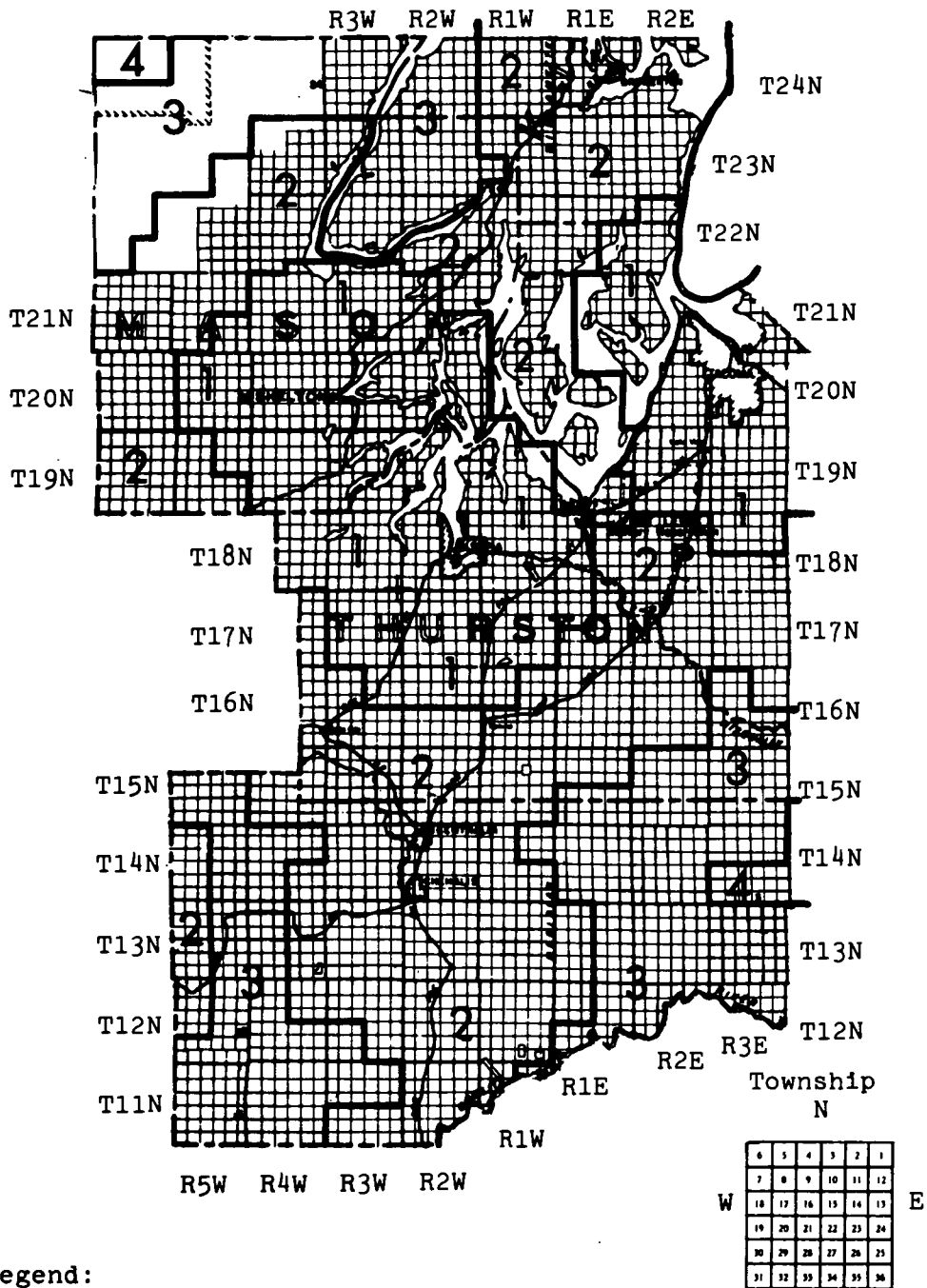
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

Legend:

Township					
N					
6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36
S					
W					E

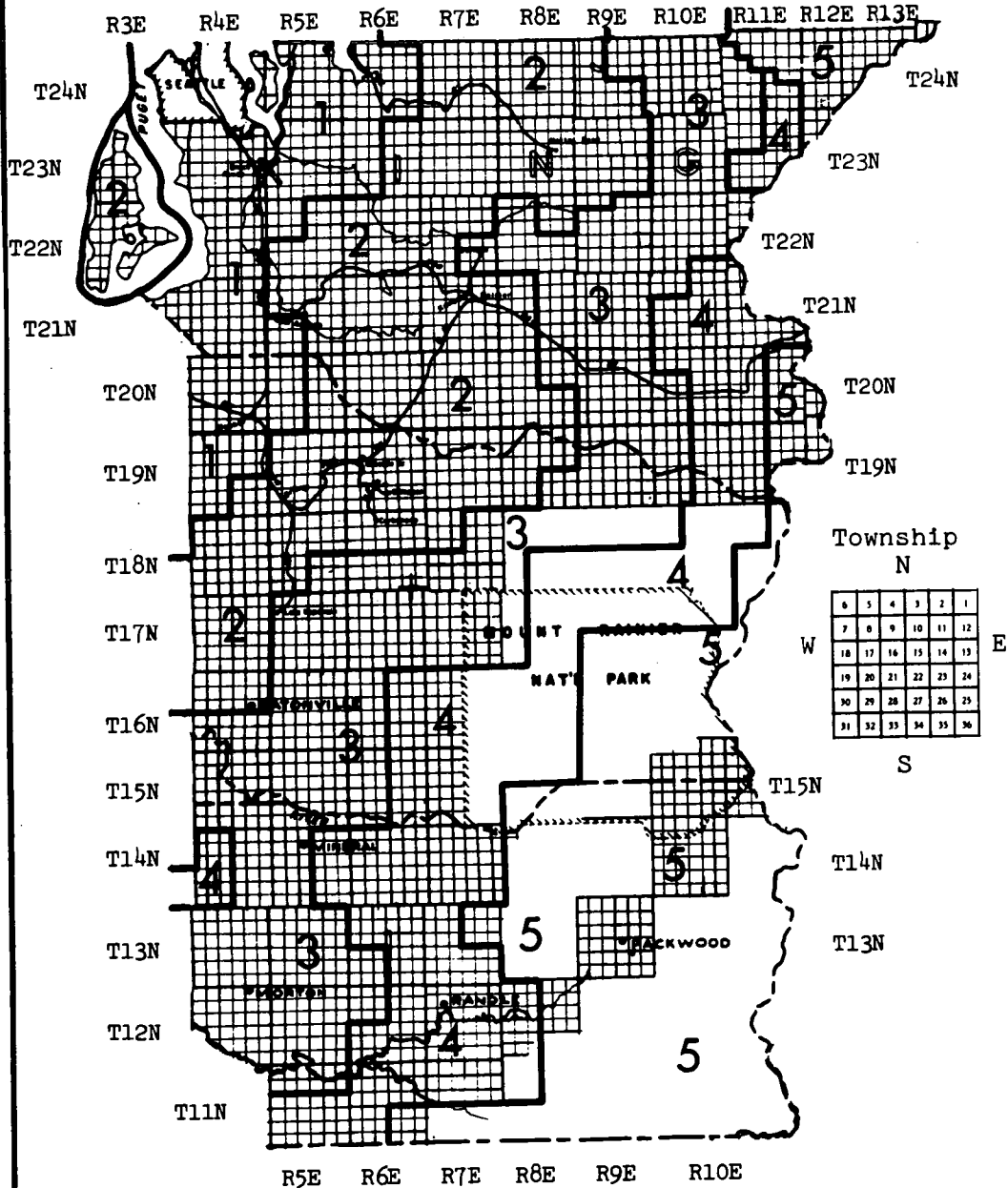
HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-18657)

STUMPAGE VALUE AREA 4



HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-186 57)

STUMPAGE VALUE AREA 4 Page 3 of 3



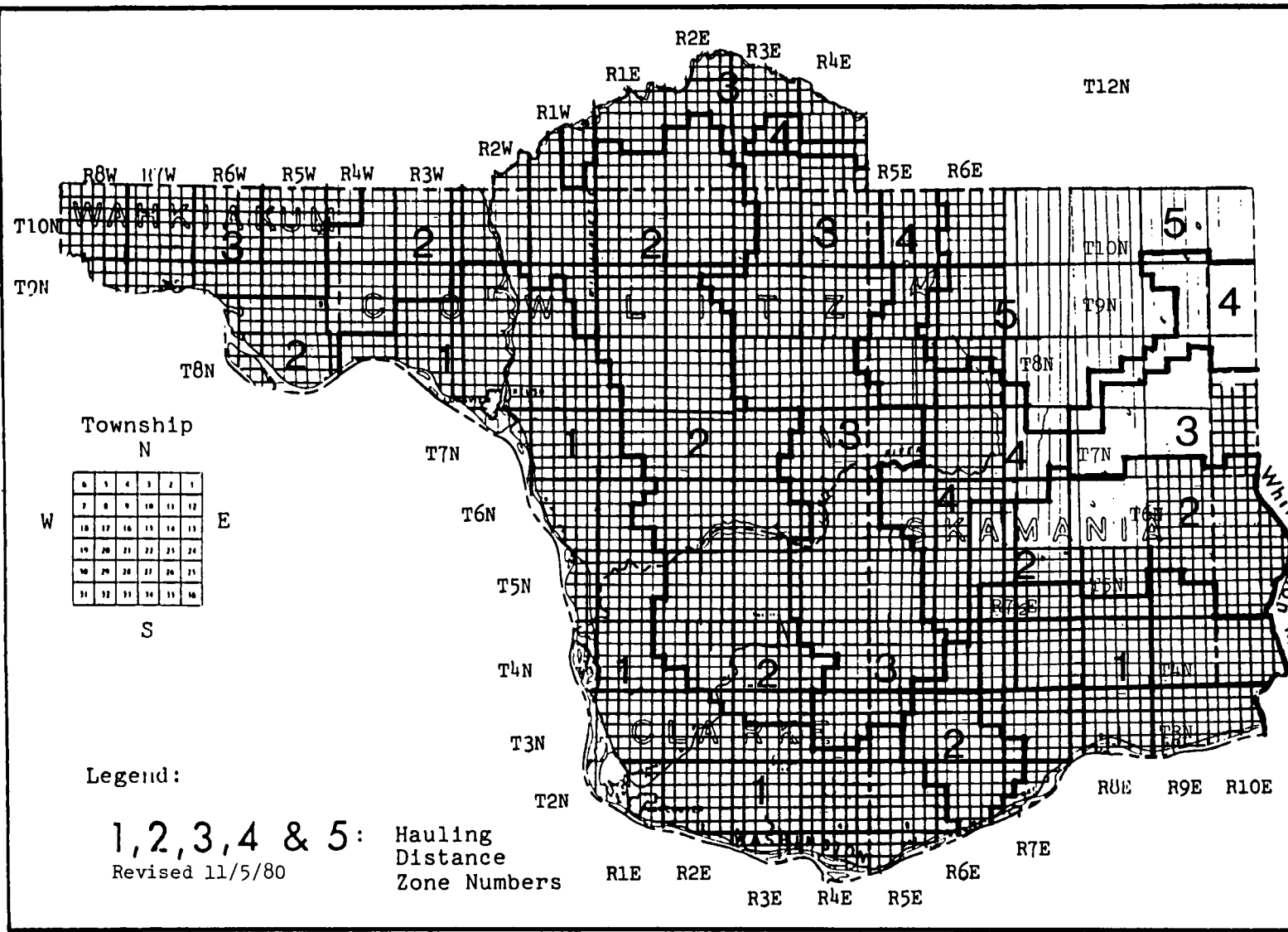
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-18657)

STUMPAGE VALUE AREA 5

Page 1 of 1



Township
N

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

W E

S

Legend:

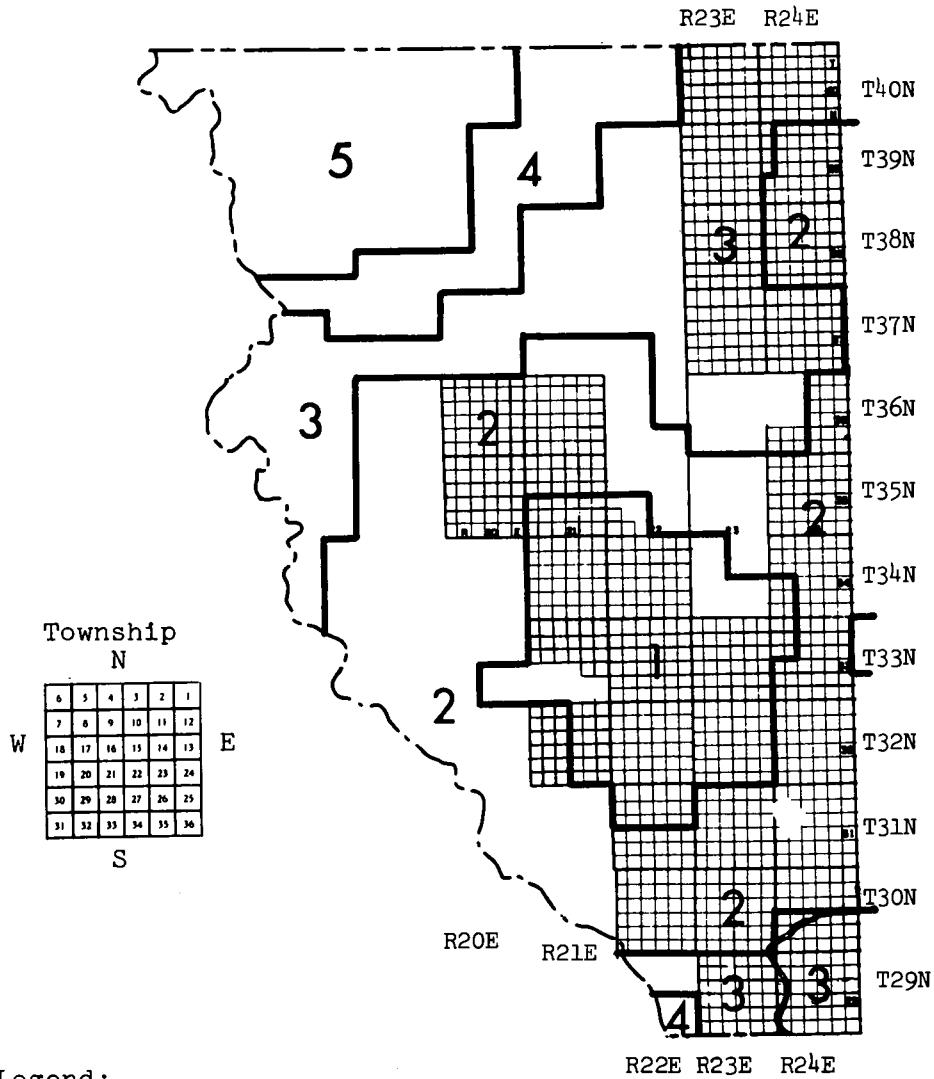
1, 2, 3, 4 & 5: Hauling Distance Zone Numbers
Revised 11/5/80

[106]

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-18657)

STUMPAGE VALUE AREA 6

Page 1 of 2



Township N

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

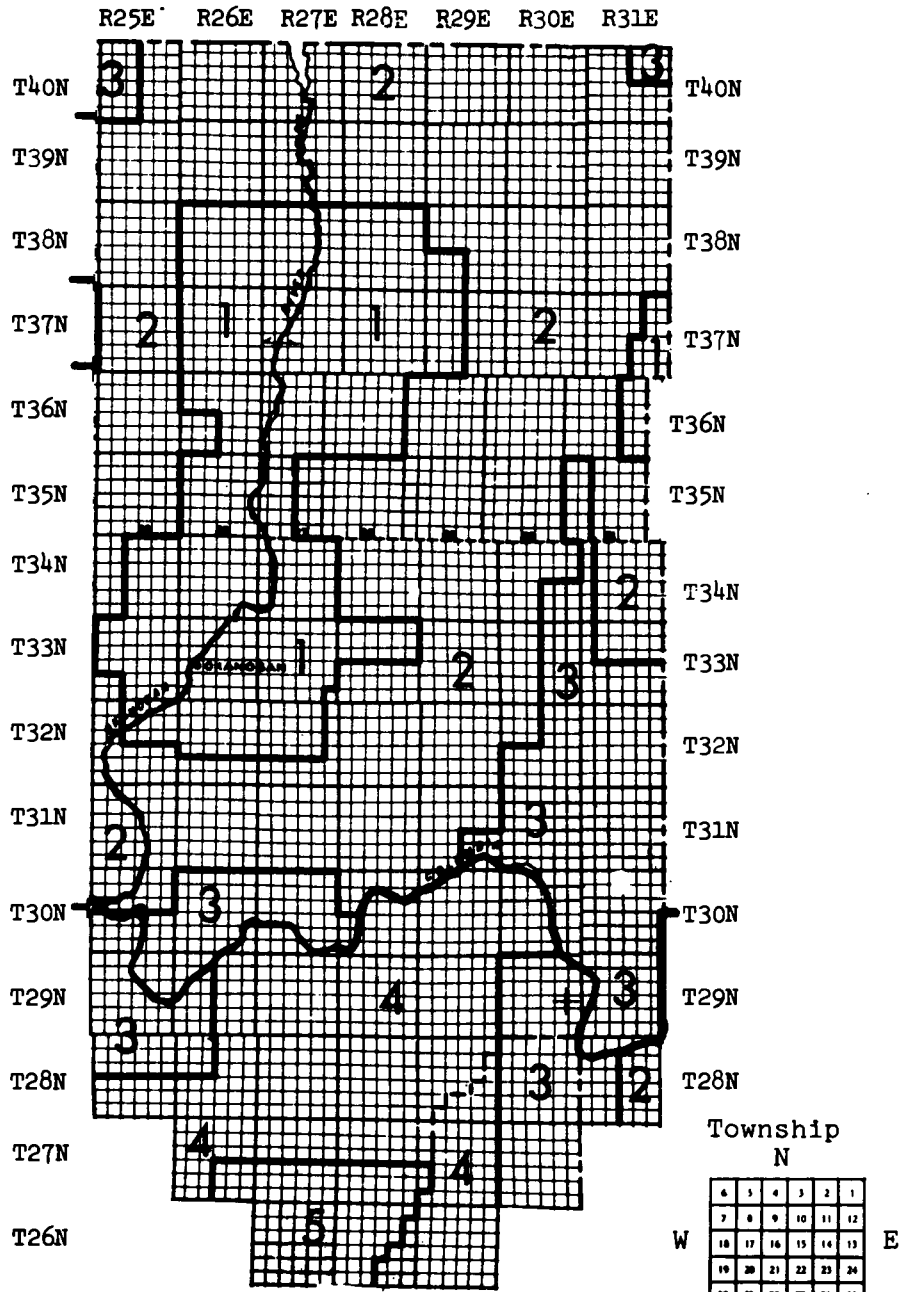
W E S

Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
 (WAC 458-40-186 57)

STUMPAGE VALUE AREA 6



Legend:

R25E R26E R27E R28E R29E R30E R31E

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

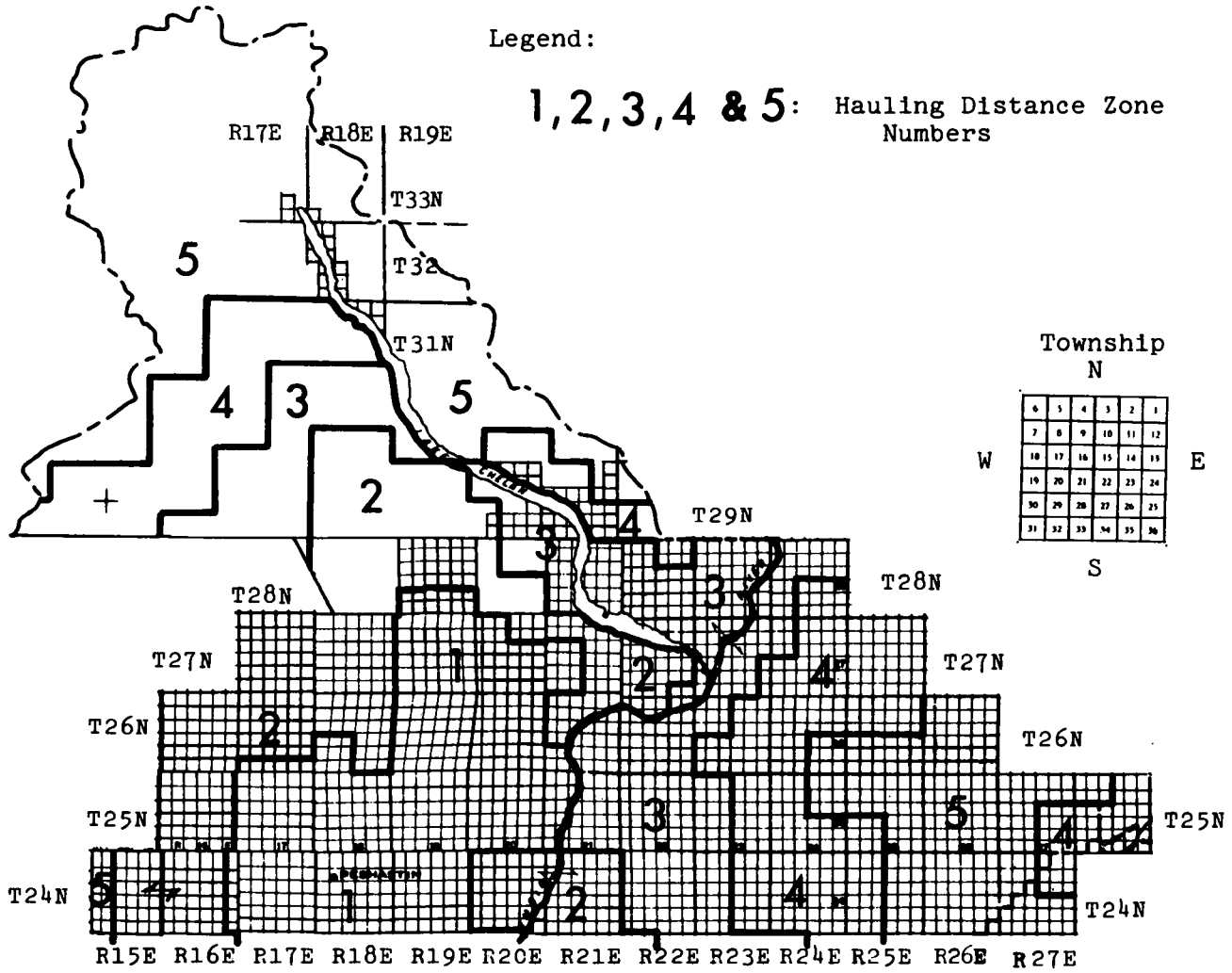
HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-186 57)

STUMPAGE VALUE AREA 7

Page 1 of 3

Legend:

1, 2, 3, 4 & 5: Hauling Distance Zone Numbers

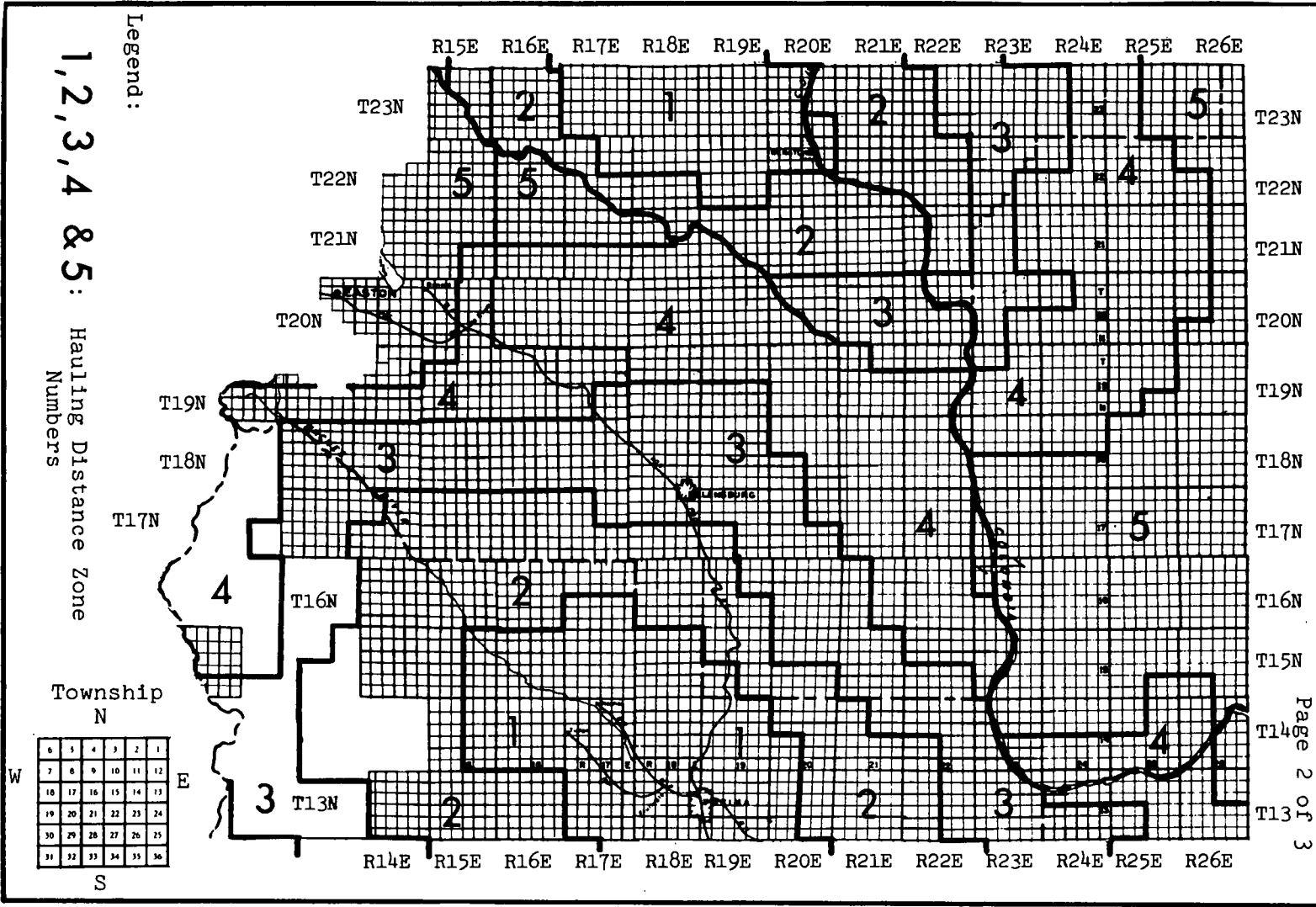


[109]

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-186 57)

STUMPAGE VALUE AREA 7

Page 2 of 3



HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
 (WAC 458-40-18657)

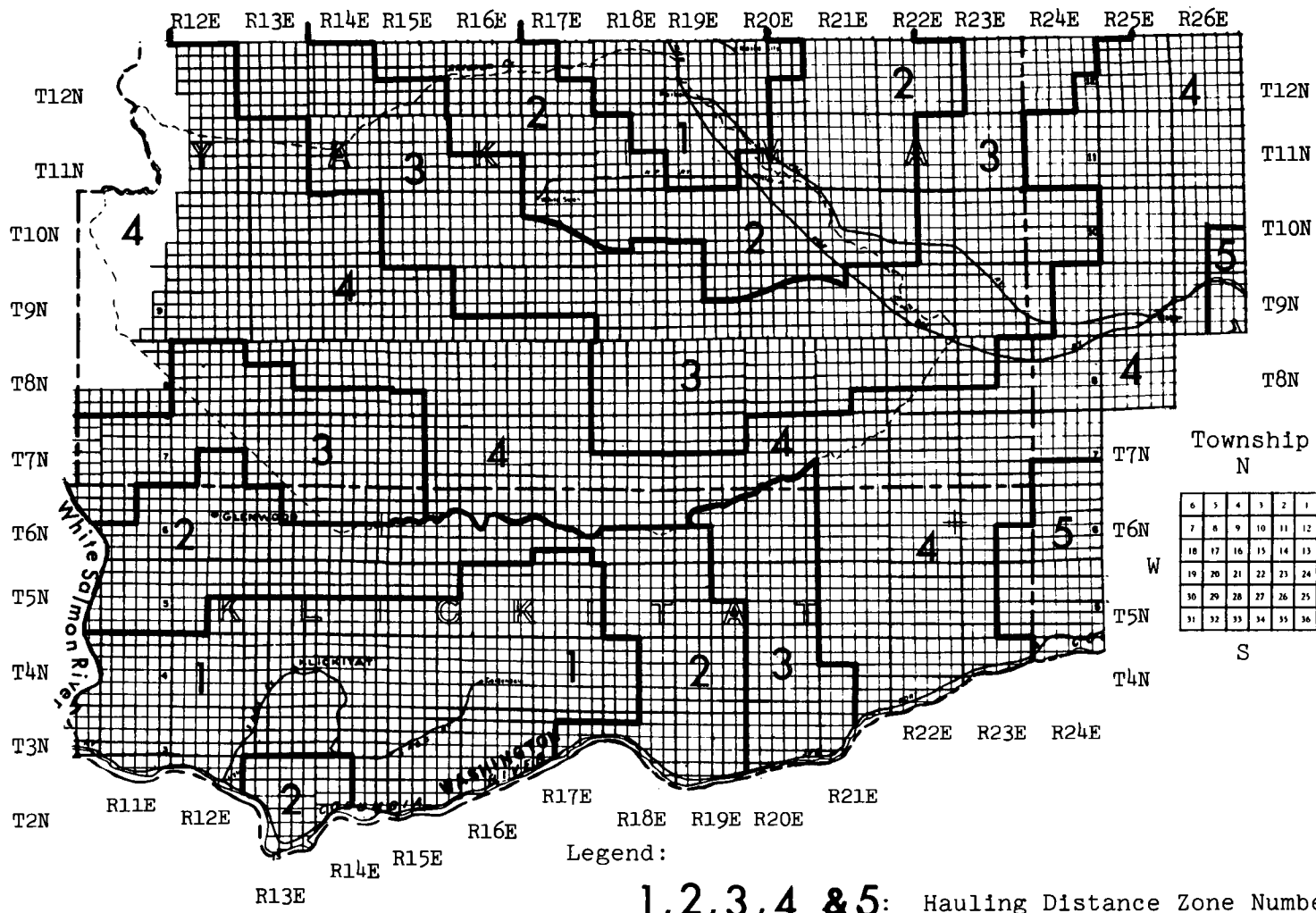
STUMPAGE VALUE AREA 7

Page 3 of 3

Township

N					
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36
S					

W E

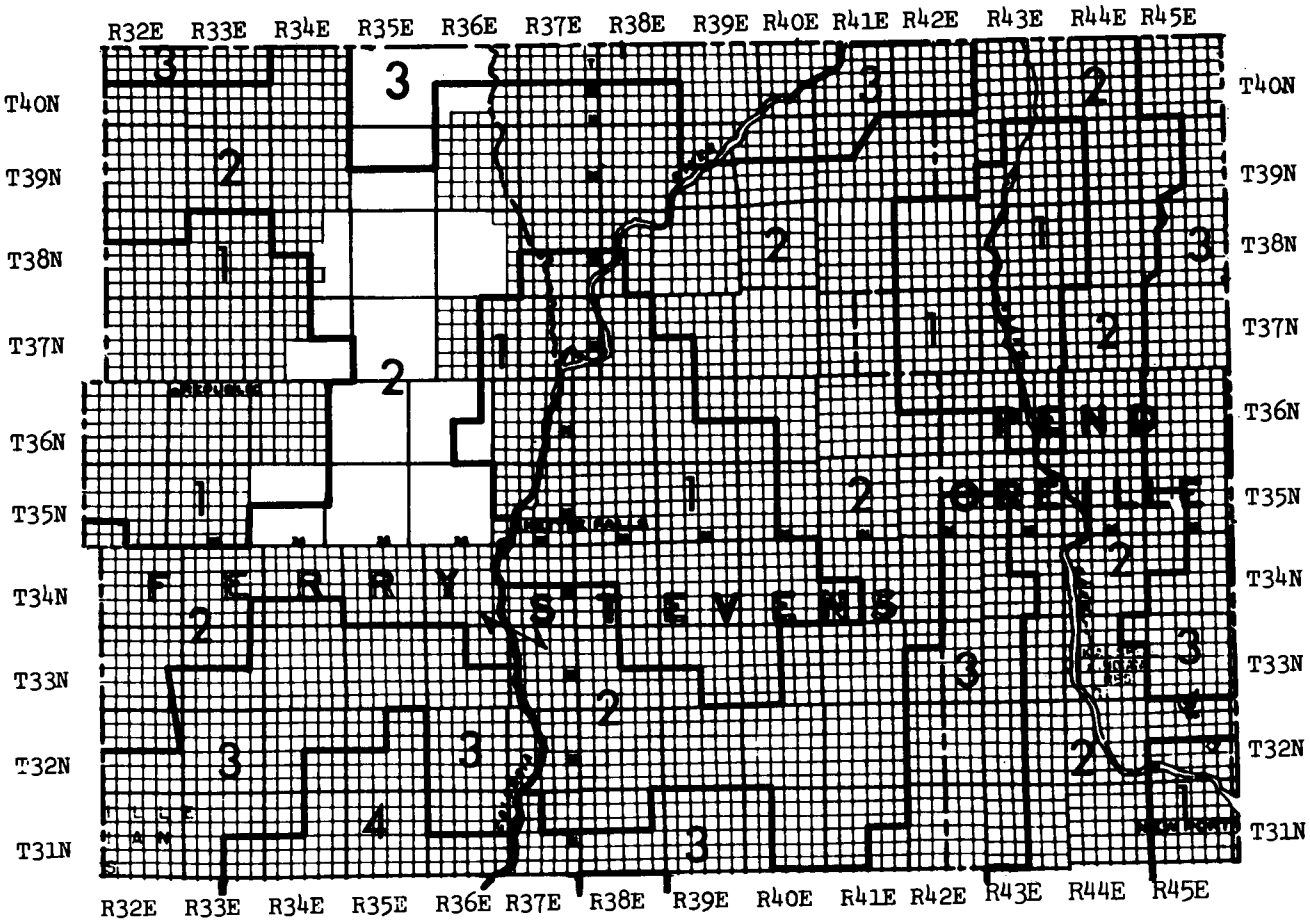


[111]

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(MAC 458-40-186 57)

STUMPAGE VALUE AREA 8

Page 1 of 2



Township
N

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

W

E

S

Legend:

1, 2, 3, 4 & 5: Hauling Distance
Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
 (WAC 458-40-18657)

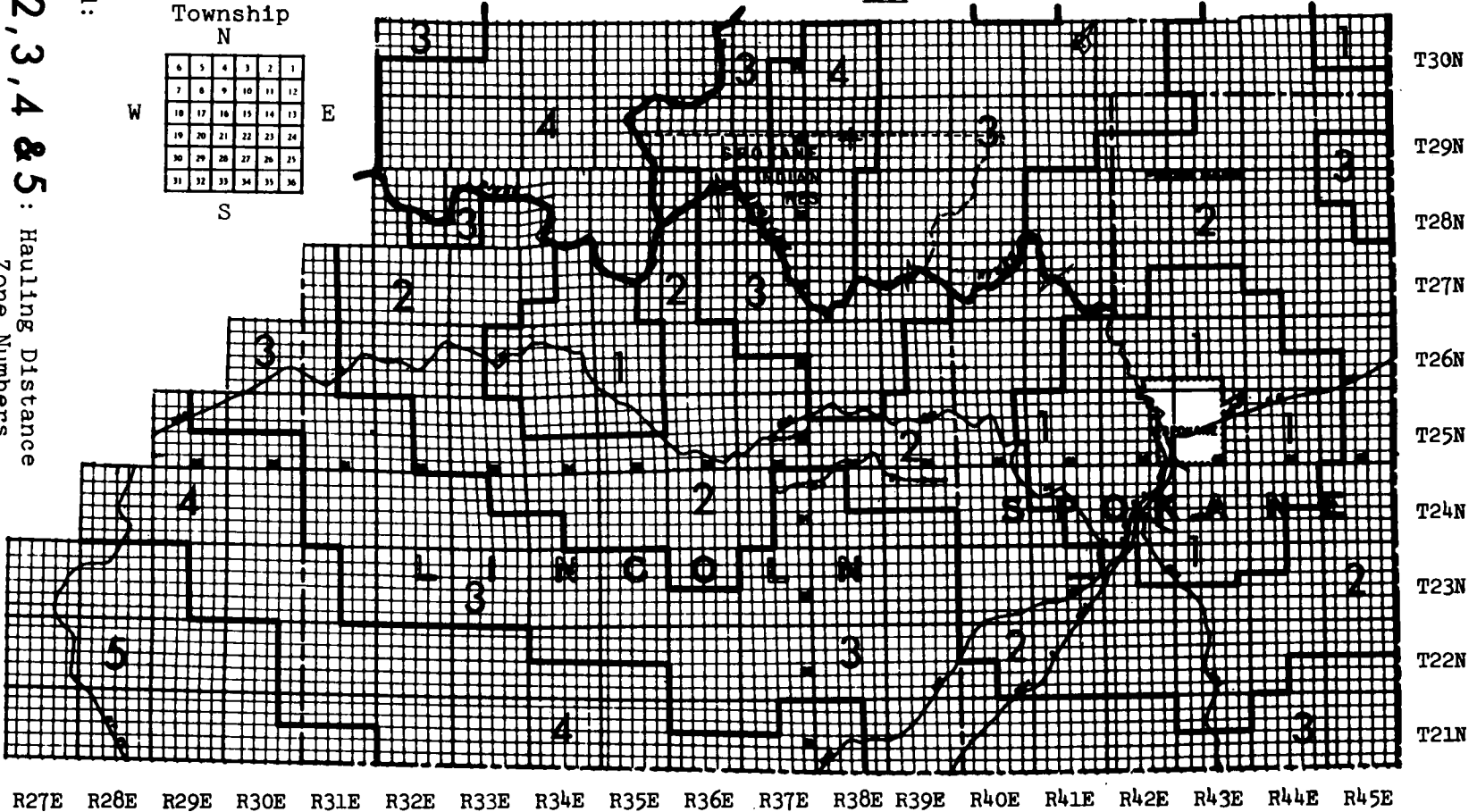
STUMPAGE VALUE AREA 8

Page 2 of 2

Legend:

1, 2, 3, 4 & 5 : Hauling Distance
 Zone Numbers

Township					
N					
6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36
S					

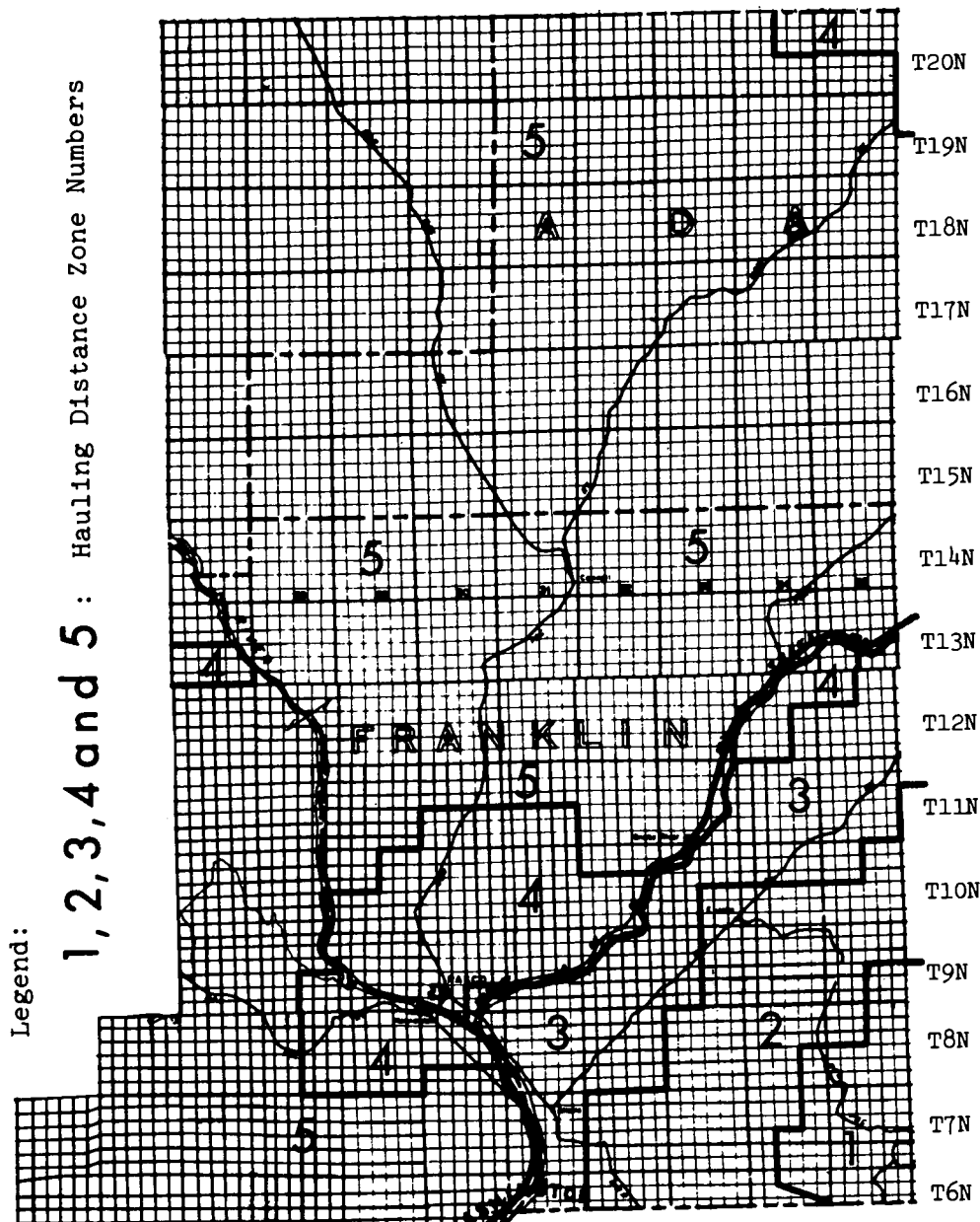


[113]

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-18657)

STUMPAGE VALUE AREA 9

Page 1 of 2



Legend:
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

R25E R26E R27E R28E R29E R30E R31E R32E R33E R34E R35E

T20N
T19N
T18N
T17N
T16N
T15N
T14N
T13N
T12N
T11N
T10N
T9N
T8N
T7N
T6N

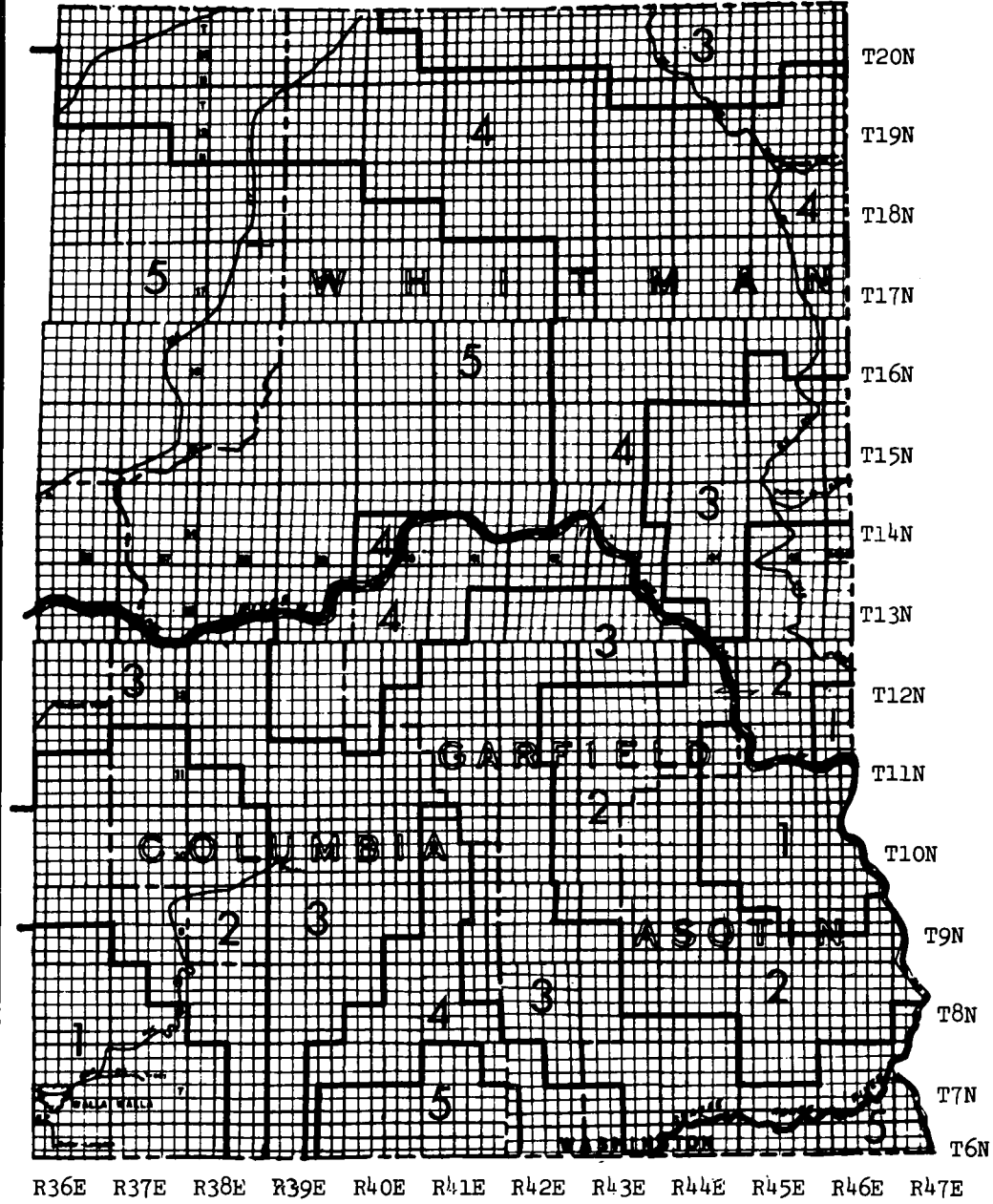
N					
6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36
S					

W E

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-18657)

STUMPAGE VALUE AREA 9

Page 2 of 2



Legend:

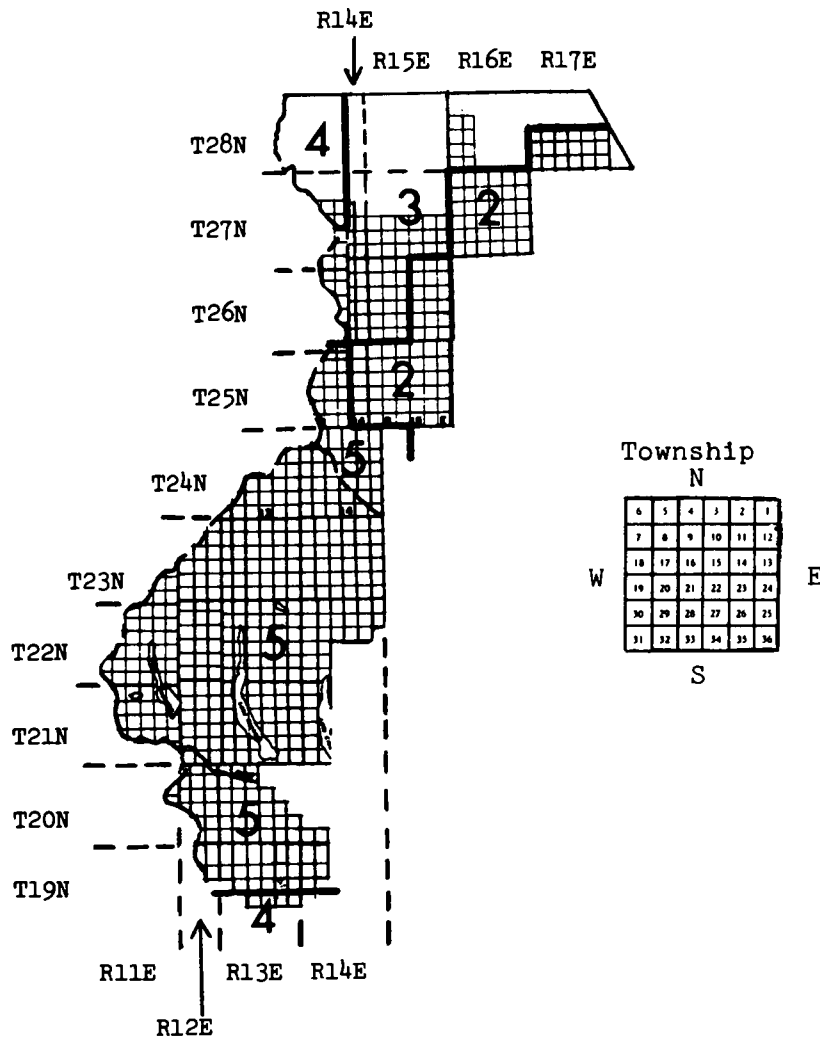
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

					N						
	6	5	4	3	2	1					
	7	8	9	10	11	12					
W	13	14	15	16	17	18					
	19	20	21	22	23	24					
	25	26	27	28	29	30					
	31	32	33	34	35	36					
					S						

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-186 57)

STUMPAGE VALUE AREA 10

Page 1 of 1

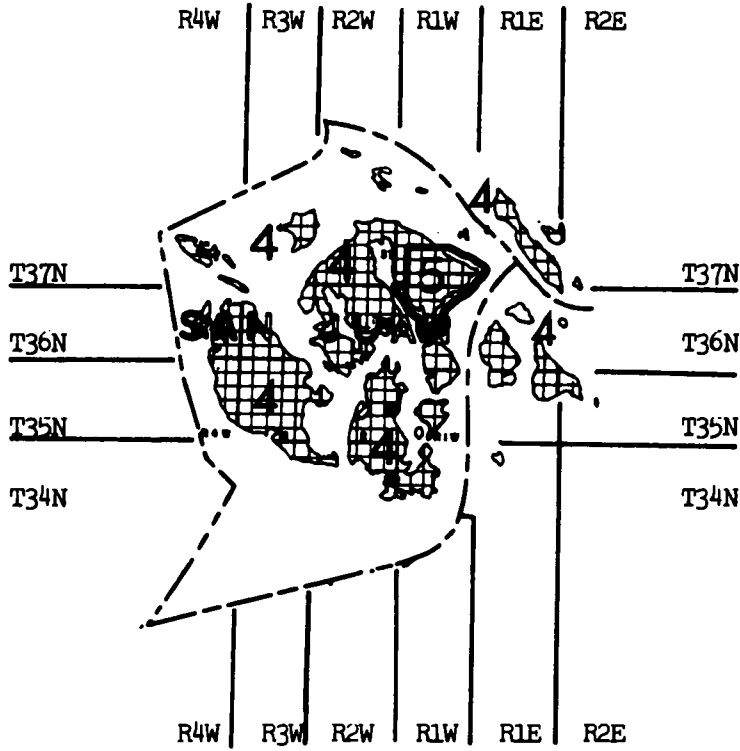


Legend:

2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR 7/1/81 through 12/31/81
(WAC 458-40-18657)

STUMPAGE VALUE AREA 11 Page 1 of 1



N

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

S

W

E

Legend:

4 and 5: Hauling Distance Zone Numbers

7/1/79

NEW SECTION

WAC 458-40-18658 **TIMBER QUALITY CODE NUMBERS—TABLES FOR 7/1/81 THROUGH 12/31/81.** In order to allow for differences in age, size, quality of timber and other relevant factors as required by RCW 84.33.071(3), the department has assigned timber quality code numbers for harvests of the various designated harvest types and species.

Scaling and grading information derived from an acceptable log scaling and grading rule for the particular harvest type and species shall be used to determine the proper quality code number.

For each timber quality code number in the following tables, there is a corresponding timber quality code number for that particular harvest type and species in the stumpage value tables of WAC 458-40-18659 which is to be used in computing timber harvest value.

The following timber quality code tables are hereby adopted for use during the period of July 1, 1981 through December 31, 1981:

**TABLE 1—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1981
OLD GROWTH FINAL HARVEST
(100 years of age or older)**

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas-fir	Over 40% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Over 35% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 25% Special Mill, No. 1 Sawmill & better log grade
2	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
	Douglas-fir	15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	10-20% inclusive Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	15-35% inclusive No. 1 Sawmill, Peeler or Select & better log grade
3	Western Hemlock, True Firs & Other Conifer	5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
	Douglas-fir	Less than 15% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 10% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Noble Fir & Spruce	Less than 15% No. 1 Sawmill, Peeler or Select & better log grade
5	Western Hemlock, True Firs & Other Conifer	Less than 5% Special Mill, No. 1 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹For detailed descriptions and definitions of log scaling and grading rules

and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

**TABLE 2—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1981
YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)**

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas-fir	Over 70% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas-fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas-fir	5 to but not including 40% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5 to but not including 40% No. 2 Sawmill & better log grade
4	Douglas-fir, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

**TABLE 3—TIMBER QUALITY CODE TABLE
STUMPAGE VALUES AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1981**

THINNING
See definition WAC 458-40-18655(9)(d)

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas-fir	Over 70% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
2	Douglas-fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
3	Douglas-fir	5 to but not including 40% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5 to but not including 40% No. 2 Sawmill & better log grade
4	Douglas-fir, Western Hemlock & Other Conifer	Less than 5% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹For detailed descriptions and definitions of log scaling rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number for Western Washington, see the following example.

WESTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality number code for timber harvested in stumpage value areas 1, 2, 3, 4, 5, and 11 in Western Washington. The following method can be used to determine the quality code number for species in "old growth final harvest", "young growth final harvest", and "thinning harvest" types.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Douglas-fir, and the harvest type, young growth final harvest, with the following volumes at the indicated grades:

Log Grade	Net Volume, Scribner Scale
Special Mill	20 MBF
No. 1 sawmill	20 MBF
No. 2 sawmill	45 MBF
No. 3 sawmill	35 MBF
No. 4 sawmill	30 MBF
TOTAL	150 MBF

To determine the proper quality code number, add the scale volumes for the grades as established by the approved grading rule. Divide this volume by the total volume harvested for the species. In this example, the Special Mill and the No. 1 and 2 sawmill logs account for 85 MBF of the 150 MBF Douglas-fir harvested. Divide as follows:

$$\frac{20 + 20 + 45}{150} \text{ or } \frac{85}{150} = .567 \times 100 = 56.7\%$$

In this example, the Special Mill, No. 1 and 2 sawmill logs make up 56.7% of the Douglas-fir harvested. Since this is between 40 and 70% No. 2 sawmill and better, the entire Douglas-fir harvested would be reported as:

Species	Timber Quality Code Number	Net Volume Harvested
Douglas-fir	2	150 MBF

**TABLE 4—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
July 1 through December 31, 1981**

MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
	All Conifers Other than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
4	Utility	All logs graded as utility

¹To determine timber quality code number in Stumpage Value Areas 6, 7, 8 and 9 for Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value areas 6, 7, 8 and 9 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 1 to 9 logs per 1 MBF for Ponderosa pine as timber quality code number 1, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	1	150 MBF

TABLE 5—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREA 10
July 1 through December 31, 1981
MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
4	Utility	All logs graded as utility

¹To determine timber quality code number in Stumpage Value Area 10 in Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value area 10 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 5-9 logs per 1 MBF for Ponderosa pine as timber quality code

number 2, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	2	150 MBF

NEW SECTION

WAC 458-40-18659 STUMPAGE VALUES—TABLES FOR 7/1/81 THROUGH 12/31/81. As required by RCW 84.33.071 the department has prepared tables which assign stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type "special forest products" the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of July 1, 1981 through December 31, 1981.

TABLE 1—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1981
OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$346	\$342	\$338	\$334	\$330
		2	342	338	334	330	326
		3	337	333	329	325	321
Western Hemlock ¹	WH	1	266	262	258	254	250
		2	261	257	253	249	245
		3	255	251	247	243	239
True Fir ²	TF	1	266	262	258	254	250
		2	261	257	253	249	245
		3	255	251	247	243	239
Western Redcedar ³	RC	1	293	289	285	281	277
		2	272	268	264	260	256
		3	232	228	224	220	216
Sitka Spruce	SS	1	335	331	327	323	319
		2	298	294	290	286	282
		3	277	273	269	265	261
Other Conifer	OC	1	266	262	258	254	250
		2	261	257	253	249	245
		3	232	228	224	220	216
Red Alder	RA	1	53	47	41	35	29
Cottonwood	BC	1	25	19	13	7	1
Other Hardwoods	OH	1	41	35	29	23	17
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

³Includes Alaska-cedar.

**TABLE 2—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1981**

**· YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$322	\$316	\$310	\$304	\$298
		2	256	250	244	238	232
		3	189	183	177	171	165
		4	122	116	110	104	98
Western Hemlock ¹	WH	1	262	256	250	244	238
		2	203	197	191	185	179
		3	152	146	140	134	128
		4	107	101	95	89	83
True Fir ²	TF	1	262	256	250	244	238
		2	203	197	191	185	179
		3	152	146	140	134	128
		4	107	101	95	89	83
Western Redcedar ³	RC	1	350	344	338	332	326
		2	255	249	243	237	231
		3	231	225	219	213	207
Other Conifer	OC	1	262	256	250	244	238
		2	203	197	191	185	179
		3	152	146	140	134	128
		4	107	101	95	89	83
Red Alder	RA	1	53	47	41	35	29
Cottonwood	BC	1	25	19	13	7	1
Other Hardwoods	OH	1	41	35	29	23	17
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

³Includes Alaska-cedar.

**TABLE 3—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1981**

THINNING

See definition WAC 458-40-18655(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$297	\$291	\$285	\$279	\$273
		2	231	225	219	213	207
		3	164	158	152	146	140
		4	97	91	85	79	73
Western Hemlock ¹	WH	1	237	231	225	219	213
		2	178	172	166	160	154
		3	127	121	115	109	103
		4	82	76	70	64	58
True Fir ²	TF	1	237	231	225	219	213
		2	178	172	166	160	154
		3	127	121	115	109	103
		4	82	76	70	64	58
Western Redcedar ³	RC	1	325	319	313	307	301
		2	230	224	218	212	206
		3	206	200	194	188	182

TABLE 3—cont.

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Conifer	OC	1	237	231	225	219	213
		2	178	172	166	160	154
		3	127	121	115	109	103
		4	82	76	70	64	58
Red Alder	RA	1	53	47	41	35	29
Cottonwood	BC	1	25	19	13	7	1
Other Hardwoods	OH	1	41	35	29	23	17
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

¹Includes Western and Mountain Hemlock.

²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

³Includes Alaska-cedar.

**TABLE 4—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1981**

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar—Shake Blocks & Boards ¹	RCS	1	\$225	\$221	\$217	\$213	\$209
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	80	76	72	68	64
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.

²Stumpage Value per 8 lineal feet or portion thereof.

³Stumpage Value per lineal foot.

**TABLE 5—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1981**

**OLD GROWTH FINAL HARVEST
(100 years of age or older)**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$309	\$305	\$301	\$297	\$293
		2	220	216	212	208	204
		3	217	213	209	205	201
Western Hemlock ¹	WH	1	266	262	258	254	250
		2	250	246	242	238	234
		3	243	239	235	231	227

TABLE 5—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True Fir ²	TF	1	266	262	258	254	250
		2	250	246	242	238	234
		3	243	239	235	231	227
Western Redcedar ³	RC	1	302	298	294	290	286
		2	275	271	267	263	259
		3	259	255	251	247	243
Sitka Spruce	SS	1	335	331	327	323	319
		2	298	294	290	286	282
		3	277	273	269	265	261
Other Conifer	OC	1	266	262	258	254	250
		2	220	216	212	208	204
		3	217	213	209	205	201
Red Alder	RA	1	43	37	31	25	19
Cottonwood	BC	1	29	23	17	11	5
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	22	22	22	22	22

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 6—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1981

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$253	\$247	\$241	\$235	\$229
		2	218	212	206	200	194
		3	196	190	184	178	172
		4	108	102	96	90	84
Western Hemlock ¹	WH	1	263	257	251	245	239
		2	204	198	192	186	180
		3	154	148	142	136	130
		4	152	146	140	134	128
True Fir ²	TF	1	263	257	251	245	239
		2	204	198	192	186	180
		3	154	148	142	136	130
		4	152	146	140	134	128
Western Redcedar ³	RC	1	244	238	232	226	220
		2	206	200	194	188	182
		3	144	138	132	126	120
Other Conifer	OC	1	244	238	232	226	220
		2	204	198	192	186	180
		3	144	138	132	126	120
		4	108	102	96	90	84
Red Alder	RA	1	43	37	31	25	19
Cottonwood	BC	1	29	23	17	11	5

TABLE 6—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	22	22	22	22	22

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 7—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1981

THINNING
See definition WAC 458-40-18655(9)(d)

Stumpage values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$228	\$222	\$216	\$210	\$204
		2	193	187	181	175	169
		3	171	165	159	153	147
		4	83	77	71	65	59
Western Hemlock ¹	WH	1	238	232	226	220	214
		2	179	173	167	161	155
		3	129	123	117	111	105
		4	127	121	115	109	103
True Fir ²	TF	1	238	232	226	220	214
		2	179	173	167	161	155
		3	129	123	117	111	105
		4	127	121	115	109	103
Western Redcedar ³	RC	1	219	213	207	201	195
		2	181	175	169	163	157
		3	119	113	107	101	95
Other Conifer	OC	1	219	213	207	201	195
		2	179	173	167	161	155
		3	119	113	107	101	95
		4	83	77	71	65	59
Red Alder	RA	1	43	37	31	25	19
Cottonwood	BC	1	29	23	17	11	5
Other Hardwoods	OH	1	29	23	17	11	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	22	22	22	22	22

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 8—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1981
SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$157	\$153	\$149	\$145	\$141
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	58	54	50	46	42
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹ Stumpage Value per MBF net Scribner Scale.
² Stumpage Value per 8 lineal feet or portion thereof.
³ Stumpage Value per lineal foot.

TABLE 9—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 3
 July 1 through December 31, 1981
 OLD GROWTH FINAL HARVEST
 (100 years of age or older)

Stumpage values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$416	\$412	\$408	\$404	\$400
		2	373	369	365	361	357
		3	256	252	248	244	240
Western Hemlock ¹	WH	1	258	254	250	246	242
		2	228	224	220	216	212
		3	134	130	126	122	118
True Fir ²	TF	1	258	254	250	246	242
		2	228	224	220	216	212
		3	134	130	126	122	118
Western Redcedar	RC	1	305	301	297	293	289
		2	277	273	269	265	261
		3	210	206	202	198	194
Sitka Spruce	SS	1	335	331	327	323	319
		2	298	294	290	286	282
		3	277	273	269	265	261
Alaska-cedar	YC	1	1469	1465	1461	1457	1453
		2	1060	1056	1052	1048	1044
		3	650	646	642	638	634
Other Conifer	OC	1	258	254	250	246	242
		2	228	224	220	216	212
		3	134	130	126	122	118
Red Alder	RA	1	43	37	31	25	19
Cottonwood	BC	1	43	37	31	25	19
Other Hardwoods	OH	1	40	34	28	22	16
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	26	26	26	26	26

¹ Includes Western and Mountain Hemlock.
² Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

TABLE 10—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 3
 July 1 through December 31, 1981

YOUNG GROWTH FINAL HARVEST
 (Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$289	\$283	\$277	\$271	\$265
		2	284	278	272	266	260
		3	278	272	266	260	254
		4	276	270	264	258	252
Western Hemlock ¹	WH	1	202	196	190	184	178
		2	189	183	177	171	165
		3	120	114	108	102	96
		4	114	108	102	96	90
True Fir ²	TF	1	202	196	190	184	178
		2	189	183	177	171	165
		3	120	114	108	102	96
		4	114	108	102	96	90
Western Redcedar ³	RC	1	248	242	236	230	224
		2	216	210	204	198	192
		3	184	178	172	166	160
Other Conifer	OC	1	202	196	190	184	178
		2	189	183	177	171	165
		3	120	114	108	102	96
		4	114	108	102	96	90
Red Alder	RA	1	43	37	31	25	19
Cottonwood	BC	1	43	37	31	25	19
Other Hardwoods	OH	1	40	34	28	22	16
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	26	26	26	26	26

¹ Includes Western and Mountain Hemlock.
² Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³ Includes Alaska-cedar.

TABLE 11—STUMPAGE VALUE TABLE
 STUMPAGE VALUE AREA 3
 July 1 through December 31, 1981

THINNING

See definition WAC 458-40-18655(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$264	\$258	\$252	\$246	\$240
		2	259	253	247	241	235
		3	253	247	241	235	229
		4	251	245	239	233	227
Western Hemlock ¹	WH	1	177	171	165	159	153
		2	164	158	152	146	140
		3	95	89	83	77	71
		4	89	83	77	71	65
True Fir ²	TF	1	177	171	165	159	153
		2	164	158	152	146	140
		3	95	89	83	77	71
		4	89	83	77	71	65
Western Redcedar ³	RC	1	223	217	211	205	199
		2	191	185	179	173	167
		3	159	153	147	141	135

TABLE 11—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Conifer	OC	1	177	171	165	159	153
		2	164	158	152	146	140
		3	95	89	83	77	71
		4	89	83	77	71	65
Red Alder	RA	1	43	37	31	25	19
Cottonwood	BC	1	43	37	31	25	19
Other Hardwoods	OH	1	40	34	28	22	16
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	26	26	26	26	26

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 12—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
July 1 through December 31, 1981
SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$196	\$192	\$188	\$184	\$180
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	71	67	63	59	55
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.
²Stumpage Value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 13—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1981
OLD GROWTH FINAL HARVEST
(100 years of age or older)
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$442	\$438	\$434	\$430	\$426
		2	366	362	358	354	350
		3	290	286	282	278	274
Western Hemlock ¹	WH	1	367	363	359	355	351
		2	340	336	332	328	324
		3	294	290	286	282	278

TABLE 13—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True Fir ²	TF	1	367	363	359	355	351
		2	340	336	332	328	324
		3	294	290	286	282	278
Western Redcedar	RC	1	268	264	260	256	252
		2	249	245	241	237	233
		3	229	225	221	217	213
Sitka Spruce	SS	1	335	331	327	323	319
		2	298	294	290	286	282
		3	277	273	269	265	261
Noble Fir	NF	1	1008	1004	1000	996	992
		2	668	664	660	656	652
		3	308	304	300	296	292
Alaska-cedar	YC	1	1469	1465	1461	1457	1453
		2	1060	1056	1052	1048	1044
		3	650	646	642	638	634
Other Conifer	OC	1	268	264	260	256	252
		2	249	245	241	237	233
		3	229	225	221	217	213
Red Alder	RA	1	54	48	42	36	30
Cottonwood	BC	1	30	24	18	12	6
Other Hardwoods	OH	1	35	29	23	17	11
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

TABLE 14—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1981
YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$482	\$476	\$470	\$464	\$458
		2	319	313	307	301	295
		3	229	223	217	211	205
		4	215	209	203	197	191
Western Hemlock ¹	WH	1	318	312	306	300	294
		2	278	272	266	260	254
		3	155	149	143	137	131
		4	136	130	124	118	112
True Fir ²	TF	1	318	312	306	300	294
		2	278	272	266	260	254
		3	155	149	143	137	131
		4	136	130	124	118	112
Western Redcedar ³	RC	1	257	251	245	239	233
		2	232	226	220	214	208
		3	211	205	199	193	187
Other Conifer	OC	1	257	251	245	239	233
		2	232	226	220	214	208
		3	155	149	143	137	131
		4	136	130	124	118	112
Red Alder	RA	1	54	48	42	36	30

TABLE 14—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Cottonwood	BC	1	30	24	18	12	6
Other Hardwoods	OH	1	35	29	23	17	11
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	19	19	19	19	19

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 15—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1981

THINNING

See definition WAC 458-40-18655(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$457	\$451	\$445	\$439	\$433
		2	294	288	282	276	270
		3	204	198	192	186	180
		4	190	184	178	172	166
Western Hemlock ¹	WH	1	293	287	281	275	269
		2	253	247	241	235	229
		3	130	124	118	112	106
		4	111	105	99	93	87
True Fir ²	TF	1	293	287	281	275	269
		2	253	247	241	235	229
		3	130	124	118	112	106
		4	111	105	99	93	87
Western Redcedar ³	RC	1	232	226	220	214	208
		2	207	201	195	189	183
		3	186	180	174	168	162
Other Conifer	OC	1	232	226	220	214	208
		2	207	201	195	189	183
		3	130	124	118	112	106
		4	111	105	99	93	87
Red Alder	RA	1	54	48	42	36	30
Cottonwood	BC	1	30	24	18	12	6
Other Hardwoods	OH	1	35	29	23	17	11
Hardwood Utility	HU	5	5	5	5	5	
Conifer Utility	CU	5	19	19	19	19	

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 16—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1981
SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$229	\$225	\$221	\$217	\$213
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	81	77	73	69	65
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage value per MBF net Scribner Scale.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 17—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1981

OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$436	\$432	\$428	\$424	\$420
		2	380	376	372	368	364
		3	323	319	315	311	307
Western Hemlock ¹	WH	1	261	257	253	249	245
		2	213	209	205	201	197
		3	165	161	157	153	149
True Fir ²	TF	1	261	257	253	249	245
		2	213	209	205	201	197
		3	165	161	157	153	149
Western Redcedar ³	RC	1	221	217	213	209	205
		2	217	213	209	205	201
		3	215	211	207	203	199
Sitka Spruce	SS	1	335	331	327	323	319
		2	298	294	290	286	282
		3	277	273	269	265	261
Noble Fir	NF	1	1008	1004	1000	996	992
		2	668	664	660	656	652
		3	308	304	300	296	292
Other Conifer	OC	1	221	217	213	209	205
		2	213	209	205	201	197
		3	165	161	157	153	149
Red Alder	RA	1	62	56	50	44	38
Cottonwood	BC	1	21	15	9	3	1
Other Hardwoods	OH	1	41	35	29	23	17
Hardwood Utility	HU	5	5	5	5	5	

TABLE 17—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	20	20	20	20	20

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 18—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1981

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$425	\$419	\$413	\$407	\$401
		2	328	322	316	310	304
		3	286	280	274	268	262
		4	131	125	119	113	107
Western Hemlock ¹	WH	1	289	283	277	271	265
		2	256	250	244	238	232
		3	153	147	141	135	129
		4	85	79	73	67	61
True Fir ²	TF	1	289	283	277	271	265
		2	256	250	244	238	232
		3	153	147	141	135	129
		4	85	79	73	67	61
Western Redcedar ³	RC	1	253	247	241	235	229
		2	234	228	222	216	210
		3	214	208	202	196	190
Other Conifer	OC	1	253	247	241	235	229
		2	234	228	222	216	210
		3	153	147	141	135	129
		4	85	79	73	67	61
Red Alder	RA	1	62	56	50	44	38
Cottonwood	BC	1	21	15	9	3	1
Other Hardwoods	OH	1	41	35	29	23	17
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	20	20	20	20	20

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 19—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1981

THINNING

See definition WAC 458-40-18655(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$400	\$394	\$388	\$382	\$376
		2	303	297	291	285	279
		3	261	255	249	243	237
		4	106	100	94	88	82
Western Hemlock ¹	WH	1	264	258	252	246	240
		2	231	225	219	213	207
		3	128	122	116	110	104
		4	60	54	48	42	36
True Fir ²	TF	1	264	258	252	246	240
		2	231	225	219	213	207
		3	128	122	116	110	104
		4	60	54	48	42	36
Western Redcedar ³	RC	1	228	222	216	210	204
		2	209	203	197	191	185
		3	189	183	177	171	165
Other Conifer	OC	1	228	222	216	210	204
		2	209	203	197	191	185
		3	128	122	116	110	104
		4	60	54	48	42	36
Red Alder	RA	1	62	56	50	44	38
Cottonwood	BC	1	21	15	9	3	1
Other Hardwoods	OH	1	41	35	29	23	17
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	20	20	20	20	20

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 20—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1981

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$238	\$234	\$230	\$226	\$222
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	83	79	75	71	67
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.15	0.15	0.15	0.15	0.15

TABLE 20—cont.
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage value per MBF net Scribner Scale.
²Stumpage Value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 21—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
July 1 through December 31, 1981

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$156	\$152	\$148	\$144	\$140
			2	101	97	93	89
Douglas-fir	DF	1	121	117	113	109	105
Western Larch	WL	1	121	117	113	109	105
Western Hemlock ¹	WH	1	114	110	106	102	98
True fir ²	TF	1	114	110	106	102	98
Engelmann Spruce	ES	1	100	96	92	88	84
Western White Pine	WP	1	145	141	137	133	129
Western Redcedar	RC	1	138	134	130	126	122
Lodgepole Pine	LP	1	101	97	93	89	85
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	5	17	17	17	17	17

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

TABLE 22—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
July 1 through December 31, 1981

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$79	\$75	\$71	\$67	\$63
Western Larch Flatsawn Blocks ¹	WLF	1	69	65	61	57	53
Lodgepole Pine & Other Posts ²	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13

TABLE 22—cont.
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.15	0.15	0.15	0.15	0.15

¹Stumpage value per MBF net Scribner Scale.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

TABLE 23—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
July 1 through December 31, 1981

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$212	\$208	\$204	\$200	\$196
		2	211	207	203	199	195
		3	199	195	191	187	183
Douglas-fir	DF	1	166	162	158	154	150
		2	127	123	119	115	111
		3	112	108	104	100	96
Western Larch	WL	1	166	162	158	154	150
		2	127	123	119	115	111
		3	112	108	104	100	96
Western Hemlock ¹	WH	1	297	293	289	285	281
		2	286	282	278	274	270
		3	174	170	166	162	158
True Fir ²	TF	1	297	293	289	285	281
		2	286	282	278	274	270
		3	174	170	166	162	158
Other Conifer	OC	1	166	162	158	154	150
		2	127	123	119	115	111
		3	112	108	104	100	96
Hardwoods	OH	1	14	10	6	2	1
Utility	CU	5	17	17	17	17	17

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All these species are commonly referred to as "White Fir".

TABLE 24—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
July 1 through December 31, 1981

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$104	\$100	\$96	\$92	\$88
Western Larch Flatsawn Blocks ¹	WLF	1	69	65	61	57	53

TABLE 24—cont.
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Lodgepole Pine & Other Posts ²	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees ³	PX	1	0.13	0.13	0.13	0.13	0.13
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.15	0.15	0.15	0.15	0.15

¹Stumpage value per MBF Scribner scale.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

TABLE 25—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
July 1 through December 31, 1981
OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$397	\$393	\$389	\$385	\$381
		2	339	335	331	327	323
		3	231	227	223	219	215
Western Hemlock ¹	WH	1	296	292	288	284	280
		2	210	206	202	198	194
		3	124	120	116	112	108
True Fir ²	TF	1	296	292	288	284	280
		2	210	206	202	198	194
		3	124	120	116	112	108
Western Redcedar ³	RC	1	286	282	278	274	270
		2	257	253	249	245	241
		3	190	186	182	178	174
Other Conifer	OC	1	286	282	278	274	270
		2	210	206	202	198	194
		3	124	120	116	112	108
Red Alder	RA	1	36	30	24	18	12
Cottonwood	BC	1	36	30	24	18	12
Other Hardwoods	OH	1	36	30	24	18	12
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 26—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
July 1 through December 31, 1981

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$204	\$198	\$192	\$186	\$180
		2	201	195	189	183	177
		3	196	190	184	178	172
		4	120	114	108	102	96
Western Hemlock ¹	WH	1	143	137	131	125	119
		2	134	128	122	116	110
		3	86	80	74	68	62
		4	82	76	70	64	58
True Fir ²	TF	1	143	137	131	125	119
		2	134	128	122	116	110
		3	86	80	74	68	62
		4	82	76	70	64	58
Western Redcedar ³	RC	1	175	169	163	157	151
		2	153	147	141	135	129
		3	131	125	119	113	107
Other Conifer	OC	1	143	137	131	125	119
		2	134	128	122	116	110
		3	86	80	74	68	62
		4	82	76	70	64	58
Red Alder	RA	1	36	30	24	18	12
Cottonwood	BC	1	36	30	24	18	12
Other Hardwoods	OH	1	36	30	24	18	12
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 27—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
July 1 through December 31, 1981

THINNING
See definition WAC 458-40-18655(9)(d)
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$179	\$173	\$167	\$161	\$155
		2	176	170	164	158	152
		3	171	165	159	153	147
		4	95	89	83	77	71
Western Hemlock ¹	WH	1	118	112	106	100	94
		2	109	103	97	91	85
		3	61	55	49	43	37
		4	57	51	45	39	33
True Fir ²	TF	1	118	112	106	100	94
		2	109	103	97	91	85
		3	61	55	49	43	37
		4	57	51	45	39	33
Western Redcedar ³	RC	1	150	144	138	132	126
		2	128	122	116	110	104
		3	106	100	94	88	82

TABLE 27—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Conifer	OC	1	118	112	106	100	94
		2	109	103	97	91	85
		3	61	55	49	43	37
		4	57	51	45	39	33
Red Alder	RA	1	36	30	24	18	12
Cottonwood	BC	1	36	30	24	18	12
Other Hardwoods	OH	1	36	30	24	18	12
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	18	18	18	18	18

¹Includes Western and Mountain Hemlock.
²Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
³Includes Alaska-cedar.

TABLE 28—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
July 1 through December 31, 1981
SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar—Shake Blocks & Boards ¹	RCS	1	\$156	\$152	\$148	\$144	\$140
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	57	53	49	45	41
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees	DFX	1	0.15	0.15	0.15	0.15	0.15
True Fir & Other Christmas Trees ³	TFX	1	0.35	0.35	0.35	0.35	0.35

¹Stumpage Value per MBF net Scribner Scale.
²Stumpage Value per 8 lineal feet or portion thereof.
³Stumpage Value per lineal foot.

NEW SECTION

WAC 458-40-18660 HARVESTER ADJUSTMENTS—TABLES FOR 7/1/81 THROUGH 12/31/81. In order to make reasonable and adequate allowances for costs of removal and size of logging operation in computation of stumpage value rates as required by RCW 84.33.071(3), the department has prepared tables which allow for adjustments to the stumpage value rates derived from the stumpage value tables of WAC 458-40-18659.

Harvest adjustments relating to harvest volume per acre, logging conditions and average volume per log shall be allowed against the stumpage value rates for the designated harvest types and in the designated stumpage value areas as set forth in the following tables with the following limitations:

- (1) No harvest adjustment shall be allowed against "special forest products".
- (2) No harvest adjustment shall be allowed against "utility", "conifer utility", and "hardwood utility".

- (3) Rates for the harvest type "old growth final harvest", shall be adjusted to a value no lower than \$10 per thousand board feet.
- (4) Rates for the harvest type "young growth final harvest", conifers, shall be adjusted to a value no lower than \$5 per thousand board feet.
- (5) Stumpage value rates for conifers within the harvest type "merchantable sawtimber, all ages", shall be adjusted to a value no lower than \$5 per thousand board feet.
- (6) Stumpage value rates for "hardwood" and for "thinning harvest" shall be adjusted to a value no lower than \$1 per thousand board feet.

A small harvest adjustment table for use in all stumpage value areas is set forth below providing for adjustment of stumpage value rates if the total volume of timber harvested in a given quarter is within the volume classes provided therein.

Stumpage values of timber situated in areas impacted by Mt. St. Helens eruptions, slides, and floods have been reduced. In many affected areas logging costs will be increased because of consequences from the volcanic eruptions. In some areas timber has been damaged. In other areas the distances and routes over which logs must be hauled have been significantly altered and logging costs have been affected.

Timber harvesters planning to remove timber from the areas affected by the Mt. St. Helens eruptions may apply to the Department of Revenue for adjustment in stumpage value rates. Such applications should contain a map with the legal description of the area from which the timber will be removed, a description of the damage sustained by the timber, and a listing of additional costs incurred because of ash fall, slides, floods or other Mt. St. Helens caused impacts. Such applications should be sent to the Department of Revenue, Forest Tax Division, General Administration Building, Olympia, Washington 98504, before the harvest commences.

In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application when the necessary information is obtained, but in no event later than 90 days following completion of the harvest unit.

Upon application from any person who plans to harvest timber affected by the Mt. St. Helens eruptions the department will make a determination as to the amount of adjustment to be allowed. The harvester will be notified by the department of the amount of the adjustment. This amount can then be taken as a credit against tax liabilities or if the harvester is no longer harvesting, a refund will be authorized.

The following harvest adjustment tables are hereby adopted for use during the period of July 1, 1981 through December 31, 1981:

TABLE 1—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1981

OLD GROWTH FINAL HARVEST
(100 years of age, or older)

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	0
Class 2	Harvest of 15 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of less than 15 thousand board feet per acre.	-\$7.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+\$5.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0

TABLE 1—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- \$12.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00

TABLE 2—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1981

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 30 thousand board feet per acre.	0
Class 2	Harvest of 10 thousand board feet to 30 thousand board feet per acre.	- \$2.00
Class 3	Harvest of less than 10 thousand board feet per acre.	- \$6.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+ \$4.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	- \$14.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00

TABLE 3—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1981

THINNING
See definition WAC 458-40-18655(9)(d)

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 10 thousand board feet per acre.	0
Class 2	Harvest of 5 thousand board feet to 10 thousand board feet per acre.	- \$3.00
Class 3	Harvest of less than 5 thousand board feet per acre.	- \$5.00
II. Logging Conditions		
Class 1	Favorable wheel tractor logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+ \$5.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% and 40%.	0

TABLE 3—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%. Normally a tower yarding operation.	- \$14.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00
III. Average Log Size		
Class 1	50 board feet or more.	0
Class 2	Less than 50 board feet.	- \$10.00

TABLE 4—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 6, 7, 8, 9 AND 10
July 1 through December 31, 1981

MERCHANTABLE SAWTIMBER, ALL AGES

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	0
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+ \$6.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% to 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%.	- \$13.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products".	- \$60.00

TABLE 5—SMALL HARVEST ADJUSTMENT TABLE
ALL STUMPAGE VALUE AREAS

July 1 through December 31, 1981

A small harvest adjustment is allowed where the total net volume harvested per taxpayer (excluding conifer and hardwood utility) does not exceed 1,000 MBF per calendar year and does not exceed 500 MBF per quarter.

Use percentage adjustments below:

Class	Net Volume Per Quarter	Percentage Adjustment Per Thousand Board Feet
1	1 - 150 MBF	30%
2	151 - 300 MBF	25%
3	301 - 400 MBF	20%
4	401 - 500 MBF	15%

AMENDATORY SECTION (Amending Order FT 80-6, filed 12/30/80)

WAC 458-40-19000 TIMBER POLE VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((1/1/81)) JULY 1 THROUGH ((6/30/81)) DECEMBER 31, 1981. Harvesters of poles in stumpage value areas 1, 2, 3, 4, 5, and 11 shall use the following timber pole volume table to determine the Scribner board foot volume for each pole length and class:

Total Scribner Board Foot Volume as per Pole Length and Per Pole Class

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class
20'	1	50
	2	50
	3	40
	4	40
	5	30
	6	30
	7	20
	9	20
	10	20
	25'	1
2		60
3		50
4		50
5		40
6		40
7		30
9		30
10		30
30'		1
	2	70
	3	60
	4	60
	5	50
	6	50
	7	40
	9	40
	H2	160
	H2	160
35'	1	130
	2	100
	3	80
	4	80
	5	60
	6	60
	7	50
	H4	240(240)
	H3	200(200)
	H2	180
40'	H1	180
	1	150
	2	120
	3	120
	4	90
	5	70
	6	60
	H6	380(380)
	H5	340(340)
	H4	340(340)
45'	H3	280(270)
	H2	230(130)
	H1	230(130)
	1	190(110)
	2	150
	3	120
	4	120
	5	90
	6	90

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class
50'	H6	430(430)
	H5	370(370)
	H4	370(370)
	H3	300(300)
	H2	260(260)
	H1	260(150)
	1	210(120)
	2	160
	3	140
	4	140
55'	5	100
	H6	470(470)
	H5	410(410)
	H4	410(410)
	H3	330(330)
	H2	280(160)
	H1	280(160)
	1	230(130)
	2	180
	3	150
60'	4	150
	H6	540(540)
	H5	470(470)
	H4	470(470)
	H3	410(410)
	H2	340(210)
	H1	340(210)
	1	290(180)
	2	220(150)
	3	190
65'	4	190
	H6	610(610)
	H5	520(520)
	H4	520(520)
	H3	420(420)
	H2	380(230)
	H1	380(230)
	1	320(190)
	2	260(160)
	3	210
70'	4	210
	H6	650(650)
	H5	560(560)
	H4	560(560)
	H3	480(480)
	H2	400(240)
	H1	400(240)
	1	350(210)
	2	270(170)
	3	230
75'	4	230
	H6	700(700)
	H5	600(600)
	H4	600(600)
	H3	520(520)
	H2	520(520)
	H1	520(330)
	1	440(270)
	2	290(180)
	3	250

Pole Length	Pole Class ¹	Total Scribner	Pole Length	Pole Class ¹	Total Scribner	
		Board Foot Volume as per Pole Length and Per Pole Class			Board Foot Volume as per Pole Length and Per Pole Class	
80'	H6	820(820)	120'	H6	1660(1660)	
	H5	700(700)		H5	1460(1460)	
	H4	700(700)		H4	1460(1460)	
	H3	600(600)		H3	1300(1300)	
	H2	600(600)		H2	1300(1300)	
	H1	540(360)		H1	1140(960)	
	1	440(290)		1	970(820)	
	2	360(240)		2	820(700)	
	3	290(200)		125'	H6	1840(1840)
	85'	H6			910(910)	H5
H5		800(800)	H4		1600(1600)	
H4		800(800)	H3		1410(1410)	
H3		660(660)	H2		1410(1410)	
H2		660(660)	H1		1250(1100)	
H1		660(520)	1		1080(940)	
1		570(450)	2		930(830)	
2		490(340)	130'		H6	1920(1920)
3		360(200)			H5	1680(1680)
90'		H6		1080(1080)	H4	1680(1680)
	H5	930(930)		H3	1490(1490)	
	H4	930(930)		H2	1490(1490)	
	H3	820(820)		H1	1310(1160)	
	H2	820(820)		1	1120(990)	
	H1	690(560)		2	970(870)	
	1	590(480)		95'	AMENDATORY SECTION (Amending Order FT 80-6, filed 12/30/80)	WAC 458-40-19001 TIMBER PILING VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((+/+/8+)) JULY 1 THROUGH ((6/30/8+)) DECEMBER 31, 1981. Harvesters of piling in stumpage value areas 1, 2, 3, 4, 5, and 11 shall use the following piling table to determine the Scribner board foot volume for each piling length and class:
	2	490(420)				
	3	400(210)				
	100'	H6	1170(1170)			
H5		1000(1000)				
H4		1000(1000)				
H3		870(870)				
H2		870(870)				
H1		750(600)				
1		640(510)				
2		540(440)				
105'		H6	1190(1190)			
		H5	1030(1030)			
	H4	1030(1030)				
	H3	900(900)				
	H2	900(900)				
	H1	760(610)				
	1	660(530)				
	2	550(450)				
	110'	H6	1310(1310)			
		H5	1160(1160)			
H4		1160(1160)				
H3		1000(1000)				
H2		1000(1000)				
H1		860(700)				
1		740(600)				
2		610(510)				
115'		H6	1370(1370)			
		H5	1220(1220)			
	H4	1220(1220)				
	H3	1050(1050)				
	H2	1050(1050)				
	H1	910(740)				
	1	780(640)				
	2	650(540)				
	120'	H6	1440(1440)			
		H5	1280(1280)			
H4		1280(1280)				
H3		1100(1100)				
H2		1100(1100)				
H1		960(780)				
1		860(670)				
2		680(570)				

¹ Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.

² Long log volume calculations are based on Official Log Scaling and Grading Rules, revised January 1, 1980, published by The Puget Sound Log Scaling Bureau. These rules are also used by The Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

³ The number, enclosed in parenthesis after the total Scribner pole volume for each pole length and class, is the volume per pole for Number 2 saw-mill and better log grade, where applicable.

AMENDATORY SECTION (Amending Order FT 80-6, filed 12/30/80)

WAC 458-40-19001 TIMBER PILING VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((+/+/8+)) JULY 1 THROUGH ((6/30/8+)) DECEMBER 31, 1981. Harvesters of piling in stumpage value areas 1, 2, 3, 4, 5, and 11 shall use the following piling table to determine the Scribner board foot volume for each piling length and class:

Piling Length	Piling Class ¹	Total Scribner Board Foot Volume as per Piling Length and per Piling Class
20'	A	80
	B	70
25'	A	100
	B	90
30'	A	130
	B	110
35'	A	130
	B	110
40'	A	150
	B	120
45'	A	150
	B	120
50'	A	160
	B	140

Piling Length	Piling Class	Total Scribner Board Foot Volume as per Piling Length and per Piling Class	Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class	
55'	A	180	20'	1	70	
	B	150		2	60	
60'	A	190		3	50	
	B	160		4	50	
65'	A	210		5	30	
	B	180		6	30	
70'	A	230		7	20	
	B	190		9	20	
75'	A	230		10	20	
	B	200		1	80	
80'	A	250	25'	2	70	
	B	210		3	50	
85'	A	260(140)		4	50	
	B	210		5	40	
90'	A	260(150)		6	40	
	B	220		7	30	
95'	A	290(150)		9	30	
	B	240		10	20	
100'	A	310(160)		30'	1	110
	B	250			2	90
105'	A	330(170)	3		60	
	B	270	4		60	
110'	A	380(220)	5		50	
	B	300(180)	6		50	
115'	A	400(230)	7		50	
	B	310(190)	9		40	
120'	A	500(290)	35'		H2	190
	B	400(240)			H1	160
				1	140	
				2	100	
				3	100	
				4	70	
				5	60	
				6	60	
				7	50	
				H3	240	
			H2	240		
			H1	200		
			1	170		
			2	120		
			3	110		
			4	100		
			5	70		
			6	70		
			H6	390		
			H5	330		
			H4	330		
			H3	270		
			H2	270		
			H1	220		
			1	180		
			2	150		
			3	110		
			4	110		
			5	80		
			6	70		
			H6	460		
			H5	390		
			H4	390		
			H3	340		
			H2	340		
			H1	280		
			1	240		
			2	190		
			3	150		
			4	150		
			5	120		

¹Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-58 (Reapproved 1964).

²Long log volume calculations are based on Official Log Scaling and Grading Rules revised January 1, 1980, published by The Puget Sound Log Scaling Bureau. These rules are also used by the Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

³The number, enclosed in parenthesis after the total Scribner board foot volume for each piling length and class, is the volume per piling for Number 2 sawmill and better log grade, where applicable.

AMENDATORY SECTION (Amending Order FT 80-6, filed 12/30/80)

WAC 458-40-19002 TIMBER POLE VOLUME TABLE FOR EAST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((+/+/8+)) JULY 1 THROUGH ((6/30/8+)) DECEMBER 31, 1981. Harvesters of poles in stumpage value areas 6, 7, 8, 9 and 10 shall use the following timber pole volume table to determine the Scribner board foot volume. The timber quality code number shall be determined by the procedure contained herein under the tables titled "Timber Quality Code Table, Stumpage Value Areas 6, 7, 8 and 9 Merchantable Sawtimber, All Ages," and "Timber Quality Code Table, Stumpage Value Area 10, Merchantable Sawtimber, All Ages."

Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class	Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class
55'	H6	510	90'	H6	1110
	H5	430		H5	970
	H4	430		H4	970
	H3	370		H3	840
	H2	360		H2	840
	H1	300		H1	720
	1	250		1	620
	2	190		2	500
	3	150		3	420
	4	150			
60'	H6	610	95'	H6	1160
	H5	530		H5	1010
	H4	530		H4	1010
	H3	440		H3	870
	H2	440		H2	870
	H1	380		H1	740
	1	310		1	640
	2	240		2	510
	3	200			
	4	200			
65'	H6	650	100'	H6	1380
	H5	570		H5	1210
	H4	570		H4	1210
	H3	490		H3	1060
	H2	480		H2	1060
	H1	410		H1	910
	1	350		1	780
	2	280		2	650
	3	220			
	4	220			
70'	H6	750	105'	H6	1430
	H5	650		H5	1250
	H4	650		H4	1250
	H3	550		H3	1100
	H2	470		H2	1100
	H1	470		H1	940
	1	410		1	820
	2	320		2	690
	3	260			
	4	260			
75'	H6	810	110'	H6	1580
	H5	700		H5	1390
	H4	700		H4	1390
	H3	600		H3	1220
	H2	600		H2	1220
	H1	500		H1	1070
	1	440		1	920
	2	340		2	770
	3	270			
80'	H6	960	115'	H6	1660
	H5	830		H5	1470
	H4	830		H4	1470
	H3	710		H3	1280
	H2	710		H2	1280
	H1	610		H1	970
	1	510		1	810
	2	420		2	680
	3	340			
85'	H6	1020	120'	H6	1880
	H5	870		H5	1680
	H4	870		H4	1680
	H3	760		H3	1480
	H2	760		H2	1480
	H1	640		H1	1290
	1	550		1	1130
	2	450		2	950
	3	360			
85'	H6	1020	125'	H6	1910
	H5	870		H5	1690
	H4	870		H4	1690
	H3	760		H3	1490
	H2	760		H2	1490
	H1	640		H1	1140
1	550	1	970		
2	450	2	810		
3	360				

Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class
130'	H6	2170
	H5	1920
	H4	1920
	H3	1710
	H2	1710
	H1	1510
	1	1320
2	1140	

¹ Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.

² Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

AMENDATORY SECTION (Amending Order FT 80-6, filed 12/30/80)

WAC 458-40-19003 TIMBER PILING VOLUME TABLE FOR EAST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((+/+/8+)) JULY 1 THROUGH ((6/30/8+)) DECEMBER 31, 1981. Harvesters of piling in stumpage value areas 6, 7, 8, 9 and 10 shall use the following piling table to determine the Scribner board foot of volume. The timber quality code number for each piling length and class shall be determined by the procedure contained herein under the tables titled "Timber Quality Code Table, Stumpage Value Areas 6, 7, 8 and 9 Merchantable Sawtimber, All Ages" and "Timber Quality Code Table, Stumpage Value Area 10, Merchantable Sawtimber, All Ages."

Length	Class ¹	Total Scribner Board Foot Volume per Piling Length and per Piling Class
20'	A	90
	B	70
25'	A	100
	B	80
30'	A	130
	B	110
35'	A	140
	B	100
40'	A	140
	B	100
45'	A	150
	B	110
50'	A	190
	B	150
55'	A	190
	B	150
60'	A	240
	B	200
65'	A	240
	B	200
70'	A	260
	B	210

Length	Class ¹	Total Scribner Board Foot Volume per Piling Length and per Piling Class
75'	A	270
	B	220
80'	A	220
	B	220
85'	A	300
	B	240
90'	A	280
	B	280
95'	A	360
	B	280
100'	A	360
	B	280
105'	A	400
	B	300
110'	A	460
	B	340
115'	A	470
	B	360
120'	A	560
	B	450

¹ Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles". As the Designation: D 25-56 (Reapproved 1964).

² Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

AMENDATORY SECTION (Amending Order FT 80-6, filed 12/30/80)

WAC 458-40-19004 CONVERSION DEFINITIONS AND FACTORS FOR THE CALENDAR PERIOD ((+/+/8+)) JULY 1 THROUGH ((6/30/8+)) DECEMBER 31, 1981. (1) The following standard conversion definitions and factors shall be used in determining Scribner board foot volume scale for timber harvested that was not originally scaled in Scribner board foot volume scale:

Table No.	Conversion Method
1	Standard Cord For logs on the average of 8 inches and larger on the small end of the log the conversion factor is 400 Scribner board feet per cord and for logs on the average of less than 8 inch on the small end of the log the conversion factor is 330 Scribner board feet per cord.
2	Shake Blocks and Boards A cord consisting of western redcedar shingle or shake blocks based on stacked dimensions of 4 feet by 4 feet by 8 feet is equivalent to 600 Scribner board feet.
3	Cants or Lumber from Portable Mills Payment for cants is generally based on the board foot volume (lumber tally) cut from them. Payment for lumber cut from a portable mill is also generally based on the lumber tally from the log. To convert from lumber tally to Scribner log volume, multiply the lumber tally for the individual species by 75% and round to the nearest one thousand board feet Scribner scale.

Table No.	Conversion Method
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- 4 Log Length Conversion Western Washington Only (Stumpage Value Areas 1, 2, 3, 4, 5, and 11).
Operations that cut and scale logs in short lengths (16 feet to 20 feet) shall adjust the volume downward to correspond to the long log scale basis used in the Stumpage Value Tables. To convert to long log scale, multiply the short log scale for each species by 82% and round to the nearest thousand board feet.
- 5 Log Length Conversion Eastern Washington Only (Stumpage Value Areas 6, 7, 8, 9 and 10).
Operations that cut and scale logs in long lengths (32 feet to 40 feet) shall adjust the volume upward to correspond to the short log scale basis used in the Stumpage Value Tables. To convert to short log scale, multiply the long log scale for each species by 118% and round to the nearest thousand board feet.
- 6 Some standard converting factors and equivalents:
- (a) 1 standard cord equals 128 cubic feet, gross
 - (b) 1 standard cord equals 85 cubic feet, solid wood
 - (c) 1 standard cord equals 2.4069 cubic meters of solid wood
 - (d) 1 cunit equals 100 cubic feet, log scale
 - (e) 1 meter equals 39.37 inches
 - (f) 1 cubic meter equals 35.315 cubic feet log scale
 - (g) 1 cunit equals 2.832 cubic meters, log scale
 - (h) 1 pound equals 0.454 kilograms
 - (i) 1 kilogram equals 2.2046 pounds
 - (j) 1 short ton equals 2000 pounds
 - (k) 1 short ton equals 907.18 kilograms
 - (l) 1 long ton equals 2240.0 pounds
 - (m) 1 long ton equals 1016.05 kilograms
 - (n) 1 metric ton (or tonne) equals 1000 kilograms or approximately 2204.62 pounds.

(2) If the harvester chooses not to use the designated conversion definitions and/or factors, the harvester shall obtain approval of the procedure from the department before harvesting.

EXAMPLE: Weight or Cubic Measurement. If the original unit of measure was by weight (pounds or tons) or cubic feet (cunits or units), the harvester shall convert to Scribner Board Foot volume, but may use only such conversion procedures and factors as have been given prior approval by the department.

WSR 81-10-054
PROPOSED RULES
LOWER COLUMBIA COLLEGE
[Filed May 4, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.50.140(13), that the Community College District No. 13, Lower Columbia College intends to adopt, amend, or repeal rules concerning Title 132M WAC;

and that the adoption, amendment, or repeal of such rules will take place at 7:00 p.m., Wednesday, June 10, 1981, in the Founders' Room, Lower Columbia College, Longview.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to June 10, 1981, and/or orally at 7:00 p.m., Wednesday, June 10, 1981, Founders' Room, Lower Columbia College, Longview.

Dated: April 24, 1981
By: James H. Callihan
Personnel/Records Officer

STATEMENT OF PURPOSE

Title: Title 132M WAC. Community Colleges—Lower Columbia College.

Description of Purpose: The purpose of the rules of this title is to provide guidelines and regulations dealing with tenure, student discipline, trespass and the use of facilities and all matters concerning the client public. Such rules are implemented by policies and procedures as now or hereafter adopted or amended.

Statutory Authority: Chapter 28B.19 RCW.
Summary of Rules: The rules of Title 132M WAC pertain to regular meeting dates for the Board of Trustees; the public records disclosure policy; campus parking regulations; the student conduct code with respect to general policy, demonstration policy, offenses which result in dismissal or probation, cheating or plagiarism, and disciplinary sanctions and procedures; use of college academic facilities; use of college business facilities; the establishment of representative organizations for academic employees; admission, registration and graduation policies and procedures; and the use of the college library.

Reasons Supporting Proposed Action: It is necessary to update the rules through repealing and/or amending those which are obsolete and outdated and formulating new rules according to policies and procedures to be adopted by the Board of Trustees of Community College District No. 13.

Agency Personnel Responsible for Drafting, Implementation, and Enforcement: The person responsible is James H. Callihan, the Personnel/Records Officer, in the personnel office of the administration building of Lower Columbia College at 1600 Maple Street in Longview, Washington, 98632. The telephone number is 577-2358 (scan 239).

Organization Proposing the Rule Changes: The rule changes are proposed by the Board of Trustees of Community College District No. 13, Lower Columbia College, an agency of the public.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, and Fiscal Matters Pertaining to the Rules: None.

Whether Changes are Necessitated as a Result of Federal Law or Federal or State Court Action: N/A.

The purpose is to update the rules of Title 132M WAC through repealing and/or amending those which are obsolete and outdated and adopting new ones formulated by and according to policies and directives of the board.

New rules to be adopted include: An updated Affirmative Action Program which outlines goals and concepts and provides for implementation consistent with state and federal guidelines and requirements (WAC 132M-112-010). An Affirmative Action grievance procedure (WAC 132M-112-011). Students' access to their confidential records and the waiver of these rights (WAC 132M-113-010 and 132M-113-015). The general policy and procedure for release of students' personal information to employers, prospective employers, or other educational institutions (WAC 132M-113-020). Release of information about students to parents and spouses or financial records of parents to students (WAC 132M-113-025). Conditions under which information may be released without the specific permission of students (WAC 132M-113-030). Release of directory information to the public (WAC 132M-113-035). Release of student information in emergencies (WAC 132M-113-040). Notification and record of access to student records (WAC 132M-113-045). Meaning of tenure and definition of terms relating to it (WAC 132M-115-010 and 132M-115-020). The composition and responsibilities of the Tenure Termination Review Committee (WAC 132M-115-030). The composition and responsibilities of the two review committees for probationary faculty (WAC 132M-115-040).

Rules which will be amended include: Designation of regular meeting dates, times, and place of the Board of Trustees (WAC 132M-104-010). Campus parking regulations (WAC 132M-116-010). Non-academic conduct (WAC 132M-120-070). Policy for distribution of materials on the campus (WAC 132M-136-020). Policies and conditions for use of college facilities by outside groups (WAC 132M-136-060).

Rules which have been outmoded or superseded and will be repealed include: Cheating or plagiarism (WAC 132M-120-060). Sanction procedures (WAC 132M-120-090). Student publication code (WAC 132M-136-010). Student social activities (WAC 132M-136-040). Use of baseball facilities by outside groups (WAC 132M-136-070). Use of vocational shop facilities (WAC 132M-136-090). Bookstore buyback (WAC 132M-140-020). Purpose (WAC 132M-150-003). Request for election—Canvass of academic employees by independent and neutral person or association (WAC 132M-150-006). Notice of election—Organizations to be included on ballot—Time for filing (WAC 132M-150-

009). Contents of notice of election—Designation of chief election officer—Duties (WAC 132M-150-012). List of academic employees—Posting of list (WAC 132M-150-015). Election inspectors—Duties—Right to challenge voter—Improper conduct (WAC 132M-150-018). Ballots (WAC 132M-150-021). Record of vote—Signature—Challenge (WAC 132M-150-024). Incorrectly marked ballot (WAC 132M-150-027). Privacy for voter—Equipment (WAC 132M-150-030). Folding ballot—Ballot box (WAC 132M-150-033). Challenged ballot—Procedure (WAC 132M-150-036). Employees present entitled to vote—Sealing ballot box—Unused ballots (WAC 132M-150-039). Election inspectors' duties after voting has terminated (WAC 132M-150-042). Deposition of challenged ballots—Tally sheets—Investigation by chief election officer (WAC 132M-150-045). Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signing voting lists (WAC 132M-150-048). Electioneering within the polls forbidden (WAC 132M-150-051). Contest of election—Time for filing objections—Investigation of objections (WAC 132M-150-054). Persons eligible to vote—Definition of "Academic Employee" (WAC 132M-150-057). Election determined by majority of valid votes cast—Run-off election (WAC 132M-150-060). Time lapse for new election (WAC 132M-150-063). Registration (WAC 132M-160-020). Graduation (WAC 132M-160-030). Reserve books (WAC 132M-168-010). General circulation (WAC 132M-168-020). Periodicals (WAC 132M-168-030). Fines (WAC 132M-168-040). Hours (WAC 132M-168-050).

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-104-010 REGULAR MEETING. (1) ~~((The board of trustees shall meet at 7:30 pm on the third Wednesday of each month, unless otherwise determined, at a place designated by the chairman of the board.~~

~~(2) The meeting place shall be within the legal boundaries of the community college district no. 13, provided that the annual meeting in April for the organization of the board shall be held on the college campus:))~~ On or before January of each year the Board of Trustees shall publish in the Washington State Register a regular meeting date for that year.

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.

NEW SECTION

WAC 132M-112-010 AFFIRMATIVE ACTION PROGRAM. The policy of Lower Columbia College is to provide equal opportunity to all facets of hiring and continued employment regardless of sex, race, marital status, creed, color, age, national origin, handicapped status, Viet Nam era or disabled veteran status, or religious preference.

NEW SECTION

WAC 132M-112-011 AFFIRMATIVE ACTION PROGRAM - GRIEVANCE PROCEDURE. A grievance procedure has been formulated to give any person or persons who have reason to believe they have been discriminated against on the basis of race, sex, age, religion, national origin, marital status, physical disability, mental, sensory or physical handicap, or veteran status a right to obtain an impartial, objective review of the complaint by persons detached from the events or circumstances which resulted in the alleged discrimination, but who are knowledgeable about equal opportunity principles.

Any person, persons, or organizations in the college community acting in their own behalf or on behalf of any aggrieved individual, with the consent of that individual, may bring a complaint.

No person shall be subjected to discharge, suspension, discipline, harassment, or any form of discrimination for having utilized, or having assisted others in the utilization of, the grievance process.

This grievance procedure expects to resolve differences at the local level; however, nothing in the procedure should be interpreted to prevent appeal to compliance agencies.

The following procedures shall be employed for filing and handling discrimination complaints:

(1) The person or persons alleging that discrimination has occurred may file a written charge with the Affirmative Action Officer within ten working days from the date of the event giving rise to the grievance or within ten working days from the date the grievant should reasonably become aware of such event. For the event to be pursued it must meet the following criteria:

(a) The complaint arguably involves discrimination on the basis of race, sex, national origin, marital status, religion, veteran status, age, mental, sensory or physical handicap, or physical disability.

(b) An act of discrimination has already occurred and is not simply anticipated.

(c) A written statement describing the discriminating act must be prepared with the Assistance of the Affirmative Action Officer, if needed.

(2) Within five working days the person or persons against whom the charge was filed shall be notified. An informal investigation should be conducted by the Affirmative Action Officer to determine if there is a basis for the claim of discrimination. If there is a basis for complaint, an informal meeting with the individuals will be requested. Within ten working days after notification to the person or persons against whom the charge was filed, the Affirmative Action Officer shall attempt to informally resolve the complaint. Should either party fail to agree with the resolution, then either may proceed with step 3 herein or seek any other remedy.

Appeal may be made by a written petition by either party to the College President. Further appeal may be made, in writing, by either party to the Board of Trustees. The Board of Trustees may also on its own motion review any decision of the Affirmative Action Hearing Panel and affirm, modify, or reverse that decision. The written findings of this appeal shall be considered final. No further intra-institutional appeal exists.

Inquiries or appeals beyond the institutional level may be directed to:

Regional Director
Office of Civil Rights, HEW
1321 Second Avenue
Seattle, Washington 98101
(206) 442-0473

Equal Employment Opportunity Commission
710 Second Avenue
Seattle, Washington 98101
(206) 442-0968

Human Rights Commission
1601 - 2nd Avenue Bldg.
Fourth Floor
Seattle, Washington 98101
(206) 464-6500

NEW SECTION

WAC 132M-113-010 STUDENT'S ACCESS TO RECORDS. When a student enrolls at the College and submits the required data for academic and personal records, there is an assumption of trust placed in the College as Custodian of this data. The College policy is

that all information gathered through educational and counseling processes including academic performance, activities, personal interviews, and disciplinary proceedings shall remain confidential, except as otherwise specified in this section. The College fully subscribes to Federal Law P.L.93-380 §513 and abides by the rules and regulations according to the Department of Education.

Students may inspect and review the contents of their personal records with the professional staff. The review must be conducted within 45 days of request. The student has access to all records except professional, i.e. counseling records or confidential letters or statements to which these were specifically waived as provided. Counseling files are closed except to the originator.

All materials in a student's Placement Office files are open to the student's review except confidential letters or statements which were placed in this file prior to January 1, 1975, or to which the student has specifically waived access as provided in the following sections.

NEW SECTION

WAC 132M-113-015 WAIVER OF STUDENT ACCESS RIGHT. Students may waive their access rights to confidential recommendations for admission, employment, and receipt of honors.

Confidential letters and recommendations to which a student has waived his/her right of access, or which were placed in the student's file prior to January 1, 1975, may not be used for any purpose other than that specifically intended.

Waivers of access right may be requested, but may not be required, of a student under any circumstances.

NEW SECTION

WAC 132M-113-020 RELEASE OF INFORMATION - GENERAL POLICY AND PROCEDURE. (1) The College respects the right of its students to determine employers or prospective employers to whom they wish the College to furnish personal information. At the written requests of the student concerned, the College will respond to inquiries originating from employers or prospective employers—public or private.

(2) The College shall send individually identified written reports to other educational institutions only with written consent of the student involved. The student shall receive a copy of the transfer on request and has an opportunity to challenge the content of the record.

(3) Request for release of information must be initiated by the student and be specific as to date of request, records to be released, reason for request, names of parties to whom released. This includes information required for establishment of athletic eligibility.

(4) All students, including those who have not reached the age of 18, enrolled at the College must give written consent before any parties other than those authorized under the following sections can review their records.

(5) No party to whom confidential information or student records is entrusted, transferred, or released will permit any other party to have access to such information except as provided in this section.

(6) Political membership or information is not recorded in student records unless the student expressly requests the inclusion of such information. This is released only if the student so requests. Information relative to an identifiable individual's race or creed will not be provided at any time, except when specifically authorized by Federal Law.

(7) Information contained in counseling and disciplinary files will not be released except as provided under the following sections.

(8) Information may be released upon request to law enforcement agencies, following issuance of a judicial order or lawfully issued subpoena.

NEW SECTION

WAC 132M-113-025 RELEASE OF INFORMATION TO OR ABOUT PARENTS AND SPOUSES. Parents and spouses of students enrolled at the College may have access to the student's records only with the written permission of the student, except if the student is under 18 years of age. Students shall not be given access to their parents' financial records.

NEW SECTION

WAC 132M-113-030 RELEASE OF INFORMATION TO SCHOOL OFFICIALS. Records of personally identifiable information may be released to the following without the specific permission of the student:

(1) College staff and faculty, when the information is required for a legitimate educational interest within the performance of their responsibilities to the College with the understanding that the information will be used only in connection with that interest.

(2) Appropriate persons reviewing a student's application for, or receipt of, financial aid.

(3) Researchers conducting special academic studies, administrators of student aid, accrediting organizations, and the SBCCE for the Management Information System. Information will be given in an unidentified manner if possible and must be destroyed when no longer needed.

(4) Officers of courts in compliance with judicial order or subpoena. Students must be notified of these proceedings.

NEW SECTION

WAC 132M-113-035 RELEASE OF INFORMATION TO THE PUBLIC. The College does not release any directory information concerning students other than that which is part of the public record, including:

- (1) Name.
- (2) Address and phone number unless specifically requested not to be disclosed.
- (3) Degree program or major.
- (4) Degree or certificate earned.

NEW SECTION

WAC 132M-113-040 RELEASE OF INFORMATION IN EMERGENCIES. Necessary student information may be released in connection with an emergency and/or to protect the health and safety of a student or other persons. Definition of "emergency" is left to the custodian of the records, but must be strictly construed.

NEW SECTION

WAC 132M-113-045 NOTIFICATION AND RECORD OF ACCESS. The College shall maintain an updated list of records which are being kept including the types of information as that information relates directly to the student; name and position of official responsible for maintenance of records; persons who have access and reasons for their access; policy for reviewing and expunging; procedures for challenging students' records; and cost charged for reproducing records. A record of access will be kept, with each student's education records, of all requests for a student's personal information except official requests specified under WAC 132M-113-030. All releases of confidential information will include a notice that no party other than to whom specifically released may have access to this information.

NEW SECTION

WAC 132M-115-010 DEFINITIONS OF TERMS RELATING TO TENURE. (1) "Tenure" shall mean a faculty appointment for an indefinite period of time which may be revoked only for adequate or sufficient cause and by due process.

(2) "Faculty appointment" shall mean full-time employment on the faculty salary schedule as a teacher, counselor, media specialist, or other position for which the training, experience, and responsibilities are comparable as determined by the Board, except administrative appointments and temporary faculty appointments. Such employment may be either:

- (a) Unsubsidized on so-called "hard money", with salaries and other expenses paid from the State General Operating Budget.
- (b) Subsidized on so-called "soft money", with salaries and other expenses paid from special grants or funds. Duration or continuance is contingent upon the availability of such funds.
- (3) "Probationary faculty appointment" shall mean a faculty appointment for a designated period of time which may be terminated without cause upon expiration of the probationary faculty appointment.
- (4) "Probationer" shall mean any individual holding a probationary faculty appointment.
- (5) "Temporary faculty appointment" shall mean:
 - (a) Less than full-time faculty employment for any period of time, or
 - (b) Full-time faculty employment where such employment is as replacements for on-leave faculty, or
 - (c) Full-time faculty employment in projects of limited duration, being subsidized by non-recurring special funds or grants.

(6) "Administrative appointment" shall mean employment in a specific administrative position as determined by the Board.

(7) "Review Committees" shall mean committees composed of faculty, students, and administrative staff of the College providing that the majority of each committee shall consist of non-administrative staff. The functions of the committees are defined under Policy Number 317, "Tenure Termination Review Committee" and 329, "Probationary Review Committees."

(8) "Student Services Faculty" shall mean non-administrative faculty directly responsible to the Dean of Students. For the purposes of tenure, such faculty shall be considered as belonging to a Student services department.

(9) "Learning Resources Faculty" shall mean faculty directly responsible to the Director of Library Services. For the purposes of tenure, such faculty shall be considered as belonging to a department designated by the Dean of Instruction.

NEW SECTION

WAC 132M-115-020 TENURE. (1) Purpose. Consistent with RCW 28-85.850, the following procedures establish and maintain a system of tenure for the faculty of the College. The purpose of the tenure system is to protect the concept of faculty employment rights and to provide for faculty involvement in the protection of those rights. It further defines a process for appointment of faculty to tenure status and the dismissal of tenured faculty.

(2) Probationary Period. The probationary period for a probationary faculty appointment shall not exceed three consecutive regular college years. Tenure may be awarded at any time prior to the expiration of the probationary period by the Board on recommendation of the review committee. If the Board decides not to renew a probationary faculty appointment, the probationer shall be notified not later than the last day of the quarter preceding the term in which the probationary period is completed. A member of the faculty who holds a probationary faculty appointment shall not be dismissed prior to the written terms of the appointment except for adequate or sufficient cause and by due process.

(3) Review Committees for Probationary Faculty. There shall be probationary review committees for the instructional departments and for student services. The composition of such committees with their duties and procedures are contained in WAC 132M-115-040 as now or hereafter amended.

(4) Tenured Faculty.

(a) Tenured Faculty shall not be dismissed except for adequate or sufficient cause.

(b) A tenured faculty member upon appointment to an administrative position, except President, shall be allowed to retain his tenure as a faculty member.

(c) Tenure at Lower Columbia College may not be retained upon permanent transfer of employment to another community college district nor may tenure be transferred from another community college district.

(d) Prior to the dismissal of a tenured faculty member, or a faculty member holding an unexpired probationary faculty appointment, the case shall first be reviewed by the Tenure Termination Review committee. (See WAC 132M-115-030).

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 132M-115-030 TENURE TERMINATION REVIEW COMMITTEE. Under this Policy all references to the review committee shall mean the Tenure Termination Review Committee.

The Tenure Termination Review Committee shall be made up of five members, consisting of three to be elected by the faculty, one to be appointed by the President, and one student.

The three elected members shall be chosen annually by an election conducted by the President in which the electorate shall be all College personnel who hold faculty appointments as defined. Two candidates for election to each Tenure Termination Review Committee position shall be nominated by the faculty from tenured members. The candidates receiving the highest number of votes for each position shall serve during the following year.

The President shall appoint one person from those holding administrative appointments for each instance requiring the Tenure Termination Review Committee.

The student representative, who shall be a full-time student, shall be chosen by the Associated Students of Lower Columbia College in such manner as the governing body of the Association shall determine.

A faculty member holding an unexpired probationary appointment shall not be dismissed prior to the expiration of his/her appointment without being afforded the same services and procedures as tenured faculty.

The procedures afforded a dismissed faculty member shall conform with RCW 28B.19.110 through 28B.19.150. If there is a conflict between the procedures and the statutes, the statutes will prevail.

NEW SECTION

WAC 132M-115-040 REVIEW COMMITTEES FOR PROBATIONARY FACULTY. There shall be a probationary council for Lower Columbia College and a series of probationary review committees for the Instructional and Student Services departments. The members of the Probationary Review Council shall be made up of the following: Dean of Instruction - Chairman; Dean of Students - Vice Chairman; two instructional associate deans; one student services associate dean; and at least two tenured faculty members from each major instructional and student services department. The purpose of the Probationary Review Council shall be to make assignments from its membership to the probationary review committee for each probationary faculty member. In addition the Council shall adopt and monitor a uniform standard of review which shall be utilized by all probationary review committees.

The faculty probationary review committees shall be composed of an associate dean of instruction, one faculty member from the same department as the probationer, one faculty member in a related discipline to that of the probationer, one member at large, and a student representative. The student services committee shall be composed of the Dean of Students, three tenured faculty members and a student representative.

No probationary review committee will serve more than three probationary faculty members. In accordance with RCW 28B.50.851(7), the specific probationary review committee shall be the legally authorized committee to make recommendations to the Board of Trustees regarding continuance of probation or granting of tenure to the individual probationer. Terms of faculty members on probationary review committees shall be for three years except when filling an unexpired term. The student member will be chosen by the Associated Students of Lower Columbia College in such manner as the governing body of the Association shall determine. Under this Policy all references to the review committee shall mean the Probationary Review Committees.

(1) The review committees shall act as fast collecting bodies and shall function to provide guidance and assistance to the probationary faculty members.

(2) The review committees shall, prior to February 28, advise the probationers in writing of their progress in fulfilling their appointments. The review committees shall receive the probationer's written acknowledgement of having received a progress report.

(3) The review committees shall make recommendations to the Board through the President for the granting or denial of tenure; for the continuation of probationary status; or for the non-renewal of the probationary status of individual probationers.

(4) If a review committee recommends the granting of tenure for an individual probationer, such recommendation may be made at any time.

(5) All recommendations of the probationary review committees shall be made in sufficient time so that the Board may meet the legal deadline for decision and notification on such cases.

(6) The review committees shall meet with the probationers not less than once each quarter and provide probationers written reports of the progress toward tenure.

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-116-010 PARKING REGULATIONS. ~~((+))~~ Every vehicle parked on campus property shall have

- ~~(+)~~ a current student parking permit; or
- ~~(b)~~ a faculty parking permit; or
- ~~(c)~~ a visitor's parking permit

(2) A student parking permit shall be sold only to registered students and shall cost three dollars (\$3.00) a quarter.

~~(3)~~ Student vehicles are not to be parked in faculty or visitor parking zones.

~~(4)~~ Faculty vehicles are not to be parked in visitor parking zones.

~~(5)~~ Visitor vehicles are not to be parked in student or faculty parking zones.

~~(6)~~ Parking regulation violation tickets shall be issued when a vehicle

~~(a)~~ does not display a parking permit

~~(b)~~ is not parked in the proper parking zone

~~(c)~~ is not parked within a parking lane

~~(7)~~ Parking regulation violation ticket fines are one dollar (\$1.00) for each ticket issued.

~~(8)~~ Failure to pay parking fines shall, among other things, result in nonissuance of grades and transcripts.

~~(9)~~ Parking fines may be appealed to the traffic committee. The ruling of the traffic committee is nonappealable.)

(1) Students, faculty, staff, and visitors using Lower Columbia College's parking facilities shall not park in designated "no parking" areas, such as fire lanes, driveways, walkway entrances, loading zones, or any area marked with yellow paint.

(2) Private vehicles shall not be parked in areas designated for "motor pool". Individuals shall not park in "handicapped" spaces without proper stickers attached to their vehicles.

(3) Vehicles that are found in violation of the above restrictions shall be subject to citation, stationary abduction, or towing.

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.

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-120-070 ((DISCIPLINARY SANCTIONS)) NON-ACADEMIC CONDUCT. ~~((+))~~ The following definitions of disciplinary terms have been established to provide consistency in the application of sanctions:

~~(2)~~ Disciplinary warning: Notice to a student, either verbally or in writing, that he has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings shall include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions.

~~(3)~~ Reprimand: Formal action censuring a student for violation of college rules or for failure to meet the college's standards of conduct. Reprimands are always made in writing to the student by the officer or agency taking action, with copies to the Office of Student Services. A reprimand shall include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions.

~~(4)~~ Fines: The dean of students and the student hearing committee may assess monetary fines up to a maximum of twenty-five dollars against individual students for violation of college rules and regulations or for failure to meet the college's standards of conduct. Failure to pay such fines within thirty days shall result in dismissal for an indefinite period of time provided that a student may be reinstated upon payment of the fine.

~~(5)~~ Restitution: An individual student may be required to make restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within 30 days shall result in dismissal for an indefinite period of time provided that student may be reinstated upon payment.

~~(6)~~ Disciplinary probation: There will be formal action placing conditions upon the student's continued attendance for violation of the college's rules or regulations or other failure to meet the college standards of conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions; such as limiting the student's participation in extra-curricular activities. Disciplinary probation warns the student that further misconduct shall automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(7) Dismissal—Termination of student status for violation of college rules or regulations or for failure to meet the college standards of conduct. Students may be dismissed only with the approval of the President or on the recommendation of the Student Hearing Committee. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student shall indicate, in writing, the term of the dismissal and any special conditions which shall be met before readmission. In the case of an unmarried student under twenty-one years of age, a copy of the notification of dismissal shall be sent to the parents or the guardian of the student. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter shall be refunded.)

Lower Columbia College is a public institution having special responsibility for providing instruction in higher education. As such the College has an obligation to maintain conditions which are conducive to freedom of inquiry and expression in the degree compatible with the orderly conduct of its functions.

Serious breaches of acceptable academic conduct by students may lead to the imposition of disciplinary sanctions. The kinds of offenses and the sanctions which may be imposed are described in Policy #931 in the College policy files as now or hereafter amended. The procedures by which such disciplinary sanctions may be imposed are described in Policy #934 in the College policy files as now or hereafter amended.

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

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

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-136-020 DISTRIBUTION OF MATERIALS POLICY. ((It) Free expression is encouraged on the college campus. Use of college facilities as provided in this policy, however, does not accord users immunity from legal action.

(2) Permission for posting of literature in the various restricted areas provided therefor, shall be obtained from the following college officials

(a) the Director of student Activities for posting on the restricted posting areas of the student center and those areas located on the campus outside of college buildings

(b) deans and directors for posting on the restricted posting areas provided in the appropriate college facility

(3) ASLCC campaign rules govern special poster and sign locations for ASLCC elections. Information on these special policies and regulations is available in the ASLCC office.

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

(5) The dissemination or distribution of materials by persons on the public streets, walks, and ways of the campus, and areas set aside for free speech in the student center or its environs, shall be subject to the laws of the city of Longview, Cowlitz County, State of Washington, and the United States.

(6) Permission for the dissemination or distribution of materials in other areas of the college campus, buildings, and facilities shall be obtained from the Director of student Activities. Persons distributing materials without permission shall be subject to sanctions.))

Free expression is encouraged on the college campus. Use of College facilities as determined by the President and regulated by his designee, however, does not accord users immunity from legal action.

AMENDATORY SECTION (Amending Order 15, filed 12/20/72)

WAC 132M-136-060 USE OF COLLEGE ((BUILDINGS)) FACILITIES BY OUTSIDE GROUPS. (1) ((It is the policy of the college to permit the use of its buildings by responsible organizations or groups except when rentals of college buildings are in competition with available privately operated buildings or are primarily for social functions.))

The policy of the College is to permit the use of its facilities by responsible organizations or groups on a space available basis except when the use of such facilities is for the purpose of making a profit and is in competition with available privately owned facilities.

(2) ((The president may, and is authorized to allow local, nonschool connected organizations or groups the use of college buildings only when satisfactory arrangements can be worked out and such uses do not conflict with the needs of the college. Neither an individual nor a nonlocal organization may be allowed the use of college buildings except as such use is sponsored or underwritten by a reliable local organization the president feels can provide adequate supervision and assure payment of the rental fee and other costs which may be incurred.))

The President may allow local non school-connected organizations or groups the use of College facilities when satisfactory arrangements can be worked out and such use does not conflict with the needs of the College. Neither an individual nor a non local organization may be allowed the use of College facilities except as such use is sponsored or underwritten by an organization the President feels assured is able to provide adequate supervision and guarantee pre-payment of rental and/or other fees and reimbursement for any and all damages which may result from such usage.

(3) ((The president shall not allow the use of any college building by any organization or group known to be subversive or advocating the violent overthrow of our government.))
The use of College facilities shall, in all instances, be determined and regulated by the policies of the institution.

(4) ((The president is specifically authorized to permit the use of college buildings by organizations or groups who by their nature are concerned with education or with youth.))

Non-profit organizations such as, but not limited to, those directly concerned with public schools and those sponsored by public schools or affiliated organizations, shall be allowed reasonable use of College facilities without the payment of a rental fee. However, functions which require personnel or utilities, including heat, thereby resulting in additional costs to the College shall be charged for such costs accordingly.

(5) ((Those organizations directly concerned with schools and those sponsored by schools or affiliated organizations shall be allowed reasonable use of college buildings for meetings without the payment of a rental fee. Functions requiring additional personnel shall be charged the added costs of utilities and personnel.))

The College shall permit the use of its facilities to groups or organizations for such fees as will compensate for the reasonable costs thereof. Additionally, to any organization using College facilities with the intent of realizing a profit therefrom (through charging admission, taking up a collection, or other) rental fees to be determined by the President or his designee shall be charged.

(6) ((The college shall rent or lease or otherwise permit the use of college buildings to groups or organizations for such fees as will compensate the college for the reasonable costs thereof. Additionally, to any organization renting a college building with the intent of realizing a profit therefrom (through charging admission, taking up a collection, or other) the rental fee shall be reasonably increased to partially compensate the college for normal maintenance and wear and tear.))

The President shall establish and revise, as circumstances warrant, a schedule of rental and/or other fees consistent with the policy outlined above and to advise the Board thereof. The established fees in effect at any given time shall apply to the facilities covered by the schedule. For those facilities which are not covered in the schedule, the President may determine reasonable fees from the relevant factors or decline to release them for non-College use.

(7) ((The President is directed to establish and revise as circumstances warrant, a schedule of reasonable rental fees consistent with the policy outlined above, and to advise the Board thereof. The established fees in effect at any given time shall apply to the rental of those buildings the schedule covers; for any building not covered in the schedule, the President may determine a reasonable fee from the relevant factors or decline to release the building for noncollege use.))

Application is made through the office of the President or his designee. When the application is approved, an invoice shall be sent to the applicant by the Business Office. In the event rental fees are charged, they shall be pre-paid prior to the actual use of the facilities.

(8) ((Application is made through the dean of instruction except that the student center is scheduled by the director of student activities. When the application is approved, an invoice shall be sent to the renter by the Business Office.))

Special conditions and considerations for the use of specific College facilities may be set forth in Board policies as now or hereafter amended.

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.

REPEALER

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

- (1) WAC 132M-120-060 CHEATING OR PLAGIARISM.
- (2) WAC 132M-120-090 SANCTION PROCEDURES.
- (3) WAC 132M-136-010 STUDENT PUBLICATION CODE.
- (4) WAC 132M-136-040 STUDENT SOCIAL ACTIVITIES.
- (5) WAC 132M-136-070 USE OF BASEBALL FACILITIES BY OUTSIDE GROUPS.
- (6) WAC 132M-136-090 USE OF VOCATIONAL SHOP FACILITIES.
- (7) WAC 132M-140-020 BOOKSTORE BUYBACK.
- (8) WAC 132M-150-003 PURPOSE
- (9) WAC 132M-150-006 REQUEST FOR ELECTION—CANVAS OF ACADEMIC EMPLOYEES BY INDEPENDENT AND NEUTRAL PERSON OR ASSOCIATION.
- (10) WAC 132M-150-009 NOTICE OF ELECTION—ORGANIZATIONS TO BE INCLUDED ON BALLOT—TIME FOR FILING.
- (11) WAC 132M-150-012 CONTENTS OF NOTICE OF ELECTION—DESIGNATION OF CHIEF ELECTION OFFICER—DUTIES.
- (12) WAC 132M-150-015 LIST OF ACADEMIC EMPLOYEES—POSTING OF LIST.
- (13) WAC 132M-150-018 ELECTION INSPECTORS—DUTIES—RIGHT TO CHALLENGE VOTER—IMPROPER CONDUCT.
- (14) WAC 132M-150-021 BALLOTS.
- (15) WAC 132M-150-024 RECORD OF VOTE—SIGNATURE—CHALLENGE.
- (16) WAC 132M-150-027 INCORRECTLY MARKED BALLOT.
- (17) WAC 132M-150-030 PRIVACY FOR VOTER—EQUIPMENT.
- (18) WAC 132M-150-033 FOLDING BALLOT—BALLOT BOX.
- (19) WAC 132M-150-036 CHALLENGED BALLOT—PROCEDURE.
- (20) WAC 132M-150-039 EMPLOYEES PRESENT ENTITLED TO VOTE—SEALING BALLOT BOX—UNUSED BALLOTS.
- (21) WAC 132M-150-042 ELECTION INSPECTORS' DUTIES AFTER VOTING HAS TERMINATED.
- (22) WAC 132M-150-045 DEPOSITION OF CHALLENGED BALLOTS—TALLY SHEETS—INVESTIGATION BY CHIEF ELECTION OFFICER.
- (23) WAC 132M-150-048 COUNTING OF BALLOTS—PROCEDURE—CERTIFICATION OF RESULTS OF ELECTION—RETENTION OF BALLOTS—SIGNING VOTING LISTS.
- (24) WAC 132M-150-051 ELECTIONEERING WITHIN THE POLLS FORBIDDEN.
- (25) WAC 132M-150-054 CONTEST OF ELECTION—TIME FOR FILING OBJECTIONS—INVESTIGATION OF OBJECTIONS.
- (26) WAC 132M-150-057 PERSONS ELIGIBLE TO VOTE—DEFINITION OF "ACADEMIC EMPLOYEE".
- (27) WAC 132M-150-060 ELECTION DETERMINED BY MAJORITY OF VALID VOTES CAST—RUN-OFF ELECTION.
- (28) WAC 132M-150-063 TIME-LAPSE FOR NEW ELECTION.
- (29) WAC 132M-160-020 REGISTRATION.
- (30) WAC 132M-160-030 GRADUATION.
- (31) WAC 132M-168-010 RESERVE BOOKS.
- (32) WAC 132M-168-020 GENERAL CIRCULATION.
- (33) WAC 132M-168-030 PERIODICALS.
- (34) WAC 132M-168-040 FINES.
- (35) WAC 132M-168-050 HOURS.

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

WSR 81-10-055
NOTICE OF PUBLIC MEETINGS
STATE BOARD
OF EDUCATION
 [Memorandum—May 4, 1981]

The State Board of Education schedule of meeting dates and locations for the 1981 calendar year, filed with the State Code Reviser as follows:

- September 15, 1980, WSR 80-13-045;
- December 8, 1980, WSR 81-01-023 (amended notice);
- February 10, 1981, WSR 81-05-014 (amended notice); and
- March 30, 1981, WSR 81-08-048

has been amended to change the location of the September 17-18, 1981 meeting from the board room of the Bremerton School District Administration Center to the Holiday Inn, 5640 Kitsap Way, Bremerton, Washington.

WSR 81-10-056
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—May 4, 1981]

The June 1981 Interagency Committee for Outdoor Recreation meeting will take place June 26, 1981, Friday, in the Olympia City Hall Council Chambers, 8th and Plum Streets, Olympia, Washington, beginning at 9:00 a.m.

Agenda items include: Fiscal, Projects and Planning Status Reports, Off-Road Vehicle Plan adoption, various project changes for local, state, and off-road vehicles' projects if necessary; status of legislation concerning the IAC, and State Agencies' Capital Budget Master List Projects approval for 1981-83 Biennium.

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided at this meeting. Request for this aid must be received by June 12, 1981. Please contact Robert L. Wilder, Director, 4800 Capitol Boulevard, Olympia, 206-753-3610. The meeting site is barrier free.

WSR 81-10-057
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 81-30—Filed May 5, 1981]

I, Rolland A. Schmitten, director of the State Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use angling 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 this order allows a harvest of surplus 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 May 4, 1981.

By Rolland A. Schmitt
Director

NEW SECTION

WAC 220-57-17500F COWLITZ RIVER *Notwithstanding the provisions of WAC 220-57-175, effective May 6, 1981 until further notice it is unlawful to take, fish for or possess salmon for personal use in the Cowlitz River except in those waters downstream of the cable running from the wing wall of the hatchery barrier dam to a boundary marker on the north shore.*

The bag limit in any one day is six salmon not less than ten inches in length, not more than three of which may exceed 24 inches in length. The possession limit at any one time shall not exceed the equivalent of two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

WSR 81-10-058

ADOPTED RULES

DEPARTMENT OF TRANSPORTATION

[Order 61—Filed May 5, 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 conversion of Planning and Community Affairs chapter 365-42 WAC to Washington State Department of Transportation, chapter 468-87 WAC and amendments to WAC 468-87-100, 468-87-200, 468-87-230, 468-87-350 and 468-87-710, administrative rules and regulations for UMTA Section 16(b)(2), Capital Assistance for Private Non-Profit Organizations to Assist in Elderly or Handicapped Transportation.

This action is taken pursuant to Notice No. WSR 81-07-046 filed with the code reviser on March 16, 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 Department of Transportation as authorized in RCW 47.01.101(5).

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

APPROVED AND ADOPTED April 20, 1981.

By V. W. Korf
Deputy Secretary

REPEALER

Chapter 365-42 of the Washington Administrative Code is repealed as follows:

- (1) WAC 365-42-010 DEFINITIONS.
- (2) WAC 365-42-020 PROGRAM DESCRIPTION.
- (3) WAC 365-42-030 PURPOSE.
- (4) WAC 365-42-100 PROGRAM PERIOD.
- (5) WAC 365-42-110 QUALIFICATION CRITERIA.
- (6) WAC 365-42-200 APPLICATION PROCEDURES.
- (7) WAC 365-42-210 EVALUATION OF APPLICATIONS.
- (8) WAC 365-42-220 COORDINATION.
- (9) WAC 365-42-230 SELECTION.
- (10) WAC 365-42-240 STATE APPLICATION.
- (11) WAC 365-42-300 CONTRACT.
- (12) WAC 365-42-310 SURPLUS FUNDS.
- (13) WAC 365-42-320 EQUIPMENT PURCHASING.
- (14) WAC 365-42-330 UMTA INTEREST.
- (15) WAC 365-42-340 EQUIPMENT ACCEPTANCE.
- (16) WAC 365-42-350 VEHICLE REGISTRATION AND LICENSING.
- (17) WAC 365-42-360 EQUIPMENT USE.
- (18) WAC 365-42-370 MAINTENANCE.
- (19) WAC 365-42-380 INSPECTIONS.
- (20) WAC 365-42-390 REPORTS.
- (21) WAC 365-42-410 INSURANCE.
- (22) WAC 365-42-420 INDEMNITY.
- (23) WAC 365-42-430 RISK OF LOSS OR DAMAGE.
- (24) WAC 365-42-440 DISPOSAL OF EQUIPMENT.
- (25) WAC 365-42-510 ACCOUNTING RECORDS.
- (26) WAC 365-42-610 SAFETY.
- (27) WAC 365-42-710 TERMINATION.

Chapter 468-87 WAC
REGULATIONS REGARDING FINANCIAL SUPPORT TO PRIVATE, NONPROFIT CORPORATIONS FOR CAPITAL ASSISTANCE IN PROVIDING TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

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NEW SECTION

WAC 468-87-010 DEFINITIONS. (1) Unless the language or context indicates that a different meaning is intended, the following terms, and phrases shall, for the purpose of this order, be given the meaning hereafter subjoined to them:

(2) "Agency" shall mean the Washington state department of transportation;

(3) "Applicant" shall mean any private, nonprofit corporation making application to the agency for funding under the program;

(4) "Comparable service" shall mean service provided to the same service area at the same times for the same population. Such service shall be provided with appropriate types and sufficient quantities of equipment and properly trained drivers; and shall be supported by an effective recordkeeping system compatible with program requirements. The service provider may charge a fare, but such fares shall be reasonable and similar to those charged by existing service providers. The service provider shall also have all requisite certificates and licenses needed to legally provide the service under state law.

(5) "Contract" shall mean the written agreement entered into by the applicant and the agency for purposes of securing equipment under the rules and regulations of the program;

(6) "Contractor" shall mean any applicant accepted into the program under the terms of the program, that signs a contract of agreement to that effect with the agency;

(7) "Elderly" shall mean all individuals aged sixty years or older.

(8) "Equipment" shall mean vehicles, and other equipment such as hydraulic lifts (to be mounted upon

appropriately modified vehicles), FM communication radios and modifications to vehicles to be used for the provision of direct transportation service to the elderly and handicapped.

(9) "Handicapped" shall mean all individuals who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable without special facilities or special planning or design to utilize mass transportation facilities and services as effectively as persons who are not so affected. Handicapped people include:

(a) Ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness; mental disabilities such as mental retardation or emotional illness; physical disabilities which still permit the person to walk comfortably; or a combination of these disabilities;

(b) Semiambulatory persons who require special aids to travel such as canes, crutches, walkers, respirators, or human assistance; and

(c) Nonambulatory persons who must use wheelchairs or wheelchair-like equipment to travel.

(10) "Mass transportation" shall mean transportation by bus, or rail, or other conveyance, either publicly or privately owned, which provides to the public general or special service (but not including school buses, or charter, or sightseeing service) on a regular and continuing basis.

(11) "Private, nonprofit corporation" shall mean corporations, and any community chest, fund, foundation, civic league, or other organizations not organized for profit but operated exclusively for the promotion of social welfare, and no part of the net earnings of which benefits any private shareholder or individual. No substantial part of the activities of the corporation may be carrying on propaganda, or attempting to influence legislation, and does not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office. Such organizations shall include as members of their clientele, handicapped and elderly individuals as defined in WAC 468-87-010.

(12) "Program" shall mean the federal capital subsidy grant program authorized under section 16(b)(2) of the Urban Mass Transportation Act of 1964, as amended.

(13) "Public transportation" shall mean mass transportation.

(14) "UMTA" shall mean the urban mass transportation administration of the United States department of transportation.

NEW SECTION

WAC 468-87-020 PROGRAM DESCRIPTION.

(1) The program is an UMTA funded grant program that offers capital assistance to states in the form of purchase funds only, to provide equipment for use by private, nonprofit corporations who provide service to elderly and handicapped persons when existing mass transportation services are unavailable, insufficient, or inappropriate. The cost of the program is shared, with:

(a) The federal share being eighty percent of the total cost, and

(b) The participant share being twenty percent of the total cost. The twenty percent share must be met with cash, the source of which can not be federal, state, or municipal funds.

(2) The program will be administered in the state by the agency, as designated by the governor.

(3) The agency will be responsible for coordinating, administrating, monitoring, and publicizing the program and for performing other functions deemed necessary and appropriate.

(4) All questions regarding administration and operation of the program will be referred to the agency for resolution. The agency will decide upon such issues within the guidelines provided by UMTA.

NEW SECTION

WAC 468-87-030 **PURPOSE.** (1) The purpose of the program is to supplement existing public transportation services for the elderly and handicapped, or develop new transportation services where no public transportation system exists, by supporting private, nonprofit corporations by making available direct federal subsidies for the purchase of capital equipment such as vehicles, hydraulic lifts (mounted upon modified vehicles), and for communication equipment to be used by private, nonprofit corporations to improve transportation opportunities for the elderly and the handicapped.

(2) The purpose of these rules is to provide the program description and criteria necessary for the agency to administer and monitor the program and its impact upon elderly and handicapped transportation needs.

NEW SECTION

WAC 468-87-100 **PROGRAM PERIOD.** The beginning date of each individual applicant's participation in the program shall be the effective date of the signed contract between the applicant and the agency. The termination of the applicant's participation shall be as set forth below:

(1) According to federal OMB Circular A-102, Attachment N, or OMB Circular A-110, Attachment N, as may be appropriate, now or hereafter amended, or

(2) Upon receipt of written notification by the agency resulting from changes in program regulations, or

(3) When the program contract is terminated by the agency.

NEW SECTION

WAC 468-87-110 **QUALIFICATION CRITERIA.** To qualify for the program, the applicant organizations shall meet the following criteria:

(1) The applicant shall be a private, nonprofit organization meeting the requirements defined by sections 501(c)(3) and (4) of the United States Internal Revenue Service Code. Certification of nonprofit classification shall be provided by means of:

(a) A copy of the determination letter from the internal revenue service; or

(b) A copy of the application for determination to the internal revenue service; and

(c) A copy of the most recent corporate annual report, as legally required to be filed with the secretary of state of Washington.

(2) The applicant organization shall be serving the needs of the elderly and/or handicapped. Applicants shall provide certification supporting their proposed service from local social service planning agencies that indicates that such proposed service is in concert with relevant existing county plans.

(3) Where public transportation is available, the applicant shall provide certification that the existing public transportation system can not provide the necessary comparable service within a period of one year.

(4) The applicant shall provide proof of eligibility to insure drivers and equipment.

(5) The applicant shall provide certification that it has available the necessary resources to produce the twenty percent hard matching funds, and to implement and operate the service at the prescribed levels.

(6) The applicant shall provide evidence that it has satisfactory control over the operation or use of the requested equipment.

(7) The applicant shall provide certification assuring compliance with Title VI of the Civil Rights Act of 1964.

(8) In areas served by other private, nonprofit corporations holding certificates issued by the Washington utilities and transportation commission, the applicant shall provide certification that the current holders of the certificate can not provide the requested service.

NEW SECTION

WAC 468-87-200 **APPLICATION PROCEDURES.** To apply for consideration within the program, the applicant shall submit the following information:

(1) The legal name of the applicant, its mailing address, business phone number, and the name of the project director;

(2) A description delineating the geographic service area of the proposed service;

(3) A description of the number and characteristics of the client market and demand, including an estimate of the eligible minority population to be served.

(4) A description of how transportation is currently being provided to elderly and/or handicapped clients by the applicant to include an explanation of the applicant's driver training, maintenance, dispatching, and safety programs;

(5) A description of the shortcomings associated with existing services, including an inventory of all private, public, and nonprofit organizations providing transportation services to the elderly and/or the handicapped in the service area of the applicant, and a statement detailing how the new service will overcome them;

(6) A description of the benefits to be derived from the proposed service by the elderly and/or handicapped;

(7) A description of the number and types of equipment being requested, and an inventory of present equipment being used.

(8) A description of the type of transportation service to be provided;

(9) A description of how the equipment is intended to be used (i.e., replace existing vehicles, add to existing fleet, start new service);

(10) A description identifying any plans to combine and/or coordinate with existing public transportation services;

(11) A description of the specific sources and amounts of resources anticipated to be used to finance the operating costs of the equipment. Such description shall include letters of support from the identified funding sources, and a resolution signed by the applicant's board verifying the commitment of the applicant to the project. The descriptive budget shall also reflect estimates for drivers' salaries, insurance, fuel and maintenance, and should cover the next two years of operations;

(12) A description identifying any plans and describing all efforts to combine and/or coordinate with private-for-profit operators; and

(13) Evidence that the A-95 clearinghouse agency or agencies responsible for the service area of the applicant shall have received a copy of the application by the time of submittal to the agency.

(14) Evidence that the applicant meets all the relevant qualification criteria identified in WAC 468-87-110.

Guidelines to assist the applicant in preparing the application shall be produced by the agency and made available to potential applicants upon request to the agency commencing January 1, each year. The deadline for receiving applications shall be subject to agency notification provided in applicants information guidelines.

NEW SECTION

WAC 468-87-210 EVALUATION OF APPLICATIONS. The evaluation mechanism designed for the program, and to be used in the selection process, shall consist of the following:

(1) A four person panel shall review and rate each of the application requests. The panel shall consist of one representative from the agency; one representative selected by the agency; one representative from the state office on aging, department of social and health services; and one representative serving on behalf of private, non-profit organizations serving handicapped persons; and

(2) A rating process that will rely upon the evaluation of each application by the evaluation panel. Each member of the panel shall review each application individually. Five criteria shall be used for the purpose of the rating process and each application shall be rated on the following scale for each criteria: 3 - Excellent; 2 - Good; 1 - Adequate; 0 - Poor. Each application shall therefore have five separate ratings from each panel member; one rating each based upon how well the applicant meets each of the following criteria as determined by each panel member:

(a) How much previous experience the applicant has in providing transportation to the elderly and/or handicapped. (Criteria 1)

(b) How much cooperative planning and coordination has been done by the applicant with other private, non-profit service organizations, and other transportation providers serving the elderly and/or handicapped in the same geographic area. (Criteria 2)

(c) How secure the fiscal capability of the applicant is to maintain proposed service levels. (Criteria 3)

(d) How relevant and consistent the proposed service is to existing government-sponsored programs serving the same client groups. (Criteria 4)

(e) What level and volume of service is proposed by the applicant in the application. (Criteria 5);

(3) Weights assigned to each of the criteria identified in WAC 468-87-210(2) to measure the relative importance of each in the evaluation process. The weights assigned shall be percentages that when summed total to one hundred percent. The weights for each criteria are as follows:

(a) Criteria 1 - 10%

(b) Criteria 2 - 25%

(c) Criteria 3 - 25%

(d) Criteria 4 - 20%

(e) Criteria 5 - 20%

(4) A weighting process that permits ranking the applications. At the conclusion of the rating process, the agency shall compute a mean value for each criteria for each application. This mean shall vary between zero and three. For each application the mean rating score shall be multiplied with the assigned weight and the product for each criteria will be summed for each application. This final sum shall be divided by three to produce a score between zero and one hundred.

(5) Selection of the preliminary candidates for the program shall depend upon the score each receives in the evaluation process. All scores of sixty or higher shall be considered as preliminary candidates for funding;

(6) The agency shall be responsible for contacting the relevant agencies and coordinating the selection of the evaluation panel members.

NEW SECTION

WAC 468-87-220 COORDINATION. Based upon their evaluation score, the preliminary candidates for the program will be selected. Final selection of applicants shall depend upon the successful completion of the following coordination activities:

(1) The agency shall arrange for a public meeting for each application. At these meetings the applicant shall describe the services proposed to meet the special needs of the elderly and/or handicapped within the identified geographic service area. All private and public transit and paratransit operators within the service area shall be invited to the hearing and shall have opportunity to comment upon the proposed services. A quorum (three) of the evaluation panel shall be present to monitor the proceedings of the meetings.

(2) The agency shall comply with state agency A-95 Review procedures pursuant to state agreements and federal regulations.

(3) Program projects in the urbanized areas, (as defined through the United States Census), shall be included as an annual element of the transportation improvement program. Such projects shall meet all the requirements of the UMTA/Federal Highway Administration joint planning and programming regulations. The applicant shall notify the appropriate designated Metropolitan Planning Organization of their intent to apply.

In the event the Metropolitan Planning Organization shall fail to include the proposed applicant in the regional transportation improvement program, such application shall be eliminated from further consideration.

(4) A transportation development program shall be prepared for proposed service areas for all program applicants located in all other areas of the state. The principal responsibility for preparing such program shall reside with the operating public transit system. Where no public transit system is operating, the agency, in consultation with local agencies, shall participate directly in the development of this program.

(5) All applicants shall apply for and must receive the proper regulatory certifications from the Washington utilities and transportation commission pursuant to chapter 81.68 RCW and chapter 480-30 WAC.

(6) If major conflicts develop involving any of the above processes, their resolution shall be the responsibility of the applicant. The agency shall be available to advise and coordinate the resolution process.

NEW SECTION

WAC 468-87-230 SELECTION. At the completion of the evaluation process, the selection of the applicants to be included in the state-wide application to UMTA shall be made. Selection shall be based upon the following:

- (1) Applicant achieving the minimum score or higher in the weighting process (WAC 468-87-210(5));
- (2) Applicant successfully completing all aspects of the application process; and
- (3) Applicant receiving approval from a majority of the evaluation panel membership.

(4) The evaluation panel shall individually score each application after all coordination activities are completed, mean scores will be used to determine final application rankings.

Upon acceptance of an individual applicant's request, the agency shall notify, in writing, the applicant of its acceptance.

NEW SECTION

WAC 468-87-240 STATE APPLICATION. Upon completion of the selection process, the agency, in accordance with UMTA guidelines, shall prepare a state-wide application for submittal to UMTA. Such application shall include the application of each successful applicant and will be the aggregate of the state's request. Applicants will be listed in rank order as determined by the evaluation panel.

NEW SECTION

WAC 468-87-300 CONTRACT. Upon acceptance by UMTA of the state application, each applicant shall enter into a contract arrangement with the agency. Such Contract shall as a minimum detail:

- (1) Responsibilities of the applicant and the agency;
- (2) The funding involved;
- (3) The specifications of the equipment requested; and
- (4) The term of the agreement.

NEW SECTION

WAC 468-87-310 SURPLUS FUNDS. Should there be funds in a given contract year above and beyond the total allocated to that year's contractors, the agency shall make such funds available under the following conditions:

(1) Only contractors holding contracts for the same year as the funds are available shall be eligible to apply for the additional funds;

(2) The agency shall notify the contractors, in the order of their priority determined by the evaluation process, of the additional funding. The contractors shall notify the agency in writing of their wish to use the additional funds;

(3) The notification process of the agency shall continue until all the funds have been allocated or until all eligible contractors have been notified and have responded.

NEW SECTION

WAC 468-87-320 EQUIPMENT PURCHASING. (1) The equipment specifications may be submitted by the contractor and shall be subject to review by the agency, and where discrepancies occur, their resolution shall be determined by the agency.

(2) The purchase of all program equipment pursuant to the contract shall be undertaken by the agency on behalf of the contractor through the agency's purchasing agent, the state department of general administration, in accordance with applicable state law and procedures and the standards set forth in Federal Management Circular 74-7, Attachment "O".

NEW SECTION

WAC 468-87-330 UMTA INTEREST. The financial interest of UMTA in the program equipment shall be equivalent to the useful life of the equipment as defined in WAC 468-87-100.

NEW SECTION

WAC 468-87-340 EQUIPMENT ACCEPTANCE. The contractor shall inspect upon delivery the program equipment purchased pursuant to the contract. Upon receipt and acceptance of the program equipment, the contractor agrees that it shall be conclusively presumed, as between the agency and the contractor, that the contractor has fully inspected and acknowledged that such equipment is in good condition and repair, and that the contractor is satisfied with such equipment. Such acceptance of program equipment shall be acknowledged in writing to the agency identifying the date and specifying the equipment.

NEW SECTION

WAC 468-87-350 VEHICLE REGISTRATION AND LICENSING. Upon acceptance of the program equipment, registration and licensing will be subject to existing state laws.

(1) The contractor shall register for title purposes and maintain appropriate licensing for all program equipment during the term of the program.

(2) Title to the program equipment shall be in the name of the contractor and shall contain the notation: "This vehicle was purchased in part with federal funds."

(3) The agency shall have a contractual lien on the program equipment until termination of the program subject to WAC 468-87-100.

NEW SECTION

WAC 468-87-360 EQUIPMENT USE. Program equipment shall be used for the exclusive provision of transportation service to the elderly and/or handicapped. Such service shall:

(1) Be confined to a geographical area approved by the evaluation panel and subject to regulatory restrictions as defined in chapter 480-30 WAC; and

(2) In emergency situations, beyond such geographical area, subject to individual trip approval by the agency. In the event of an emergency, the contractor shall notify the agency, in writing, of any such emergency trip within seven days after its occurrence.

NEW SECTION

WAC 468-87-370 MAINTENANCE. (1) The contractor shall, at its own expense, maintain the program equipment and facilities at a high level of cleanliness, safety, and mechanical soundness, reasonable wear and tear expected.

(a) Detailed maintenance and inspection records shall be provided for each vehicle and related equipment by the contractor; and

(b) Each contractor shall provide certification that the equipment shall be maintained in accordance with equipment manufacturer's recommended practices; and

(2) Failure on the part of the contractor to maintain proper maintenance practices and records shall result in the withdrawal of UMTA financial support to the contractor and the termination of the contractor's participation in the program.

NEW SECTION

WAC 468-87-380 INSPECTIONS. The contractor shall permit the agency, the comptroller general of the United States, and/or the secretary of the United States department of transportation, or their authorized representatives, to enter upon the contractor's premises and to inspect any and all program equipment, and all relevant program data and records. Such inspections shall include auditing the books, records, and accounts of the contractor pertaining to the program to confirm the existence, condition, and proper maintenance of the program equipment.

The agency shall carry out scheduled and unscheduled, on-site inspections to examine operations of individual contractors.

NEW SECTION

WAC 468-87-390 REPORTS. The contractor shall keep satisfactory written records with regard to the use of project equipment and shall submit the following reports to the agency:

(1) Monthly reports shall be prepared describing the current usage of program equipment. Such reports shall include the number of rides provided, miles traveled, hours of equipment usage, details concerning all repairs and preventive maintenance performed on the program equipment and other data deemed relevant by the agency and by UMTA. Such reports shall be of a form designated by the agency, and the form shall be made available to the contractor.

(2) An annual certification that the program equipment is being used in the manner defined by the contract.

(3) In the event any portion of the program equipment is damaged and the repair of such damage will cost one hundred dollars or more, the contractor shall notify the agency within seven days after the occasion of the damage including the circumstances thereof. Such report shall include the contractor's intention regarding repairs to the equipment, and certification that such repairs are being made.

(4) If the program equipment is not used in the prescribed manner, but is used in a manner not provided for in the contract, or is withdrawn from transportation service, the contractor shall immediately notify the agency, and shall dispose of such equipment in accordance with UMTA procedures and as directed by the agency.

(5) The contractor shall also submit to the agency upon request such other information as the agency requires to assure compliance with the contract and with reporting requirements imposed on the agency by UMTA.

NEW SECTION

WAC 468-87-410 INSURANCE. (1) The contractor, at its own expense, shall obtain automobile liability insurance providing the following minimum coverage:

(a) One hundred thousand dollars per person, three hundred thousand dollars per accident for bodily injury, and fifty thousand dollars per accident for property damage; or

(b) An "umbrella" policy providing at least comparable coverage.

(2) The insurance policy shall name the contractor as insured, the agency as loss payable, and it may not be canceled or altered without at least thirty days prior written notice to the agency and to the contractor. In the event of damage to the program equipment the following situations apply:

(a) If the damage to equipment is not a total loss, payments made for damage shall be paid directly to the contractor;

(b) If the equipment is a total loss, the insurance proceeds shall be paid directly to the agency; and

(c) If the loss occurs under circumstances in which the contractor is not in violation of the terms of the policy, and if the contractor has otherwise fulfilled its obligations under its contract, the agency will either pay to the contractor its proportionate share of any such insurance proceeds received by the agency as the result of such loss or shall take such other action with respect to such proceeds as UMTA shall allow under the circumstances.

NEW SECTION

WAC 468-87-420 INDEMNITY. The contractor shall protect, indemnify, and save the state harmless from and against any damage, cost, claim, cause of action, proceeding, or liability, including legal expense, for injury or death to persons, as to damage or destruction of property, or otherwise, arising from the use, maintenance, and operation of the program equipment by the contractor, or its employees or contractors.

NEW SECTION

WAC 468-87-430 RISK OF LOSS OR DAMAGE. The contractor shall assume all risk of loss and damage to the program equipment from any cause. In the event of loss or damage to the program equipment, the contractor, at the option of the agency, shall:

- (1) Place the same in good repair; or
- (2) Replace the same with like program equipment in good repair, which program equipment shall thereupon become subject to the contracted agreement; or
- (3) Return the program equipment to the agency for its disposal, assign the title of the program equipment at the agency's option, and terminate the contract arrangement.

NEW SECTION

WAC 468-87-440 DISPOSAL OF EQUIPMENT. (1) In the event that UMTA, the agency, or the contractor should choose to terminate a contract, the program equipment directly associated with that contract shall be disposed of in accordance with Federal Management Circular 74-7, Attachment "N". The relevant equipment shall be disposed of in the following order of priority:

- (a) Fourth party contractors and assignees, if any, that are currently serving the same clientele;
- (b) Other program recipients serving the same local community;
- (c) Other program recipients serving the same county;
- (d) Other program recipients operating in the state;
- (e) Other UMTA grant recipients operating in the state;
- (f) Recipients of grants from other federal agencies operating in the state.

(2) If the state has no further need for the equipment in any of its federal grant programs, the property may be used by the state for its own official activities in accordance with procedures outlined in Federal Management Circular 74-7, Attachment "N", section 4, a, (2)(a) and the following.

The benefitting organization shall compensate the original contractor by reimbursing it with an amount equal to twenty percent of its fair market value.

NEW SECTION

WAC 468-87-510 ACCOUNTING RECORDS. The contractor shall establish and maintain, in accordance with requirements established by the agency or good accounting practice, separate accounts for the program, either independently or within its existing accounting system, to be known as the project account.

(1) All charges to the project account shall be supported by properly executed invoices, contracts, or vouchers evidencing in proper detail the nature and propriety of the charges, in accordance with the rules of proper accounting practice.

(2) Any check or order drawn by the contractor with respect to any item which is or will be chargeable against the project account shall be drawn only in accordance with a properly signed voucher then on file in the office of the contractor stating in proper detail the purposes for which such check or order is drawn.

(3) All checks, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to the program shall be clearly identified, readily accessible, and to the extent feasible, kept separate and apart from all other such documents.

NEW SECTION

WAC 468-87-610 SAFETY. To ensure the continued safe use of program equipment the following conditions shall apply:

(1) The contractor shall ensure that all drivers of vehicles with a capacity rating greater than fifteen persons shall have an "intermediate endorsement" upon their drivers' licenses.

(2) The contractor shall ensure that every driver shall have successfully completed instruction equivalent to the Red Cross multi-media course for first aid training.

(3) Suitable signs shall be conspicuously posted inside the vehicle, stating that smoking will not be permitted within the vehicle.

(4) The contractor shall ensure that all program vehicles are operated in a safe, prudent manner and that all drivers comply with existing state laws regarding the operation of motor vehicles on the streets, roads, and highways of the state.

(5) All motor vehicles constituting program equipment shall comply with the motor vehicle safety standards as established by the United States department of transportation to include the following:

(a) Certification that the horsepower of the vehicle is adequate for the speed range and terrain in which it will be operating.

(b) Certification that the vehicle meets the minimum, current federal environmental protection agency air pollution standards.

(c) Certification that the vehicle is equipped with a standard, twenty-four unit first aid kit comparable to those used by the American Red Cross and subject to the approval of the agency.

(d) Certification that the vehicle is equipped with a fire extinguisher in accordance with WAC 480-30-090(10).

NEW SECTION

WAC 468-87-710 **TERMINATION.** The contract can be terminated for the following reasons:

(1) The agency may, with the concurrence of UMTA, terminate the contract if both parties agree that continuation would not produce beneficial results commensurate with the further expenditure of funds.

(2) The agency may, by written notice to the contractor, terminate the contract for any of the following reasons:

(a) The contractor discontinues the use of the program equipment during its useful life for the purpose of providing transportation services to the elderly and handicapped;

(b) Insufficient ridership per vehicle over a six-month period, i.e., below 100 one-way trips per vehicle per month;

(c) The contractor takes any action pertaining to this agreement without the approval of the agency and which under the procedures of the contract would have required the approval of the agency;

(d) The commencement, prosecution or timely completion of the program by the contractor is, for any reason, rendered improbable, impossible, or illegal;

(e) The contractor takes any affirmative action of insolvency or files any petition under any bankruptcy, reorganization, insolvency, or moratorium law, or any law for the relief of, or relating to, debtors;

(f) Any involuntary petition under any bankruptcy statute is filed against the contractor, or a receiver or trustee is appointed to take possession of the property of the contractor, unless such petition or appointment is set aside or withdrawn or ceases to be in effect within thirty days of the date of the filing or appointment;

(g) Any policy of insurance relating to program equipment agreed to be paid for by the contractor expires or is canceled or ceases to be in force according to the original terms of such insurance, or of any extension; or

(h) The contractor is in breach of any provision of the contract.

(3) Upon termination of the contract under the provisions of this section, the contractor shall dispose of the program equipment in accordance with UMTA procedures as identified in WAC 468-87-440.

(4) The agency may choose to terminate the contract if it determines that the contractor has abused or misused the equipment to the degree that the useful life of the equipment is shortened. The equipment shall be returned to the agency and disposed of in accordance with OMB Circular A-102, Attachment N. Any proceeds gained from the disposal of the equipment shall be credited entirely to the federal project subject to guidance and directions received from UMTA.

WSR 81-10-059
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed May 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 49.17.040 and 49.17.050, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning administrative rules; to include sections describing the method, manner and frequency of the department's safety and health inspections, amending chapter 296-27 WAC.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

Correspondence relating to this notice and the proposed rules should be addressed to:

The Division of Industrial Safety and Health
Technical Services Section
P.O. Box 207
Olympia, Washington 98504;

that such agency will at 9:30 a.m., Thursday, June 11, 1981, in the Conference Room, General Administration Building, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Monday, June 22, 1981, in the Director's office, Department of Labor and Industries, Olympia, Washington.

The authority under which these rules are proposed is RCW 49.17.040 and 49.17.050.

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 9:30 a.m., Thursday, June 11, 1981, Conference Room, General Administration Building, Olympia, Washington.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 81-03-071 and 81-06-026 filed with the code reviser's office on January 21, 1981 and February 25, 1981.

Dated: May 6, 1981
By: Sam Kinville
Director

STATEMENT OF PURPOSE

Title and WAC number of rule(s) or chapter: Chapter 296-27 WAC, administrative rules.

Statutory Authority: RCW 49.17.040 and 49.17.240.

Summary of rule(s): The Department of Labor and Industries Division of Industrial Safety and Health, is adopting rules governing all aspects of its safety and health inspections: WAC 296-27-160, 296-27-16001, 296-27-16003, 296-27-16005, 296-

27-16007, 296-27-16009, 296-27-16011, 296-27-16013, 296-27-16015, 296-27-16017, 296-27-16019, 296-27-16021 and 296-27-16023.

Description of the purpose of the rule(s): This new section is added to be in compliance with the decision of the Walla Walla superior court that the Safety Division could not obtain a warrant until it complied with its own statute, RCW 49.17.050(6). This rule sets out basic inspection procedures describing the method, manner, and frequency of the department's safety and health inspections.

Reasons supporting the proposed rule(s): To be in compliance with the decision of the Walla Walla superior court that the Safety Division must comply with its own statute, chapter 49.17 RCW.

Name of agency personnel, with office location and telephone number, who are responsible for the drafting, implementation and enforcement of the rule:

Drafting: Richard E. Martin, Technical Services Chief, Division of Industrial Safety and Health, 814 East Fourth, P. O. Box 207, Olympia, Washington 98504, 753-6381.

Implementation: James P. Sullivan, Assistant Director, Division of Industrial Safety and Health, 814 East Fourth, P. O. Box 207, Olympia, Washington 98504, 753-6500.

Enforcement: Same as the implementation as shown above.

Names of the person or organization, whether private, public, or governmental, that is proposing the rule: Department of Labor and Industries, Division of Industrial Safety and Health.

Agency comments or recommendations, if any, regarding statutory language, implementation, enforcement and fiscal matters pertaining to the rule: None.

The rule is necessary to comply with a state court decision.

Any other information that may be of assistance in identifying the rule or its purpose: None.

NEW SECTION

WAC 296-27-160 SAFETY AND HEALTH INSPECTIONS. The Washington Industrial Safety and Health Act (WISHA), chapter 49.17 RCW, authorizes the Department of Labor and Industries (the department) to inspect work places to protect the health and safety of employees. The primary purpose of safety and health inspections is to determine whether employers are (1) complying with safety and health standards and regulations promulgated under WISHA, and (2) furnishing places of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to their employees. The following sections describe the method, manner, and frequency of the department's safety and health inspections.

NEW SECTION

WAC 296-27-16001 DEFINITIONS. For the purpose of these inspection rules:

- (1) "BLS" shall mean Bureau of Labor Statistics.
- (2) "Compensable claim" shall mean an industrial insurance claim in which an injured worker or dependent has received, or is expected to receive, a time-loss, permanent partial disability, pension or burial payment. For the purposes of these rules, a compensable claim arises only if the injured worker loses three or more days because of injury.
- (3) "Department" shall mean the Department of Labor and Industries.
- (4) "Incidence rate" shall mean the number of lost work day cases per 200,000 hours of exposure or 100 full-time equivalent workers.
- (5) "Industrial insurance modification factor" is based on a comparison of the actual incurred losses to the expected losses for the oldest three of the four fiscal years preceding the effective date of premium rates.
 - (a) A modification factor greater than 1.0000 indicates that an employer's actual incurred losses are greater than expected.
 - (b) A modification factor of less than 1.0000 indicates that an employer's actual incurred losses are less than expected.
 - (c) New firms and some firms qualifying for transition rating adjustments are assigned a base modification factor of 1.0000. Self-insured employers will be assigned a modification factor of less than 1.0000.
- (6) "Industry" shall mean a group of businesses classified by standard industrial classification code according to the type of activity in which they are engaged.
- (7) "Target inspections" shall mean inspections scheduled under WITS.
- (8) "WISHA" shall mean the Washington Industrial Safety and Health Act.
- (9) "WITS" shall mean the Washington Inspection Targeting System.
- (10) "Working hours" shall mean those times that an employer assigns an employee or employees to work at the work place.
- (11) "Work place" shall mean any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control. Work place shall include Temporary Labor Camps.

NEW SECTION

WAC 296-27-16003 CONDUCT OF INSPECTIONS. (1) An inspection shall be made during working hours of the work place being inspected, unless the inspection is of a fatality, a catastrophe, or a complaint of imminent danger, or the inspection requires the inspector to remain at the work place outside of working hours to ensure that the inspection is effective.

RCW 49.17.190(1) prohibits an employer from receiving advance notice of an inspection, except as authorized by the director or his or her authorized representative.

(2) When an inspector arrives at a work place, he or she shall present his or her credentials to the highest available management official at the work place and explain the nature and purpose of his or her visit. Before beginning an inspection, the inspector should conduct a joint opening conference with the employer and employee representatives. The employee representative is the employee designated by the union, safety committee, or employees to accompany the inspector during the inspection. If the inspector determines that an employee representative is not available at the work place, separate conferences with the representatives can be held.

(3) A representative of the employer and a representative authorized by the employees shall have the opportunity to accompany the inspector during the inspection. During the inspection, the inspector may interview in private any employee who wants to discuss a possible violation. The inspector may conduct an interview at any time during an inspection. If the inspector determines that an interview would unduly hinder an employer's operations, however, the inspector should interview the employee during a break or after working hours. To determine whether an interview would unduly hinder an employer's operations, the inspector may consider such factors as the time the employee would spend away from machinery and the effects of the interview on other employees or processes. If the inspector receives a complaint during an inspection, he or she should inspect the alleged violation during that inspection.

The inspector may photograph a violation, take environmental samples, conduct tests, use sampling devices worn by employees, and employ other reasonable investigative techniques. A technique is not invalid because it may present a slight hazard. The inspector, however, should select the least hazardous technique that is consistent with the object of the inspection.

An employer may immediately correct some violations during the inspection. The inspector shall record the conditions and corrections to help judge the employer's good faith, compliance, and cooperation. Although corrected, a violation shall remain the basis for a citation and a proposed penalty.

(4) At the end of the inspection, the inspector should conduct a joint closing conference with the employer and employee representatives. If it is impractical to hold a joint conference, separate conferences can be held. The inspector should advise both the employer and employee representatives of their right to participate in later conferences.

An inspector shall not show or reveal the name of a complainant to the employer, unless the complainant authorizes the inspector to do so.

(5) If a safety inspector notices potential health hazards that indicate an industrial hygiene inspection is necessary, the inspector should report the hazards and request a health inspection. If a health inspector notices potential safety hazards that indicate a safety inspection is necessary, the inspector should report the hazards and request a safety inspection.

NEW SECTION

WAC 296-27-16005 OBJECTS OF INSPECTION. A safety and health inspection will primarily check for compliance with the substantive standards issued under WISHA. However, an inspector will also determine whether an employer has posted the WISHA notice that informs employees of their rights and obligations and, if necessary, has given the employees advance notice of the inspection. The inspector may also inspect the log and summary of recordable occupational injuries and illnesses, supplementary records of occupational injuries and illnesses, records of employee exposure to toxic chemicals and harmful physical agents, and other records relating to employee safety and health.

NEW SECTION

WAC 296-27-16007 CITATIONS AND PENALTY ASSESSMENTS. During an inspection, the inspector shall record the violations he or she observes on a compliance worksheet. From the information written on the worksheet, and the photographs and tests, an inspector shall prepare either a citation and notice and a proposed penalty assessment, or a notice of violation.

The citation and notice and the proposed penalty assessment, or the notice of violation, shall be given to the highest available management official at the work place or sent to the employer. The citation and notice shall contain an abatement date for each violation. This is the date by which the employer must correct the violation.

The notice of violation is not a citation and notice, and it is not a proposed penalty assessment. The notice of violation may be issued in lieu of a citation and notice and the proposed penalty assessment. The employer may choose to receive a notice of violation if the only violations discovered by the inspector are general violations. The employer may not choose to receive a notice of violation if any violation discovered by the inspector may be classified as serious, general nonabatement, or repeat.

NEW SECTION

WAC 296-27-16009 FOLLOW-UP INSPECTIONS. When an employer has been cited for a violation, the department may conduct a follow-up inspection to ensure that the violation has been corrected.

NEW SECTION

WAC 296-27-16011 OBJECTION TO INSPECTION. (1) If the employer refuses to permit an inspection, or if the employer permits an inspection but interferes with or limits an important part of the inspection, the inspector may end the inspection or confine the inspection to the areas or limits that the employer will allow. The inspector shall attempt to ascertain the reason for the refusal, interference, or limitation, and shall report it to his or her supervisor. The supervisor may consult with the assistant attorney general. The department may seek an ex parte inspection warrant or other compulsory process from a court if an inspection is refused or limited.

(2) The department may seek an ex parte inspection warrant or other compulsory process from a court before an inspection if the department anticipates that permission to conduct the inspection might be denied or improperly limited.

(3) The department will seek an inspection warrant in response to a complaint only if the complaint is in written form and signed by the complainant, unless the complainant alleges an imminent danger that could cause serious injury or death.

NEW SECTION

WAC 296-27-16013 METHOD OF SELECTING WORK PLACES FOR INSPECTION. The department conducts its inspections according to the following priority system. The first priority includes inspections specifically mandated by WISHA. The second priority includes routine work place inspections required by WISHA. The priority classes are:

(1) Investigations and inspections of fatalities, catastrophes, serious accidents, and complaints that allege an imminent danger or other safety and health violation.

(2) Inspections under the Washington Inspection Targeting System (WITS).

The department schedules its routine safety inspections pursuant to WITS, as described in the following WAC sections. The department also conducts investigations or inspections of complaints or incidents that fall under the first priority whenever it receives a complaint or knowledge of an incident. The department may schedule these inspections or investigations before inspections under WITS.

NEW SECTION

WAC 296-27-16015 WITS—IN GENERAL. Some work places and industries are likely to have more hazards than others. The health and safety of employees will be more efficiently protected if the department concentrates its inspections on the most hazardous work places and industries. The WITS program is a system that identifies the most hazardous industries and work places, and ranks them in an objective order for inspections.

NEW SECTION

WAC 296-27-16017 WITS—SAFETY. Some of the terms used in this section are defined in WAC 296-27-16001.

The department identifies the most hazardous industries and work places through information from the industrial insurance division of the department and the BLS Occupational Injury and Illness Survey.

(1) To identify the most hazardous industries, the department obtains data from the industrial insurance division that show the number of compensable claims in each industry for the most recent calendar year. The data are compiled statewide. The department does not count those compensable claims that are related to health or could not have been prevented by a safety inspection. Such compensable claims include those classified as arising from contagious or infectious disease, dermatosis, exposure to low temperature, hearing impairment, environmental heat, hernia and rupture, systemic poisoning, pneumoconiosis, non-ionizing and ionizing radiation, hemorrhoids, circulatory system, complications to medical care, eye diseases, medical disorders, neoplasm, nervous system, respiratory system, ill-defined conditions, NEC occupational disease, sexual assault, absence of physical injury, or heart attack. WITS also disregards injuries and illnesses caused by kicking, continual noise, bites, assaults by fellow workers, assaults by criminals, stabs, bodily reactions, overexertions, exposure to radiation, public transportation accidents, motor vehicle accidents, gunshots, and plane crashes.

The department ranks industries according to data compiled statewide according to the number of compensable claims from within each industry. The department also reviews the statewide lost work day case incidence rate for the same industries. Each industry is ranked according to the number of compensable claims, and it is also ranked according to the lost work day case incidence rate. The department combines the two rankings to produce a list of the 25 most hazardous industries in the state. The lists are compiled annually.

(2) Each month, the department examines the industrial insurance modification factors and recent compensable claims charged to employers where payments were made in the previous calendar month.

(3) A work place is targeted for a safety inspection if it falls within the following categories:

(a) Category one. Work places having two or more compensable claims and having a modification factor equal to or greater than 1.0000.

(b) Category two. Work places having two or more compensable claims and having a modification factor of less than 1.0000.

(c) Category three. Work places having one compensable claim and having a modification factor equal to or greater than 1.0000.

(d) Category four. Work places in hazardous industries having one compensable claim and having a modification factor of less than 1.0000.

(4) If more than one work place appears in the same category, the department schedules inspections of the work place with the largest number of worker hours first, and each work place with the largest number of worker hours thereafter.

(5) For self-insured employers, 20 percent of all claims received by the department in the previous month (excluding health-related claims and claims that could not have been prevented by a safety inspection) are used to determine the proper category under section (3) of this rule.

NEW SECTION

WAC 296-27-16019 WITS—SAFETY. (1) After the department completes all inspections in the categories listed in WAC 296-27-16017(3)(a) through (d), the department inspects work places that are in hazardous industries. The hazardous industries are those industries that have been selected under the system described in WAC 296-27-16017.

(2) The department chooses work places in hazardous industries for inspection in the following manner:

(a) The department calculates the percentage of its total number of inspections that each of the 25 hazardous industries will receive by means of a percentage distribution calculation. The percentage distribution calculation ensures that the most hazardous industries will be assigned the largest number of inspections, and the least hazardous industries will be assigned the fewest inspections.

(b) The department determines the number of inspections that will be made during the year statewide in each hazardous industry by applying the results of the percentage distribution to the total number of inspections conducted during the previous year statewide.

(c) From the total compensable claims statewide, the department determines the percent of compensable claims that came from the hazardous industries from each county. The department determines the number of inspections to be made within each county from the percentage of compensable claims that arose from within each county.

(d) The number of inspections allotted to each hazardous industry, as assigned within each county, is distributed among four inspection cycles. In each inspection cycle, the department first inspects work places in the most hazardous industry, then in the second most hazardous industry, and so on in descending order. After the department has inspected the work places in the least hazardous industry, a new inspection cycle begins.

(e) The department selects particular employers within hazardous industries by the number of reported worker hours for the previous year. To achieve efficient use of inspector time and of state vehicles, the department also assigns inspections using the zip code. The department uses zip codes only to reduce driving expenses and time by the inspector.

The department schedules the work places in each hazardous industry in the lowest zip code first; if two or more work places within an industry have the same zip code, the department inspects the one with the largest number of reported worker hours first.

NEW SECTION

WAC 296-27-16021 WITS—SAFETY—LIMIT ON NUMBER OF INSPECTIONS. (1) The department may not inspect more than twice a year a work place that falls within any of the categories in WAC 296-27-16017(3). The department may not inspect such a work place more than once in six months unless it has reason to believe that there is a hazard at the work place that was not corrected or inspected at the previous inspection. For example, the department may notice from the industrial insurance data that the work place is causing numerous injuries of a type different from the injuries the work place had previously caused, or the department may know that an employer had installed a new plant, machinery, or method of operation at the work place. The department may also inspect the work place of a seasonal

industry twice in six months if the work place falls within WAC 296-27-16017(3).

(2) The department may not inspect a work place under WAC 296-27-16019 more than once a year. A work place that has been inspected under WAC 296-27-16017 may not be scheduled in the same year for an inspection under WAC 296-27-16019.

(3) The limits in subsection (1) and (2) of this rule apply only to inspections under WAC 296-27-16017 and 296-27-16019. The limits do not apply to inspections in construction or logging or investigations of fatalities, accidents, catastrophes, and complaints.

NEW SECTION

WAC 296-27-16023 ADJUSTMENT FACTORS. The department may depart from the WITS scheduling in the following circumstances:

(1) If an industry is seasonal, an inspection may need to be scheduled during the peak production period.

(2) In the scheduling of industries without fixed work places, such as construction and logging, the department cannot schedule inspections by zip code and number of worker hours because of the difficulty of determining where a particular employer is working, or how many employees are working, on a particular day.

WSR 81-10-060

PROPOSED RULES

THE EVERGREEN STATE COLLEGE

[Filed May 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.40.120(11), that The Evergreen State College intends to adopt, amend, or repeal rules concerning financial obligation of students' policy relating to emergency loans collections policy, amending WAC 174-162-305;

that such institution will at 11:00 a.m., Thursday, June 11, 1981, in the Board of Trustees Room, Library Building #3112, The Evergreen State College, Olympia, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Thursday, June 11, 1981, in the Board of Trustees Room, Library Building #3112, The Evergreen State College, Olympia.

The authority under which these rules are proposed is RCW 24B.40.120(11).

Interested persons may submit data, views, or arguments to this institution orally at 11:00 a.m., Thursday, June 11, 1981, Board of Trustees Room, Library Building, The Evergreen State College, Olympia.

Dated: May 5, 1981

By: Daniel J. Evans
President

STATEMENT OF PURPOSE

Title: Financial obligation of students policy—Emergency loans collection policy.

Summary: The purpose of this statement of policy is to establish administration and collection policies for short term emergency loans. It provides for a service fee of \$2.00 if loans are repaid on schedule and interest at one percent per month on loans outstanding more than 30 days. Provides for collection action on past due accounts.

Staff: Laura Thomas, Director of Financial Aid, 866-6205; Dan Lowe, Supervisor of Accounts Receivable, 866-6447; and Kenneth Winkley, Business Manager, 866-6450.

Organization: The Evergreen State College.
Necessity: No legislative or legal requirement.

NEW SECTION

WAC 174-162-305 EMERGENCY LOANS COLLECTIONS POLICY. Emergency loans are made by the Office of Financial Aid to assist students with short-term financial problems. The success of this program is dependent on timely repayment of those loans because old loans must be collected before new loans can be made.

Emergency loans are generally made so the due date occurs within the same quarter the loan is taken. These loans are made for tuition and fees and a variety of other reasons when students are faced with an emergency situation or a cash flow problem. Each loan, regardless of size, will be charged a \$2.00 service fee. Interest charges will not apply if the loan is repaid within thirty days. Loans not repaid within thirty days will be charged interest at one percent per month on the balance outstanding on the last day of each month.

Students who do not repay their emergency loans within thirty calendar days from their due date will have all credit privileges canceled, and the registrar will be advised to withhold the student's transcript and registration privileges. In the event an account becomes one hundred twenty days past due, it will be turned over to the collection agency for collection and/or legal action if appropriate.

WSR 81-10-061

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF NATURAL RESOURCES (Forest Fire Advisory Board)

[Memorandum—May 6, 1981]

This is to advise that a meeting of the Forest Fire Advisory Board is scheduled at 10:00 a.m., on Friday, June 12, 1981 in the Forest Sciences Laboratory conference room, 3625 93rd Avenue S.W., Tumwater, Washington. Please publish notice of the meeting in the State Register.

WSR 81-10-062

PROPOSED RULES SEATTLE COMMUNITY COLLEGE

[Filed May 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.50.140, that the Community College District VI intends to adopt, amend, or repeal rules concerning rules governing appearance before the board of trustees;

and that the adoption, amendment, or repeal of such rules will take place at 6:30 p.m., Monday, May 18, 1981, in the North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 18, 1981, and/or orally at 6:30

p.m., Monday, May 18, 1981, North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-07-008 filed with the code reviser's office on March 6, 1981.

Dated: May 4, 1981

By: John W. Casey
Chancellor

WSR 81-10-063

PROPOSED RULES SEATTLE COMMUNITY COLLEGE

[Filed May 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.50.140, that the Community College District VI intends to adopt, amend, or repeal rules concerning the procedure for contested case hearings pursuant to RCW 28B.50.140;

and that the adoption, amendment, or repeal of such rules will take place at 6:30 p.m., Monday, May 18, 1981, in the North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

The authority under which these rules are proposed is RCW 28B.19.110-150.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 18, 1981, and/or orally at 6:30 p.m., Monday, May 18, 1981, North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-07-007 filed with the code reviser's office on March 6, 1981.

Dated: May 4, 1981

By: John W. Casey
Chancellor

WSR 81-10-064

PROPOSED RULES SEATTLE COMMUNITY COLLEGE

[Filed May 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030 and 28B.50.140, that the Community College District VI intends to adopt, amend, or repeal rules concerning use of college facilities;

and that the adoption, amendment, or repeal of such rules will take place at 6:30 p.m., Monday, May 18, 1981, in the North Seattle Community College District, 9600 College Way North, Seattle, WA 98103.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to May 18, 1981, and/or orally at 6:30 p.m., Monday, May 18, 1981, North Seattle Community College, 9600 College Way North, Seattle, WA 98103.

This notice is connected to and continues the matter noticed in Notice No. WSR 81-07-023 filed with the code reviser's office on March 12, 1981.

Dated: May 4, 1981

By: John W. Casey
Chancellor

WSR 81-10-065

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed May 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 50.12.010 and 50.12.040, that the Employment Security Department intends to adopt, amend, or repeal rules concerning computation of pension deductions under RCW 50.04.323, definition of regular shareable benefits, RCW 50.20.120; special requalification under RCW 50.20.050(4) when shareable 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);

that such agency will at 9:00 a.m., Thursday, June 11, 1981, in the Commissioner's Conference Room, 212 Maple Park, 2nd Floor, Olympia, 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 Commissioner's Conference Room, 212 Maple Park, 2nd Floor, Olympia, WA.

The authority under which these rules are proposed is RCW 50.12.010 and 50.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 9, 1981, and/or orally at 9:00 a.m., Thursday, June 11, 1981, Commissioner's Conference Room, 212 Maple Park, 2nd Floor, Olympia, WA.

Dated: May 5, 1981

By: Norward J. Brooks
Commissioner

STATEMENT OF PURPOSE

The following statement has been prepared by the Employment Security Department for the purpose of legislative review of agency rules as provided by RCW 34.04.045.

WAC 192-16-030 Interpretive regulation—Computation of pension deductions under RCW 50.04.323.

The purpose of this rule is to set forth the manner in which the department will compute the amount of an individual's pension

which must be deducted from unemployment insurance benefits. The statutory authority for the rule is RCW 50.04.323 which provides, in part, that the method of computation will be prescribed by regulation and RCW 50.12.010 which provides the department's general rule-making authority.

The rule provides that the department will take into consideration in computing the deductible pension contributions made by the individual toward the pension in question. There will be presumed to have been no contribution unless the claimant provides evidence that such a contribution existed. In the absence of certification by the pension administrators the deductible portion of the individual's pension will be calculated as a percentage of the total contribution made last during the individual's unemployment insurance base year.

The rule was drafted by Graeme Sackrison, Benefits Supervisor. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 754-2915. Jim Wolfe, Chief, Technical Services (UI), is responsible for the implementation and enforcement of the rule. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 753-5170.

WAC 192-16-033 Interpretive regulation—Regular shareable benefits defined.

The purpose of this rule is to set forth the definition of regular shareable benefits as used by the department. The statutory authority for the rule is RCW 50.12.010 which provides the department's general rule-making authority.

The rule defines "regular shareable benefits" as benefits in excess of 26 times the individual's weekly benefit amount, paid with respect to weeks of unemployment which occur during and extended benefit period.

The rule was drafted by Graeme Sackrison, Benefits Supervisor. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 754-2915. Jim Wolfe, Chief, Technical Services (UI), is responsible for the implementation and enforcement of the rule. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 753-5170.

WAC 192-16-036 Interpretive regulation—Requalification for regular shareable or extended benefits under RCW 50.20.050(4).

The purpose of this rule is to set forth the circumstances under which an individual can requalify for benefits under RCW 50.20.050(4). The statutory authority for

the rule is RCW 50.12.010 which provides the department's general rule-making authority.

An individual who has removed an RCW 50.20.050(4) disqualification by reporting for ten weeks may requalify for regular shareable or extended benefits by performing work in each of five weeks and earning not less than his or her suspended weekly benefit amount in each of such weeks.

The rule was drafted by Graeme Sackrison, Benefits Supervisor. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 754-2915. Jim Wolfe, Chief, Technical Services (UI), is responsible for the implementation and enforcement of the rule. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 753-5170.

WAC 192-16-040 Interpretive regulation—Good prospects of obtaining work within a reasonably short period of time under RCW 50.22.020(3)—Shareable or extended benefits.

The purpose of this rule is to set forth the definition of "good prospect for work within a reasonable short period of time". The statutory authority for the rule is RCW 50.12.010 which provides the department's general rule-making authority.

"Good prospects for obtaining work within a reasonable short period of time" is generally defined as a definite or probable hire date within five weeks.

The rule was drafted by Graeme Sackrison, Benefits Supervisor. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 754-2915. Jim Wolfe, Chief, Technical Services (UI), is responsible for the implementation and enforcement of the rule. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number 753-5170.

WAC 192-16-042 Interpretive regulation—Failure to apply for or accept work under RCW 50.22.020(4)(b)—Shareable or extended benefits.

The purpose of this rule is to clarify the relationship of work offered in writing to an individual and work listed with the Employment Security Department and the effect of failure to apply for or accept such work. The statutory authority for the rule is RCW 50.12.010 which provides the department's general rule-making authority.

Shareable or extended benefits may be withheld for failure to apply for or accept suitable work if the work at issue was either

offered to the person in writing or was listed with the Employment Security Department.

The rule was drafted by Graeme Sackrison, Benefits Supervisor. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 754-2915. Jim Wolfe, Chief, Technical Services (UI), is responsible for the implementation and enforcement of the rule. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 753-5170.

WAC 192-16-045 Interpretive regulation—Disqualification for failing to accept an offer of or to apply for suitable work—Shareable or extended benefits.

The purpose of this rule is to set forth the relationship of RCW 50.20.080 and 50.22.020(1) with respect to failure to accept or apply for suitable work. The statutory authority for the rule is RCW 50.12.010 which provides the department's general rule-making authority.

Denial of benefits under RCW 50.20.080 and 50.22.020(1) each involve somewhat dissimilar criteria. When the necessary criteria for both are present, benefits will be denied under both concurrently.

The rule was drafted by Graeme Sackrison, Benefits Supervisor. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number 754-2915. Jim Wolfe, Chief, Technical Services (UI), is responsible for the implementation and enforcement of the rule. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 753-5170.

WAC 192-16-047 Interpretive 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.

The purpose of this rule is to describe the elements of and acceptable evidence of a systematic and sustained search for work. The statutory authority for the rule is RCW 50.12.010 which provides the department's general rule-making authority.

The work search efforts of persons claiming shareable or extended benefits must reflect a sincere effort to return to employment. The completed work search section of the continued claim form will be considered tangible evidence of the person's work search. Persons engaged in training programs approved by the commissioner will be deemed to meet these work search requirements.

The rule was drafted by Graeme Sackrison, Benefits Supervisor. His office address is

Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 754-2915. Jim Wolfe, Chief, Technical Services (UI), is responsible for the implementation and enforcement of the rule. His office address is Employment Security Department, 212 Maple Park, Olympia, Washington 98504. His office telephone number is 753-5170.

NEW SECTION

WAC 192-16-030 INTERPRETIVE 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 REGULATION—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 INTERPRETIVE 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 an 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 INTERPRETIVE 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 192-16-042 INTERPRETIVE 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.

NEW SECTION

WAC 192-16-045 INTERPRETIVE 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 has "good cause" in refusing the work.

NEW SECTION

WAC 192-16-047 INTERPRETIVE REGULATION—INTERPRETATION OF REQUIREMENTS OF RCW 50.22.020(5)—TANGIBLE EVIDENCE OF 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 81-10-066

NOTICE OF PUBLIC MEETINGS
PLANNING AND
COMMUNITY AFFAIRS AGENCY
(Energy Weatherization Advisory Council)
[Memorandum—May 6, 1981]

The Energy Conservation Weatherization Advisory Council will meet on Wednesday, May 20, 1981, from 9:00 a.m. to 12:00 noon at the Vance Airport Inn, Olympic Room, 18220 Pacific Highway South, Seattle, Washington.

For additional information, contact Claire Hopkins, Economic Opportunity Division, Planning and Community Affairs Agency, 400 Capitol Center Building, FN-41, Olympia, Washington 98504, telephone (206) 753-4106.

WSR 81-10-067
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed May 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning Cause No. TV-1487, relating to out of service criteria for motor vehicles operated under chapter 81.80 RCW. Written and/or oral submissions may also contain data, views and arguments concerning the effect of the rule changes on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

and that the adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, June 10, 1981, in the Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 5, 1981, and/or orally at 8:00 a.m., Wednesday, June 10, 1981, Commission's Conference Room, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: May 6, 1981

By: David Rees
Secretary

STATEMENT OF PURPOSE

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290, which directs that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to state specific criteria for determining whether a vehicle should or should not be placed out of service. The existing rule contains no specific criteria. Judgment will remain as to whether the vehicle should be directed to the nearest point of repair or tied up at the point of discovery of defects.

David Rees, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington (telephone number (206) 753-

6512) and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040, 81.80.130, 81.80.140 and 81.80.290.

The rule changes proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and three copies to the Chief Clerks of the House of Representatives.

AMENDATORY SECTION (Amending Order R-5, filed 6/6/69, effective 10/9/69)

WAC 480-12-165 EQUIPMENT—INSPECTION—ORDERED FOR REPAIRS. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out of service any vehicle (~~which in their judgment is unsafe~~) meeting the standards set forth in this rule, or is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards - Out of service criteria.

(a) Steering mechanism.

(i) Turning - The steering wheels are incapable of being turned from full right to full left because of interference by parts of the steering mechanism, or by other damaged or dislocated parts of the vehicle. Power steering mechanism in this test is permitted.

(ii) Steering wheel play - If total movement of more than 30 degrees is required at the steering wheel rim before the front wheels move when the wheels are initially in the straight-ahead position.

(iii) Steering column - Any absence or looseness of bolts or positioning parts resulting in motion of the steering column from its normal position.

(iv) Steering gear attachment - Any absence or looseness of bolts or other parts resulting in motion of the steering gear at the point of attachment to the vehicle's frame.

(v) Ball and socket joints - Any looseness at any ball and socket joint in the steering linkage in excess of three-eighths inch measured in alignment with the shank or neck of the ball.

(vi) Front wheel play - The play about either a horizontal or vertical axis of either front wheel exceeds one-half inch measured at the tread surface of the tire.

(b) Brake systems.

(i) Stopping - The vehicle or combination fails, in two trials, to stop from a speed of twenty miles per hour in a distance of sixty feet from a point at which the brake controls are first moved for the purpose of applying brakes when tested on a smooth, dry, level surface free from loose materials. (Such tests may be made only when they will clearly not interfere with or endanger other traffic, and then only if adequate police protection is utilized to assure the safety of the other traffic on the roadway.)

(ii) Missing or inoperative brakes - Brakes missing, not operating, or the shoes not touching the drum on any wheel required to have operative brakes. (Three axle trucks or truck tractors having on the front wheels brakes which have been rendered inoperative, shall not be placed "out of service" because the front wheel brakes are inoperative. However, this finding should be cited on safety equipment compliance form as a violation of Section 393.48.)

(iii) Pedal reserve – On hydraulic, mechanical or power-assisted brake systems, the service brake pedal first meets firm resistance at a point closer to the floor board or other fixed obstruction to the pedal travel than twenty percent of the total pedal travel from released position when measured in a straight line.

(iv) Brake linings and pads – Any brake lining or pad which has:

(A) Rivets or bolts loose or missing.

(B) Lining friction surface contaminated with oil, grease, or brake fluid in such a manner as to change its frictional characteristics.

(v) Drums and discs – Any drum or disc which:

(A) Is contaminated with oil, grease, or brake fluid in such a manner as to change the frictional characteristics of the friction face.

(B) Has any crack visible on the exterior of any brake drum extending more than three-fourths the width of the drum, except when the drum is properly banded to prevent the crack from expanding to any degree upon the application of brakes or otherwise. (Bands so used must be free of cracks.)

(vi) Brake internal components – Any internal mechanical parts misaligned, broken, or missing.

(vii) Hydraulic brake systems and external components – An hydraulic brake system which:

(A) Has leaks in the master cylinder.

(B) Has hydraulic hoses worn, chaffed, cut or cracked through the outer casing and through one ply of fabric.

(C) Has hydraulic hoses, tubes, or connections leaking, restricted, crimped, cracked, or broken.

(D) The hydraulic service brake pedal, while applied with uniform foot pressure, continues to move forward and downward.

(E) Lacks an operative warning signal as required by Section 393.51(b). (Check exemptions in Section 393.51(g).)

(F) Has any visually observed leading hydraulic fluid anywhere in the brake system.

(G) Has connecting lines or tubes not properly attached or supported to prevent damage by vibration or abrasion by contact with the frame, axle, other lines, or any other part of the vehicle and damage as set forth in (vii)(B) or (vii)(C) is present.

(viii) Vacuum systems – Any vacuum system which:

(A) Has evidence of leakage in the system.

(B) Has a vacuum hose worn, chaffed, cut, or cracked through the outer casing and through one ply of fabric.

(C) Has a hose tube or connection leaking, restricted, crimped, cracked, or broken.

(D) Has a collapsed vacuum hose when vacuum is applied.

(E) Has connecting lines or tubes not properly attached or supported to prevent damage by vibration or abrasion by contact with the frame, axle, other lines, or any other part of the vehicle and damage as set forth in (viii)(B) or (viii)(C) is present.

(F) Lacks an operative low-vacuum warning device as required in Section 393.51(d). (Check exemptions in Section 393.51(g).)

(G) In vacuum-assisted systems and the system at atmospheric pressure (no vacuum), the service brake pedal does not move slightly as the engine is started while pressure is maintained on the brake pedal.

(H) With all vacuum brakes fully applied, with the trailer brake connections open (if a trailer is connected) and the engine operated long enough to reach constant vacuum, and the trailer brake connections disconnected from the towing vehicle, the trailer brake application cannot be maintained for at least five minutes.

(I) Fails to have an operative second independent means for applying brakes on towed vehicles equipped with vacuum brakes, as required in Section 393.43(c).

(J) Has any vacuum reservoir not securely attached to the motor vehicle.

(ix) Air-mechanical brake systems – Any air-mechanical brake system which:

(A) Has an air hose worn, chaffed, cut or cracked through the outer casing and through one ply of fabric.

(B) Has an air hose, tube, or connection leaking, restricted, crimped, or broken.

(C) Has connecting line or tubes not properly attached or supported to prevent damage by vibration or abrasion by contact with the frame, axle, other lines or other part of the vehicle and damage as set forth in (ix)(A) or (ix)(B) is present.

(D) Has a brake chamber, foot valve, or any other valve in the system or stop-light switch with a clearly audible leak.

(E) Has an air reservoir not securely attached to the motor vehicle.

(F) Has a belt-driven compressor subject to intermittent operation due to looseness of belts or defective pulley condition, or any looseness of mounting bolts on any compressor.

(G) Has an air pressure drop of more than 3 psi in 1 minute for single-unit vehicle, and 4 psi in 1 minute for vehicle combinations, with engine running at idling speed and the service brake applied.

(H) With control (service) and supply (emergency) lines disconnected, the towed vehicle brakes fail to remain in the applied position for at least 5 minutes.

(I) Lacks an operative low-air warning device as required in Section 393.51(c). (Check exemptions in Section 393.51(g).)

(J) On an air-mechanical braked power unit, towing a trailer with air-mechanical brakes, the power unit is: (I) Not equipped with automatic and manual means for activation, (II) found to be inoperative, or (III) malfunctioning to the extent that towing unit air supply is vented to atmosphere when either of the means are used.

(K) The brakes on air-mechanical braked towed vehicles do not apply automatically when the power unit air pressure is reduced to some point between 45 and 20 psi.

(x) Electric brake systems – Any electric brake system that:

Has loose or dirty terminal connections, or broken, frayed, or unsupported wires.

Has brakes that do not apply and remain applied for at least five minutes when the breakaway safety switch is activated.

(xi) Parking brake system – Any parking brake system that:

(A) Has any mechanical part of the parking brake missing, broken, or disconnected.

(B) Is not capable under any load condition of holding the vehicle or combination of vehicles on the grade on which it is tested.

(C) The application mechanism, when fully applied, will not hold in the applied position without manual effort.

(D) Uses fluid pressure, air pressure, or electric energy to hold it in the applied position.

(c) Lighting devices and reflectors.

During the period of one-half-hour after sunset to one-half-hour before sunrise:

(i) Headlamps – The single vehicle or towing vehicle does not have at least one operative headlamp on one side and at least one other operative road lighting device on the other, or all required front clearance lamps installed and operative.

(ii) Lamps on rear.

(A) Buses, trucks, and towed vehicles, including driveaway-towaway operations, eighty inches or more in width. There are not at least two operative red lamps, other than stop lamps, on the rear of the rearmost vehicle visible from a distance of five hundred feet.

(B) Truck-tractors as single vehicles, and all other vehicles and combination of vehicles less than eighty inches in width. There is not at least one operative red lamp, other than a stop lamp, on the rear of the rearmost vehicle visible from a distance of five hundred feet.

(iii) Lamps on projecting loads – There are not at least two operative red lamps on the rear of loads projecting four or more feet beyond the vehicle body.

(iv) None of the turn signals on a vehicle or combination of vehicles are operative, regardless of light conditions.

(v) At least one operative stop lamp on the rear of a single unit vehicle or the rearmost vehicle of a combination of vehicles, at any time the vehicle or combination is being operated, regardless of light conditions.

(d) Tires.

(i) Tread depth – Any tire on:

(A) Front wheels worn so that less than 2/32-inch tread remains when measured in any two adjacent major tread grooves at three equally spaced intervals around the circumference of the tire.

(B) Any wheel other than a front wheel that has a tire worn so that less than 1/64-inch tread remains when measured in any two adjacent major tread grooves at three equally spaced intervals around the circumference of the tire.

(ii) Any tire that:

(A) Has any visually observed bump, bulge, or knot apparently related to tread or sidewall separation.

(B) Has any tread separation from the carcass:

(I) Exposing fabric in excess of four square inches.

(II) Exposing buffed or prepared carcass surface in excess of four square inches.

(III) Extending across three-fourths of the width of the tread.

(C) Has cuts – Any tire, cut through three or more layers of textile plies, and the cut being four inches or more long at the third layer.

(D) Is flat – Any tire, on any wheel, flat or having an audible leak.

(E) Contacts mate – Any dual tire so mounted or inflated that it comes in contact with its mate.

(F) Is marked "Not for highway use" or otherwise marked and having like meaning.

(G) Any steering axle tire with any textile ply showing in the tread area or worn through one ply in the side wall.

(e) Wheel and rims.

(i) Rims and rings which are mismatched, bent, sprung, or cracked. (Not to be confused with rims purposely split or cut at manufacture.)

(ii) Disc wheels with elongated bolt holes or cracks between hand holes or stud holes, or both.

(iii) Cast wheels (spoke type) that are cracked.

(iv) Two or more of the wheel bolts, nuts, or clamps are loose, broken, missing, or mismatched.

(v) Any disc, spoke type wheel, or rim with welded repair.

(f) Exhaust systems.

(i) Exhaust systems not securely fastened. (Some exhaust systems have mounting brackets that are intended to allow movement to counteract thermal expansion. Such vehicles shall not be written up as in violation of the regulations, unless the bolts or other method of attaching the mounting brackets are loose.)

(ii) Exhaust systems determined to be leading at a point forward of or directly below the driver compartment of any truck or truck tractor, or forward of or below the passenger compartment of any bus of closed body of any truck used for transporting migratory workers. (For purposes of this item, a vehicle body is not considered to be closed if it uses a canvas tarpaulin or flexible material to exclude weather at the top, sides, or ends.)

NOTE: The criteria in (f)(i) and (f)(ii) are not to be construed to exclude vehicles equipped with exhaust systems intentionally designed to exhaust to the front end of the vehicle. However, such vehicles should be written up on safety equipment compliance form as being in violation of Section 393.83 of the safety regulations.

NOTE: Carbon or other types of residue are found in flexible pipe and joints in exhaust systems. The carbon and other materials will work through the flexible pipe and joints. Therefore, actual leakage of exhaust gases must be occurring at the locations specified above before writing up the vehicle on safety equipment compliance form. This can be determined by placing a piece of paper on your hand near the suspected leak point to detect escaping gases.

(g) Fuel systems.

(i) Any fuel system with visible leaks at any point in the fuel system.

(ii) Any fuel tank filler cap missing, poorly fitted or with a defective gasket.

(iii) Any fuel tank not securely attached to the motor vehicle. (Some fuel tanks use springs or rubber bushing to permit movement.)

(h) Coupling devices.

(i) Any tow-bar or adjustable fifth wheel assembly with one-fourth or more of the locking pins missing.

(ii) Any adjustable fifth wheel locking mechanism that does not remain in the locked position without manual effort.

(iii) Any leakage in adjustable fifth wheel locking mechanisms dependent on fluid energy or air pressure.

(iv) Fifth wheel and tow-bar play.

(A) Play lengthwise of the vehicle exceeding one inch between the upper and lower fifth wheel halves.

(B) Where provision is made for adjustment of a fifth wheel lower half or tow-bar, relative to the vehicle frame, there is more than one inch of play lengthwise of the vehicle in any adjustment when locked or latched in position.

(v) Fifth wheel mounting. Fifth wheel mountings including bolts, nuts, welds, and brackets, but not including adjustable features, which are loose, worn, or broken so as to permit one-fourth inch or more observable relative motion between the fifth wheel mounting and the frame of the vehicle.

(vi) Fifth wheel and tow-bar cracks or breaks. Any cracks or breaks in the tow-bar or fifth wheel except:

(A) Cracks in the ramps or horns of fifth wheels.

(B) Casting shrinkage cracks in the ribs of the body of cast fifth wheels.

(i) Suspension.

(i) Axle positioning parts. Any torque arms, U-bolts, spring hangers, or other axle positioning parts cracked, broken, loose, or missing so as to permit displacement of an axle from its normal position.

(ii) Spring assembly.

(A) One-fourth or more of the leaves in any leaf spring assembly broken or missing, or the main leaf depended upon for positioning the axle is broken.

(B) One or more leaves shifted from normal position that could permit coming in contact with a tire, rim, brake drum, or frame.

(C) Air suspensions, leaking.

(iii) Torsion bar assembly or torque arm. Any part of the torsion arm assembly or torque arm or any part used for attaching the same to the vehicle frame or axle, cracked, broken, or missing.

(iv) Frame members. Any cracked, loose, or broken frame member (permitting shifting of the body onto moving parts or collapse of the frame).

(v) Any suspension system defect or any condition of loading that permits the body or frame to come in contact with a tire or any part of the wheel assemblies.

(vi) Adjustable axle assemblies – any:

(A) Adjustable axle assembly with one-fourth or more of the locking pins missing.

(B) Adjustable axle assembly with more than one inch of play lengthwise along the vehicle in any such adjustment when locked or latched in position.

(i) Safe loading.

(i) Any lading within any passenger-carrying space which interferes with the ready exit of passengers from the vehicle.

(ii) Any lading within the driver's compartment which obscures his view ahead or to the right or left sides or to the rear.

(iii) Protection against shifting cargo.

(A) Any vehicle without front-end structures, or equivalent devices as required by Section 393.106.

(B) Vehicles and loading condition such that any part of the load can fall on the roadway.

(k) Engine.

The engine cannot be started without external assistance within five minutes.

(l) Power train.

Engine cannot be started with the transmission in neutral because of a defective or improperly adjusted clutch. (Transmission cannot be shifted from neutral after engine is started.)

(m) Mirrors.

Any power unit with only one mirror on the driver's side that is cracked, pitted, or clouded to the extent that rear vision is obscured.

(n) Windshield wipers.

Any power unit that has inoperative wiper or parts of blades or arms are missing or are severely damaged on the driver's side.

(o) Vehicles – Hazardous materials.

(i) Loss or leakage of any cargo classed as a hazardous material, when visible on the outside of the vehicle.

(ii) Loaded cargo tanks or portable tanks having loose dome covers or other openings not securely closed.

(iii) Vehicles transporting hazardous materials in such quantity to require placards and no placards are installed on sides, rear and front.

(iv) Vehicles transporting hazardous materials in such quantity to require placards having bare electrical wiring or evidence of burning or short circuiting.

(3) References in subsection (2) of this rule to Sections 393.43, 393.48, 393.51, 393.83, and 396.106 shall refer to those sections contained in the Code of Federal Regulations, part 393, as adopted by the commission in WAC 480-12-180(1), or hereafter amended by the commission in that section. References in subsection (2) of this rule to "psi" shall refer to pounds per square inch.

(4) Duly authorized commission personnel shall order any piece of equipment in need of repairs to be properly repaired, and this equipment shall not be used in further service until a certificate of correction is forwarded to the commission. A certificate of correction form will be furnished by the commission. Additional forms may be obtained from any office of the commission.

WSR 81-10-068
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
 [Memorandum—May 6, 1981]

**FY 82 MUNICIPAL WASTEWATER
 TREATMENT WORKS FEDERAL
 CONSTRUCTION GRANTS PROJECT PRIORITY
 LIST**

The Washington State Department of Ecology is seeking public comment on the proposed priority list for sewage treatment projects to receive wastewater treatment works construction grants in FY 82.

Federal funding levels are uncertain at this time, therefore, a minimum of two lists will be developed based on different funding assumptions.

Two hearings will be held to receive public comment:

Tuesday, June 16, 1981
 1:30 p.m. at:
 Port of Seattle
 Pier 66
 Seattle, Washington

Wednesday, June 17, 1981
 1:30 p.m. at:
 Spokane County Health Center
 W. 1101 College
 Spokane, Washington

The proposed FY 82 project priority list will be available after April 30, 1981 from: Judy Kelly, Municipal Division, Department of Ecology, Olympia, Washington 98504; or by telephone (206) 753-3892.

The Department of Ecology will accept written comments on the proposed priority list until June 31, 1981. People unable to attend the hearings may mail their comments to: Department of Ecology Hearing Officer, Olympia, WA 98504.

WSR 81-10-069
PROPOSED RULES
COUNCIL FOR
POSTSECONDARY EDUCATION
 [Filed May 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.10.806, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning the State of Washington Need Grant Program, amending WAC 250-20-001 and 250-20-021;

that such agency will at 10:00 a.m., Wednesday, June 10, 1981, in The Evergreen State College, CAB 108, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:20 a.m., Wednesday, June 10, 1981, in The Evergreen State College, CAB 108, Olympia, Washington.

The authority under which these rules are proposed is RCW 28B.10.806.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 1, 1981, and/or orally at 10:00

a.m., Wednesday, June 10, 1981, The Evergreen State College, CAB 108, Olympia, Washington.

Dated: May 6, 1981
 By: Chalmers Gail Norris
 Executive Coordinator

STATEMENT OF PURPOSE

RE: State of Washington Need Grant Program (RCW 28B.10.800-824 and WAC 250-20-001-091).

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 sections addressing the applicability of the rules and program definitions.

Summary: These amendments make the following changes to the State Need Grant program: Technical amendments regarding applicability of the rules. Increase the allowable cash or in-kind contribution from parents of self-supporting students and reduce the period of time a student must have been self-supporting to be considered for a State Need Grant without submission of parents' financial information.

Institutional Person Responsible for Drafting, Implementation and Enforcement of Rule: Linda LaMar, Council for Postsecondary Education, 908 East Fifth Avenue, Olympia, WA 98504.

Governmental Organization Proposing the Rule: Council for Postsecondary Education. Institutional Comments Regarding Statutory Matters: Not applicable.

Rule is not necessary as the result of federal law or court action.

AMENDATORY SECTION (Amending Order 11/79, filed 10/11/79)

WAC 250-20-001 APPLICABILITY OF RULES. Unless specified, the term "State Need Grant" applies to both the State Need Grant Program and the federal program for State Student Incentive Grants. Institutions participating in the State Need Grant program must comply with the regulations specified in WAC 250-20 and conform to all requirements of the State Student Incentive Grant program as specified in ((Chapter 1, Part 192, Title 45;)) 34 Code of Federal Regulations(;) , Part 692. A school which does not qualify as a "postsecondary institution" for State Need Grant purposes, but which meets the qualifications of the State Student Incentive Grant program may participate in the latter program upon presentation of satisfactory evidence of the availability of local matching funds, and is also subject to compliance with WAC 250-20-001 through ((001)) 091.

AMENDATORY SECTION (Amending order 3/80, filed 4/14/80)

WAC 250-20-021 PROGRAM DEFINITIONS. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the Council the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter.

(2) The term "disadvantaged student" shall mean a post-high school student who by reason of adverse cultural, educational, environmental,

experiential or familial circumstance is unable to qualify for enrollment as a full-time student in a postsecondary institution, and who otherwise qualifies as a needy student and who is attending a postsecondary educational institution under an established program designed to qualify him or her for enrollment as a full-time student.

(3) The term "postsecondary institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: The Northwest Association of Schools and Colleges, the Association of Independent Colleges and Schools, the Cosmetology Accrediting Commission, or the National Association of Trade and Technical Schools, and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating with the State of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) The term "domicile" shall denote a person's true fixed and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she, upon leaving, expects to return without intending to establish a new domicile elsewhere. Determination of "domicile" shall be in accordance with RCW 28B.15.011-RCW 28B.15.014.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student whose parents (including step-parent(s)) do not acknowledge and accept a financial responsibility for the student and have on record in the financial aid office documentation attesting to requirements for independence. Such requirements include the following criteria:

(a) The student has not and will not be claimed as an exemption for federal income tax purposes by any person except his or her spouse for the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(b) The student has not received and will not receive financial assistance of more than ~~((5750))~~ \$1000 in cash or kind from his or her parent(s) in the calendar year(s) in which a State Need Grant is received and the prior calendar year.

(c) The student has not lived and will not live in the home of his or her parent(s) except during occasional temporary visits during the calendar year(s) in which the Need Grant is received and the prior calendar year.

(d) A special category of independent students consists of persons emancipated or independent by circumstances beyond their control. Examples are wards of court and orphans. An affidavit describing such circumstances is required in lieu of documentation of the family financial situation. Students in this category will be treated as independent applicants with a \$0 parental income and contribution.

(e) Married students will be considered as dependent or independent as appropriate.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the Council.

(8) "Budgetary cost" shall consist of that amount required to support an individual as a student for nine months taking into consideration cost factors for maintaining the student's dependents. The Council for Postsecondary Education will annually review and adjust budgets which will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses and any other factors deemed necessary for consideration. The adopted budgets will be published concurrent with annual guidelines for program administration.

(9) "Total family contribution" for dependent students and students who have been independent from their parents for less than ~~((five))~~ three years shall mean the sum of the assumed parents' contribution, contribution from student assets, and additional student resources. For students who have been independent for ~~((five))~~ three years or longer, "total family contribution" shall mean the sum of contribution from students' assets, and additional student resources.

(10) "Parents' contribution" shall mean the contribution toward college expenses expected from the student's parent(s) as related to the total financial strength of the parents.

(11) "Student assets" are comprised of those funds other than the student's expected summer savings and additional student resources as

defined in WAC 250-20-021(13) to meet his or her educational expenses which were generated primarily through the student's own efforts. Examples of student assets are money in a savings account or in a trust fund.

(12) "Additional student resources" consist of those funds made available to the student primarily because of his or her student status such as G.I. Bill or veterans benefits. They also include financial support such as public assistance benefits, vocational rehabilitation funds, CETA funds, spouses' academic year income, those portions of agency funds designated for expenses other than tuition and fees, etc.

Funds administered by the institution, Basic Grants, BIA grants, those portions of agency funds designated for tuition and fees, and student employment are to be used as matching funds and as such are not included as "additional student resources".

(13) "State Need Index" is the difference between the appropriate ranking factor as identified in the following table and the student's total family contribution. Ranking factors: Students living with parents - 1970; Single students living away from parents - 2770; Married couple, one student, or single parent with child - 4065; Married couple, both students - 5540. An additional 1000 may be added for the first dependent and 800 added for each subsequent dependent.

(14) "Academic year" is that nine-month period of time from September to June during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(15) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

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

WSR 81-10-070
PROPOSED RULES
COUNCIL FOR
POSTSECONDARY EDUCATION
[Filed May 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 and 28B.10.806, that the Council for Postsecondary Education intends to adopt, amend, or repeal rules concerning State of Washington College Work Study Program, amending WAC 250-40-030, 250-40-040, 250-40-050 and 250-40-070;

that such agency will at 10:30 a.m., Wednesday, June 10, 1981, in The Evergreen State College, CAB 108, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10:50 a.m., Wednesday, June 10, 1981, in The Evergreen State College, CAB 108, Olympia, Washington.

The authority under which these rules are proposed is RCW 28B.10.806.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to June 1, 1981, and/or orally at 10:30 a.m., Wednesday, June 10, 1981, The Evergreen State College, CAB 108, Olympia, Washington.

Dated: May 6, 1981
By: Chalmers Gail Norris
Executive Coordinator

STATEMENT OF PURPOSE

RE: State of Washington College Work-Study Program.

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 State of Washington College Work-Study Program (WAC 250-40-020 through 250-40-070).

Summary: These amendments make the following changes to the State Work-Study Program: WAC 250-40-030 Technical amendment to definition of "budgetary costs." Technical amendment to definition of "eligible employer." Amendment increasing the allowable cash or in-kind contribution from parents of self-supporting students. WAC 250-40-040 Amendment to program requirements regarding satisfactory academic progress and institutional policies for reawarding financial aid to students not making satisfactory progress. Technical amendment clarifying priorities in placement. WAC 250-40-050 Amendment of subsection describing the restriction against displacement of employees. Amendment of subsection dealing with rate of compensation. Deletion, in this section, of language dealing with appeals. Technical amendment concerning the treatment of earnings beyond the student's State Work Study eligibility. Amendment relating to employer share of student compensation. Amendment to subsection dealing with maximum hours worked. Renumbering of subsections, as necessary, due to amendments. WAC 250-40-070 Deletion of subsections delineating responsibility of eligible employers and of the Council for Postsecondary Education. Addition of a subsection describing appeal process. Amendment to the subsection dealing with program reviews. Renumbering of subsections, as necessary, due to amendments.

Institution Personnel Responsible for Drafting, Implementation and Enforcement of Rule: Shirley A. Ort, Council for Postsecondary Education, 908 East Fifth Avenue, Olympia, WA 98504.

Governmental Organization Proposing the Rule: Council for Postsecondary Education. Institutional Comments Regarding Statutory Matters: Not applicable.

Rule is not necessary as the result of federal law or court action.

institution of postsecondary education and the total applicant resources which the institutional financial aid officer determines can reasonably be expected to be available to the student for meeting such costs.

(2) "Budgetary cost" of attending an institution shall consist of that amount required to support the individual and his or her dependents during the period in which that individual is enrolled as a student. Budgets will reflect the latest recognized cost levels for room and board, transportation, books, supplies, personal expenses, and any other cost factors deemed necessary for consideration((-)) , consistent with WAC 250.40.040 section 2(a).

(3) "Total applicant resources" for the dependent student shall mean the sum of the amounts which reasonably may be expected from the student and his or her spouse inclusive of expected summer savings to meet the student's cost of education, and the amount which reasonably may be expected to be made available to the student by his or her parents for such purpose. For the self-supporting student total applicant resources shall mean the amount which reasonably may be expected from the student and his or her spouse inclusive of expected summer savings to meet the student's cost of education.

(4) "Washington resident" shall be defined as an individual who has been domiciled within the state of Washington for at least one year. Domicile shall denote a person's true fixed and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she upon leaving, expects to return without intending to establish a new domicile elsewhere. Determination of domicile shall be in accordance with RCW 28B.15.011 through RCW 28B.15.014.

(5) "Eligible institution of postsecondary education" shall mean any postsecondary educational institution in the state of Washington accredited by the Northwest Association of Secondary and Higher Schools, or any public vocational-technical institute in the state of Washington.

(6) "Eligible employer" shall be defined as any eligible public institution of postsecondary education, any other nonprofit organization which is nonsectarian, or any profit-making nonsectarian ((organization) employer producing a good or providing a service for sale or resale to others, which can and agrees to provide employment of a demonstrable benefit related to the student's postsecondary educational pursuits and which ((has-been)) conducts business within the state of Washington, or any other employer approved by the Council for Postsecondary Education. ((for participation in the Work-Study Program:)) In approving an employer as eligible, the Council or an institution acting as its agent will consider at the minimum:

(a) The relationship of the jobs to the student((-))s' educational objectives;

(b) The potential for displacement of regular employees;

(c) The rate of pay as compared to salaries and wages provided other employees engaged in similar work;

(d) The employer's compliance with appropriate federal and state civil rights laws.

(7) "Dependent student" shall mean any post-high school student attending an eligible institution of postsecondary education who does not qualify as a self-supporting student in accordance with subsection (8) of this section.

(8) "Self-supporting student" shall be one who demonstrates compliance with all of the following criteria:

(a) The student will not be and has not been claimed as an exemption for federal income tax purposes by any person except his or her spouse for the calendar year(s) in which a Work-Study award is received and the prior calendar year.

(b) The student will not receive and has not received financial assistance of more than ~~(((\$750))~~ \$1000 in cash or kind from his or her parent(s) in the calendar year(s) in which a Work-Study award is received and the prior calendar year.

(c) The student will not live and has not lived in the home(s) of his or her parent(s) except during limited vacation periods during the calendar year(s) in which an award is received and the prior calendar year unless the student reimburses the parent(s) for at least the value of the student's room and board and personal benefits. Vacation periods will not include summer vacation unless such vacation is for a limited time between the end of spring term and the beginning of summer term or summer employment, or the end of summer term or summer employment and the beginning of fall term. As a general rule, vacation periods should not exceed the length of break period between academic terms. Any individual variance from this guideline which would warrant special classification of the student as self-supporting must be approved by the Council for Postsecondary Education.

AMENDATORY SECTION (Amending Order 4/79, filed 6/15/79)

WAC 250-40-030 DEFINITIONS. (1) "Financial need" shall be the difference between the budgetary cost to the student attending an

(9) "Half-time-student" means any student enrolled in exactly one-half of the credit hour or clock hour load defined by the institution as constituting expected full-time progress toward the particular degree or certificate.

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 2/80, filed 4/14/80)

WAC 250-40-040 STUDENT ELIGIBILITY AND SELECTION. (1) Eligibility Criteria. In order to be eligible for employment under this program the student must:

- (a) Demonstrate financial need.
- (b) Be enrolled or accepted for enrollment as at least a half-time undergraduate, graduate or professional student or be a student under an established program designed to qualify him or her for enrollment as at least a half-time student at an eligible institution of postsecondary education.
- (c) Be capable, in the opinion of the institution, of maintaining good standing in a course of study while employed under the program~~(-)~~, and demonstrate satisfactory progress toward degree or certificate completion.

(d) Not be pursuing a degree in theology.
(2) Criteria for institutional determination of financial need and the making of awards.

(a) Budgetary costs will be determined by the institution subject to approval by the Council for Postsecondary Education. The advisory committee authorized by WAC 250-40-070~~((6))~~ (4) of these regulations will review each budget for reasonableness and make recommendations to the council for approval or disapproval.

(b) Total applicant resources shall be determined according to the uniform methodology system of need analysis. Institutional financial aid officers may make reasonable adjustments to the computed total applicant resources if individual circumstances warrant such adjustments. In addition, nonliquid assets in the form of equity in the primary residence and net worth of business or farm may be disregarded in the computation of total applicant resources.

Any adjustments must be documented and placed in the student's financial aid file.

(c) The Work Study award shall be designed in such a manner that the sum total of financial aid awarded any one student will not exceed the difference between the total applicant's resources and the budgetary cost of education. In the case of students attending participating private institutions, the sum of the state share of the State Work Study wages and a State Need Grant, if awarded, may not exceed the non~~(=)~~tuition and required fee portion of the student's budgetary cost.

(d) Each institution must have a policy relating to the continuance of aid for students who enroll in but do not complete the number of credit or clock hours required to maintain ~~((at least half-time status:))~~ satisfactory progress toward completion of his or her degree or program objective. The institution must submit its policy to the council annually for approval. The advisory committee authorized by WAC 250-40-070~~((6))~~ (4) will make recommendations to the Council for approval or disapproval of each institution's policy.

(3) Priorities in placing students.

(a) The institution ~~((should make every effort to provide opportunities for student employment in an area related to the student's course of study:))~~ must, wherever possible, place students in positions which are related to their educational goals or career interests. At the time of job placement, the student who is able to obtain course- or career objective-related employment shall be awarded in favor of one who is not able to obtain such employment.

(b) At the time of job placement, and after consideration of (a) above, no eligible Washington resident shall be excluded in favor of a nonresident.

(c) It is the intent of the Work Study Program to assist those students from moderate income family backgrounds whose total applicant resources are insufficient to cover the total budgetary costs of education; and~~(-)~~ who, but for this program, would normally be forced to rely heavily on loans.

AMENDATORY SECTION (Amending Order 2/80, filed 4/14/80)

WAC 250-40-050 RESTRICTIONS ON STUDENT PLACEMENT AND COMPENSATION. (1) Displacement of employees.

Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services. ~~((State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees. In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year:))~~

(a) State Work Study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees.

(b) In cases of governmental employment, State Work Study students may fill positions which have been previously occupied but were vacated as a result of implementing previously adopted reduction in force policies in response to employment limitations imposed by federal, state or local governments.

(c) In all other cases, State Work Study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable positions.

Students employed by public postsecondary educational institutions who are filling positions which are comparable to Higher Education Personnel Board classified positions must be paid entry level Higher Education Personnel Board wages for the position.

An institution wishing to place students in on-campus positions which are not comparable to Higher Education Personnel Board classifications must annually submit to the Student Financial Assistance Section of the Council for their approval a student compensation plan which clearly and substantially delineates those positions which are and which are not comparable to Higher Education Personnel Board classifications. Once the Council has approved an institution's student compensation plan, the institution may place State Work Study recipients in non-Higher Education Personnel Board comparable positions and pay those students the wage rates as approved.

~~((3) Appeals. The council shall be notified of any violation of the requirements under (1) and (2) above. If satisfactory resolution cannot be made by the council, the advisory committee authorized by WAC 250-40-070(6) shall review the appeal and make a recommendation to the council on the disposition of the appeal:))~~

~~((4))~~ (3) Maximum total compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package. ~~((However, if necessary to complete a special state work-study assignment, or to continue employment to the end of an academic term, the student may be allowed, upon agreement of the financial aid officer, to earn up to an additional \$200 through the State Work-Study Program without penalty. In addition, a student wishing to extend his or her experience beyond the \$200 maximum may, after all possible adjustments have been made in the financial aid package, replace expected family contribution by continuing in his or her employment position for the balance of the academic year if the employer pays 100 percent of the student's compensation:))~~ In the event that a student earns more money from employment than the institution anticipated when it awarded student financial aid, the excess is to be treated in accordance with the method specified in the State Work Study operational guidelines.

~~((5))~~ (4) State share of student compensation. The state share of compensation paid students employed by state supported institutions of postsecondary education or by common school districts which have entered into a special agreement with the Council for Postsecondary Education through the Superintendent of Public Instruction's office for the placement of students in ~~((a pilot))~~ an authorized program providing tutorial assistance shall not exceed 80 percent of the student's gross compensation. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

~~((6))~~ (5) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection ~~((5))~~ (4) above, plus the costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws. The federally-funded College Work Study program cannot be used to provide the employer share of student compensation.

~~((7))~~ (6) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.

~~((8))~~ (7) Maximum hours worked. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds.

A student may not be concurrently employed in the same position by the State Work Study program and the federal College Work Study program and exceed the 19 hours per week average.

Further, the student cannot accept other on-campus employment which results in achievement of a change in residency status for tuition and fee purposes under RCW 28B.15.014.

~~((9))~~ (8) Types of work prohibited. Work performed by a student under the State ~~(College)~~ Work-Study Program shall not be sectarian and shall not involve any partisan or nonpartisan political activity.

~~((10))~~ (9) Relationship to formula staffing percentage. Placement of State Work Study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the Legislature.

AMENDATORY SECTION (Amending Order 10/79, filed 10/11/79)

WAC 250-40-070 ADMINISTRATION. (1) Administering agency. The Council for Postsecondary Education shall administer the Work-Study Program. The staff of the Council for Postsecondary Education under the direction of the executive coordinator will manage the administrative functions relative to the program and shall be authorized to enter into agreement with:

(a) Eligible public institutions for the placement of students and the reimbursement of employers for the state share of the student's compensation.

(b) Eligible private institutions for the placement of students.

(c) Employers of students attending eligible private institutions for the reimbursement of the state share of the student's compensation. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the Work-Study Program.

(2) Responsibility of eligible public institutions. The institution will:

(a) Enter into contract with eligible organizations for employment of students under the Work-Study Program. Such agreements shall be written to ensure employer compliance with the rules and regulations governing the Work-Study Program.

(b) Determine student eligibility and arrange for placement.

(c) Arrange for payment of the state share of the student's compensation.

(3) Responsibility of eligible private institutions. The institution will:

(a) Assist the council in contracting with eligible employers.

(b) Determine student eligibility, arrange for placement with employers, and notify the council of such placement.

~~((4))~~ Responsibility of eligible employers. The employer will:

~~(a) Arrange for payment of the student's compensation and benefits and request reimbursement of the state share from the institution or the Council for Postsecondary Education:~~

~~(b) When a federal or state agency is the employer, reimburse the institution or the Council for Postsecondary Education for the employer's share of the student's compensation:~~

~~(5) Responsibility of the Council for Postsecondary Education. The council will, for those students attending private institutions:~~

~~(a) Reimburse the employer for the state share of the student's wages, or~~

~~(b) When a federal or state agency is the employer, arrange for the payment of the student's compensation and benefits and request reimbursement of the employer's share:))~~

~~((6))~~ (4) Advisory committee. The council will appoint an advisory committee composed of representatives of eligible institutions, employee organizations having membership in the classified service of the state's institutions of postsecondary education, a student and persons as may be necessary to advise the council staff on matters pertaining to the administration of the Work-Study Program. In addition, representatives from postsecondary educational advisory and governing bodies will be invited to participate in advisory committee meetings when annual institutional allocations are being determined.

~~((7))~~ (5) Institutional administrative allowance. Contingent upon funds being made available to the Council for Postsecondary Education for the operation of the Work-Study Program, the public institutions will be provided an administrative expense allowance. In order to

qualify for the allowance, the institution must demonstrate that financial support for student financial aid administration, exclusive of the administrative allowance, is at least equal to the level of support provided during the previous fiscal year.

~~((8))~~ (6) Institutional maintenance of effort. State funds provided under this program are not to be used to replace institutional funds which would otherwise be used to support student employment.

~~((9))~~ (7) Reports. The Council for Postsecondary Education will obtain periodic reports on the balance of each institution's Work-Study funds to ensure a proper distribution of funds among institutions. In addition, information will be gathered subsequent to the end of the academic year, describing the population served and the modes of packaging used.

~~((10))~~ (8) Agreement to Participate. As a precedent to participating in the State Work Study Program, each institution must acknowledge its responsibility to administer the program according to prescribed rules and regulations and guidelines.

(9) Appeals. If the Council is notified of any possible violations of these rules and regulations, satisfactory resolution shall be attempted by Council staff. If satisfactory resolution cannot be achieved by Council staff, the advisory committee authorized by WAC 250-40-070(4) shall review the appeal and make a recommendation to Council staff. If satisfactory resolution still cannot be achieved, the person or institution initiating the appeal may request a hearing with the Council, which shall take action on the appeal.

~~((11))~~ (10) Program Reviews. The Council for Postsecondary Education will review institutional administrative practices to determine institutional compliance with rules and regulations and program guidelines. If such a review determines that an institution has failed to comply with program rules and regulations and guidelines the institution will reimburse the students affected or the program in the appropriate amount.

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 81-10-071

PROPOSED RULES

GAMBLING COMMISSION

[Filed May 6, 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 licensing and regulation of gambling activities (a copy of the proposed rules is shown below, however, changes may be made at the public hearing);

that such agency will at 10 a.m., Friday, June 12, 1981, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington, conduct a hearing relative thereto;

and that the adoption, amendment, or repeal of such rules will take place at 10 a.m., Friday, June 12, 1981, in the Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington.

The authority under which these rules are proposed is WAC 230-04-200: This rule is promulgated pursuant to RCW 9.46.070(5). WAC 230-30-015: This rule is promulgated pursuant to RCW 9.46.070(5). WAC 230-42-010: This rule is promulgated pursuant to RCW 9.46.115.

Interested persons may submit data, view, 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, June 12, 1981, Council Chambers, Olympia City Hall, 8th and Plum, Olympia, Washington.

Dated: May 6, 1981

By: Jeffrey O. C. Lane
Assistant Attorney General

STATEMENT OF PURPOSE

Title, Description of Purpose and Statutory Authority for Rule:

Title: Amendment to WAC 230-04-200 License Fees. Amendment to WAC 230-30-015 Identification Stamps. Amendment to WAC 230-42-010 Tax on Coin Operated Gambling Device.

Description of Purpose: Amendment to WAC 230-04-200. The purpose of this proposed amendment, and of the alternate filed herewith, is to increase the license fee for the following licenses issued by the commission: (1) punchboard and pull tab operator; (2) punchboard and pull tab and dispensing device manufacturer; (3) punchboard and pull tab and dispensing device distributor, to a level which more appropriately reflects their fair share of the commission operating expenses. The alternate permits a lower license fee for a punchboard - pull tab operator who has paid any tax upon pull tab dispensing devices, which tax also goes to support the commission's operations. Amendment to WAC 230-30-015. This proposed amendment simply increases the charge for identification stamps from the current five cents each to ten cents each. The cost of the commission's obtaining and distributing such stamps has risen substantially since the five cent fee was established several years ago. Amendment to WAC 230-42-010. This proposed amendment is intended to implement the tax on coin-operated gambling devices, which was reinstated by the 1981 legislature, section 9, ESSB 3307 (RCW 9.46.115). The proposed amendments conform the rule to the new language of that section and establish a pro rata payment schedule for devices initially put out for play after the beginning of the tax year.

Statutory Authority: The statutory authority for the passage of the amendments to WAC 230-04-200 and 230-30-015 is RCW 9.46.070(5) and the statutory authority for the passage of amendments to WAC 230-42-010 is RCW 9.46.115.

Summary of Proposed Rules and Reasons Supporting Action. Summary of Rules: Amendments to WAC 230-04-200. The basic proposed amendment would raise the license fee for a manufacturer of punchboards, pull tabs and punchboards, pull tab devices from \$1250 to \$1750 per license

year, and raise the license fee for a distributor for such device from \$1000 to \$1500. It would reduce the operator license fee of punchboards pull tabs from \$300 to \$200. The alternative proposal is the same for manufacturers and distributors licenses as set out above but would retain the current \$300 license fee for operators who have not paid a tax under RCW 9.46.115, upon pull tab dispensing devices, but permit a reduced fee of \$100 for operators who have paid any such tax. The commission will consider alternate fee levels for these licenses in the hearing, as well. Amendment to WAC 230-30-015. See Description of Purpose set out above. Amendment to WAC 230-42-010. These proposed amendments revise the current rule to implement the tax on coin-operated gambling devices as reimposed by section 9, ESSB 3307 (RCW 9.46.115), Laws of 1981. The amendments delete any reference to the now repealed similar federal tax and reorder language in the current rule somewhat. The rule further adopts a prorated payment schedule based on the new \$350 per machine level of tax and deletes the payment schedule based on the old \$250 level of tax. The rule further makes clear that the payment of any tax due is a condition precedent to the issuance or renewal of any license issued by the commission to the taxpayer.

Reasons Supporting Action: WAC 230-04-200. See statement in Description of Purpose set out above. WAC 230-30-015. The commission's costs to obtain and distribute the subject identification stamps has increased to at least ten cents per stamp in the seven or so years since the current five cent per stamp charge was established. WAC 230-42-010. The amendments to the rule are necessary to implement the newly reimposed tax on coin-operated gambling devices. Since the tax is due on June 20th for the ensuing tax year beginning July 1st, it is necessary to begin the process for adoption of these implementing amendments so that the rule may be adopted prior to that June 20th date. The bill is still on the Governor's desk at this writing, and any final commission action will, of course, depend on the Governor's action respecting the bill.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: In addition to the Gambling Commissioners themselves, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Keith Kisor, Director, and Elwin Hart, Deputy Director, Capital Plaza Bldg., 1025 East Union, Olympia, WA, 234-0865 (Scan), 753-0865 (Commercial).

Proponents and Opponents: These rules are proposed by the staff of the Washington State Gambling Commission.

Agency Comments: The agency believes the proposed rules are self-explanatory and need no further comment. These rules were not made necessary as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order No. 105, filed 1/16/81)

WAC 230-04-200 LICENSE FEES. The following fees shall be paid to the commission for licenses, and permits, issued by the commission. For the operation of:

- (1) BINGO
 - (a) Class A - five hundred dollars or less annual net receipts - \$25.
 - (b) Class B - over five hundred dollars through five thousand dollars annual net receipts - \$75.
 - (c) Class C - over five thousand dollars through fifteen thousand dollars annual net receipts - \$300.
 - (d) Class D - over fifteen thousand dollars through twenty-five thousand dollars annual net receipts - \$500.
 - (e) Class E - over twenty-five thousand dollars through fifty thousand dollars annual net receipts - \$1000.
 - (f) Class F - over fifty thousand dollars through one hundred thousand dollars annual net receipts - \$2000.
 - (g) Class G - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$4000.
 - (h) Class H - over five hundred thousand dollars through seven hundred fifty thousand dollars annual net receipts - \$5500.
 - (i) Class I - over seven hundred fifty thousand dollars through one million dollars annual net receipts - \$8000.
 - (j) Class J - over one million dollars annual net receipts - \$11,000.
- (2) RAFFLES
 - (a) Class C - five hundred dollars or less annual net receipts - \$25.
 - (b) Class D - over five hundred dollars but not over five thousand dollars, annual net receipts - \$75.
 - (c) Class E - over five thousand dollars through fifteen thousand dollars annual net receipts - \$300.
 - (d) Class F - over fifteen thousand dollars annual net receipts - \$500.
- (3) AMUSEMENT GAMES - by bona fide charitable or bona fide nonprofit organizations.
 - (a) Class A - five hundred dollars or less annual net receipts - \$25.
 - (b) Class B - over five hundred dollars through one thousand dollars annual net receipts - \$30.
 - (c) Class C - over one thousand dollars through five thousand dollars annual net receipts - \$50.
 - (d) Class D - over five thousand dollars through fifteen thousand dollars annual net receipts - \$200.
 - (e) Class E - over fifteen thousand dollars annual net receipts - \$350.
- (4) FUND RAISING EVENT (license year) - by bona fide charitable or bona fide nonprofit organizations.
 - (a) Class A-1 - one event, one calendar day - \$200.
 - (b) Class A-1R - one event, one calendar day - recreational - \$5.
 - (c) Class A-2 - not more than two events, one calendar day each - \$400.
 - (d) Class B-1 - one event, not more than three calendar days - \$300.
 - (e) Class B-1R - one event, not more than three calendar days - recreational - \$10.
- (5) SPECIAL LOCATION AMUSEMENT GAMES - other than bona fide charitable or bona fide nonprofit organizations.
 - (a) Class A - one event per year lasting no more than 12 consecutive days - \$500.
 - (b) Class B - twenty-five thousand dollars or less annual net receipts - \$500.
 - (c) Class C - over twenty-five thousand dollars through one hundred thousand dollars annual net receipts - \$1500.
 - (d) Class D - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$3000.
 - (e) Class E - over five hundred thousand dollars annual net receipts - \$5000.

(6) CARD GAMES - bona fide charitable and nonprofit organizations.

- (a) Class A - general (fee to play charged) - \$500.
 - (b) Class B - limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) - \$100.
 - (c) Class C - tournament only (no more than ten consecutive days) per tournament - \$35.
 - (d) Class D - general (no fee is charged a player to play cards) - \$35.
 - (e) Class R - primarily for recreational purposes and meets the standards of WAC 230-04-199 - \$10.
- (7) CARD GAMES - commercial stimulant - each licensee per premises.
- (b) Class B - limited card games to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) - \$100.
 - (c) Class C - tournament only (no more than ten consecutive days) - per tournament - \$100.
 - (d) Class D - general (no fee is charged a player to play cards) - \$35.
 - (e) Class E - general.
 - (i) up to five tables - \$2000
 - (ii) up to four tables - \$1500
 - (iii) up to three tables - \$750
 - (iv) up to two tables - \$500
 - (v) one table only - \$250.
- (8) PUBLIC CARD ROOM EMPLOYEE - each licensee - \$100, each renewal - \$50.
- (9) PERMITS - for operation by persons of authorized activity at agricultural fair or special property.
- (a) Class A - one location and event only - \$10.
 - (b) Class B - annual permit for specified different events and locations - \$100.
- (10) PUNCHBOARDS AND PULL TABS - each licensee, per premises - ((~~\$300~~)) \$200.
- (11) Manufacturer license - ((~~\$1250~~)) \$1750.
 - (12) Distributor license - ((~~\$1000~~)) \$1500.
 - (13) Distributor's representative license - \$150, renewal - \$75.
 - (14) Manufacturer's representative license - \$150, renewal - \$75.
- The term annual net receipts as used above means net receipts from the activity licensed only, during the license year.
- Reviser's Note:** Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.
- ALTERNATE #2

AMENDATORY SECTION (Amending Order No. 105, filed 1/16/81)

WAC 230-04-200 LICENSE FEES. The following fees shall be paid to the commission for licenses, and permits, issued by the commission. For the operation of:

- (1) BINGO
 - (a) Class A - five hundred dollars or less annual net receipts - \$25.
 - (b) Class B - over five hundred dollars through five thousand dollars annual net receipts - \$75.
 - (c) Class C - over five thousand dollars through fifteen thousand dollars annual net receipts - \$300.
 - (d) Class D - over fifteen thousand dollars through twenty-five thousand dollars annual net receipts - \$500.
 - (e) Class E - over twenty-five thousand dollars through fifty thousand dollars annual net receipts - \$1000.
 - (f) Class F - over fifty thousand dollars through one hundred thousand dollars annual net receipts - \$2000.
 - (g) Class G - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$4000.
 - (h) Class H - over five hundred thousand dollars through seven hundred fifty thousand dollars annual net receipts - \$5500.
 - (i) Class I - over seven hundred fifty thousand dollars through one million dollars annual net receipts - \$8000.
 - (j) Class J - over one million dollars annual net receipts - \$11,000.
- (2) RAFFLES
 - (a) Class C - five hundred dollars or less annual net receipts - \$25.
 - (b) Class D - over five hundred dollars but not over five thousand dollars, annual net receipts - \$75.
 - (c) Class E - over five thousand dollars through fifteen thousand dollars annual net receipts - \$300.

(d) Class F - over fifteen thousand dollars annual net receipts - \$500.

(3) AMUSEMENT GAMES - by bona fide charitable or bona fide nonprofit organizations.

(a) Class A - five hundred dollars or less annual net receipts - \$25.

(b) Class B - over five hundred dollars through one thousand dollars annual net receipts - \$30.

(c) Class C - over one thousand dollars through five thousand dollars annual net receipts - \$50.

(d) Class D - over five thousand dollars through fifteen thousand dollars annual net receipts - \$200.

(e) Class E - over fifteen thousand dollars annual net receipts - \$350.

(4) FUND RAISING EVENT (license year) - by bona fide charitable or bona fide nonprofit organizations.

(a) Class A-1 - one event, one calendar day - \$200.

(b) Class A-1R - one event, one calendar day - recreational - \$5.

(c) Class A-2 - not more than two events, one calendar day each - \$400.

(d) Class B-1 - one event, not more than three calendar days - \$300.

(e) Class B-1R - one event, not more than three calendar days - recreational - \$10.

(5) SPECIAL LOCATION AMUSEMENT GAMES - other than bona fide charitable or bona fide nonprofit organizations.

(a) Class A - one event per year lasting no more than 12 consecutive days - \$500.

(b) Class B - twenty-five thousand dollars or less annual net receipts - \$500.

(c) Class C - over twenty-five thousand dollars through one hundred thousand dollars annual net receipts - \$1500.

(d) Class D - over one hundred thousand dollars through five hundred thousand dollars annual net receipts - \$3000.

(e) Class E - over five hundred thousand dollars annual net receipts - \$5000.

(6) CARD GAMES - bona fide charitable and nonprofit organizations.

(a) Class A - general (fee to play charged) - \$500.

(b) Class B - limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) - \$100.

(c) Class C - tournament only (no more than ten consecutive days) per tournament - \$35.

(d) Class D - general (no fee is charged a player to play cards) - \$35.

(e) Class R - primarily for recreational purposes and meets the standards of WAC 230-04-199 - \$10.

(7) CARD GAMES - commercial stimulant - each licensee per premises.

(b) Class B - limited card games to hearts, rummy, pitch, pinochle, coon-can and/or cribbage (fee to play charged) - \$100.

(c) Class C - tournament only (no more than ten consecutive days) - per tournament - \$100.

(d) Class D - general (no fee is charged a player to play cards) - \$35.

(e) Class E - general.

(i) up to five tables - \$2000

(ii) up to four tables - \$1500

(iii) up to three tables - \$750

(iv) up to two tables - \$500

(v) one table only - \$250.

(8) PUBLIC CARD ROOM EMPLOYEE - each licensee - \$100, each renewal - \$50.

(9) PERMITS - for operation by persons of authorized activity at agricultural fair or special property.

(a) Class A - one location and event only - \$10.

(b) Class B - annual permit for specified different events and locations - \$100.

(10) PUNCHBOARDS AND PULL TABS - each licensee, per premises - \$300.

(a) If the applicant for an original license has, together with his application, paid the tax imposed by RCW 9.46.115 on coin-operated pull tab dispensing devices, or, if an application for renewal, has paid that tax for a period which includes the expiration date on the license sought to be renewed - \$100.

(b) If the applicant for original license or renewal has not paid the tax imposed by RCW 9.46.115 as set out in (a) above - \$300.

(11) Manufacturer license - \$1250.

(12) Distributor license - \$1000.

(13) Distributor's representative license - \$150, renewal - \$75.

(14) Manufacturer's representative license - \$150, renewal - \$75.

The term annual net receipts as used above means net receipts from the activity licensed only, during the license year.

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

AMENDATORY SECTION (Amending Order #90, filed 6/14/79)

WAC 230-30-015 IDENTIFICATION STAMPS. (1) No punchboard, series of pull tabs or device for the dispensing of pull tabs shall be sold or purchased within this state or knowingly for use within this state or put out for play unless and until a stamp obtained from the commission containing an identifying number, symbol or combination thereof has been permanently and conspicuously affixed thereto. Once placed, such stamp shall not be removed or tampered with by any person.

With respect to punchboards, the stamp shall be placed so the complete number, together with any symbol appearing thereon, is plainly visible.

With respect to series of pull tabs, the stamps shall be placed upon the dispensing device sold together with, and for that specific series or upon a flare furnished by the manufacturer for that series. Such flare shall also show the series number assigned to that series by the manufacturer. If a different flare than the flare so stamped is used for display when the series of pull tabs is put out for play, then the manufacturer's flare, with the manufacturer's series number and with the identification stamp obtained from the commission thereon, shall be attached to the back of the substitute flare in such a manner as to be clearly visible to a person playing the device.

(2) Stamps shall be placed only on items which conform to all requirements of this state's laws and the rules of this commission, and shall not be placed upon items not authorized for use within this state. Stamps shall be placed only upon those pull tab dispensing devices which have been approved by the commission pursuant to WAC 230-30-095.

(3) Identification stamps may be obtained only from the commission, by a licensed manufacturer only, for ((five)) ten cents each. Such stamps shall be placed by the licensed manufacturer only on items which he, himself, sells or furnishes, and shall not be transferred or furnished to any other person unless already placed upon a punchboard, series of pull tabs or pull tab dispensing device.

(4) No person not a licensed manufacturer shall obtain such stamps from any source, nor shall he affix such a stamp to any punchboard, series of pull tabs or pull tab dispensing device, after November 1, 1974.

AMENDATORY SECTION (Amending Order No. 74, filed 8/17/77)

WAC 230-42-010 TAX ON COIN OPERATED ((GAMING)) GAMBLING DEVICE. (1) In addition to any other fees and taxes imposed by statute or by commission rule, ((there is hereby imposed)) a special tax has been imposed by RCW 9.46.115 to be paid by ((every)) any person who maintains for use or permits the use of, a coin-operated gambling device as defined by RCW 9.46.115(2) on any place or premises occupied by ((him, a coin-operated gaming device which is subject to the federal tax on coin-operated devices imposed by section 4461 of the internal revenue code (79 Stat. 148; 26 U.S.C. § 4461), as amended and in effect on March 11, 1976.

((The amount of such tax shall be equal to 80 percent of the amount of the tax required to be paid to the federal government. Such tax shall not exceed the amount of the credit for state taxes allowed by section 4464 of the internal revenue code (85 Stat. 534; 26 U.S.C. § 4462).

((This tax shall be imposed on any coin-operated gaming device as defined in section 4462 of the internal revenue code (79 Stat. 149; 26 U.S.C. § 4462))) the person.

(2) ((The tax established in subsection (1) shall be payable to the commission on or before June 20 of each year in advance of the following taxable year, July 1 through June 30. The licensee shall submit this tax with the Washington state coin-operated gaming device tax return. Payment shall be made in the form of cash, check, or money order.)) The tax ((shall apply)) applies to each such gambling device so maintained or permitted at any time during the tax year. ((and no)) No such device shall be placed out for public play unless and until the

tax due respecting it has first been paid: PROVIDED, That a replacement for such a device removed from play shall not be deemed an additional device for that year.

The tax referred to in subsection (1) is payable to the commission on or before June 20 of each year in advance of the following taxable year, July 1 through June 30. The operator shall submit this tax with the Washington coin-operated gambling device tax return obtained from the commission. Payment shall be made in the form of cash, check, or money order.

The tax does not apply for any month during the tax year in which the device is not in use when such month is prior to the month in which the device is initially put out for play. The commission has been authorized to adopt a schedule, prorated by month, setting out the tax due for the rest of the year for devices put out for use after the beginning of the year.

(3) ((The tax imposed by subsection (1) shall be in addition to any tax imposed upon such coin-operated gaming devices, or the income therefrom, by any municipal corporation or political subdivision of the state:

((+)) The following proration schedule shall apply for each coin-operated ((gaming)) gambling device:

MACHINES IN OPERATION DURING THE MONTH OF -	AMOUNT DUE FOR EACH MACHINE
July	\$ ((200.00)) 350.00
August	((+83.37)) 320.83
September	((+66.78)) 291.67
October	((+50.03)) 262.49
November	((+33.36)) 233.33
December	((+16.69)) 204.16
January	((+00.02)) 175.00
February	((83.35)) 145.83
March	((66.68)) 116.66
April	((50.01)) 87.50
May	((33.34)) 58.33
June	((16.67)) 29.17

((+)) (4) The licensee shall post the validated receipt showing proof of payment of this tax with the license issued by the Washington state gambling commission to operate punchboards or pull tabs prior to placing any coin-operated ((gaming)) gambling device for which the tax has been paid, out for public play.

(5) Payment of any tax due is a condition precedent to the issuance or renewal of any license issued by this commission to the taxpayer.

(6) The tax imposed by subsection (1) shall be in addition to any tax imposed upon such coin-operated gambling devices, or the income therefrom, by any municipal corporation or political subdivision of the state.

**WSR 81-10-072
PROPOSED RULES
DEPARTMENT OF LICENSING
(Dental Disciplinary Board)**

[Filed May 6, 1981]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Dental Disciplinary Board intends to adopt, amend, or repeal rules concerning the adoption of WAC 308-38-100, 308-38-110, 308-38-120, 308-38-130, 308-38-140, 308-38-150 and 308-38-160;

that such agency will at 1:00 p.m., Friday, June 12, 1981, in the Vance Airport Inn, Seattle Room, 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 1:00 p.m., Friday, June 12, 1981, in the Vance Airport Inn, Seattle Room, 18220 Pacific Highway South, Seattle, WA.

The authority under which these rules are proposed is RCW 18.32.640.

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 1:00 p.m., Friday, June 12, 1981, Vance Airport Inn, Seattle Room, 18220 Pacific Highway South, Seattle, WA.

This notice is connected to and continues the matter noticed in Notice Nos. WSR 81-02-032 and 81-06-015 filed with the code reviser's office on 1/5/81 and 2/20/81.

Dated: May 4, 1981
By: Susan E. Shoblom
Executive Secretary

STATEMENT OF PURPOSE

Agency: Washington State Dental Disciplinary Board.

Purpose: The purpose of new chapter 308-38 WAC is to establish guidelines for delegation of duties by a licensed dentist to individuals who are not licensed to practice dentistry in the state of Washington.

Statutory Authority: RCW 18.32.640.

Summary of the Rules: WAC 308-38-100 contains the statement of the board's purpose for adopting the chapter. WAC 308-38-110 lists the definitions of terms used in chapter 308-38 WAC. WAC 308-38-120 lists the acts that may be performed by unlicensed persons under the close supervision of a licensed dentist. WAC 308-38-130 lists acts that may not be delegated to unlicensed persons. WAC 308-38-140 lists acts that dental hygienists may be allowed to perform under the general supervision of a licensed dentist. WAC 308-38-150 lists acts that a licensed dental hygienist may be allowed to perform under the close supervision of a licensed dentist. WAC 308-38-160 lists acts which may not be delegated to a dental hygienist by a licensed dentist.

Reason Action Proposed: Chapter 308-38 WAC is proposed to clarify what acts a licensed dentist may delegate to licensed dental hygienists and to unlicensed persons. It is proposed to assist the board in administering sections of the Dental Practice Act that deal with aiding and abetting unlicensed practice of dentistry and to assist the board in investigating complaints.

Responsible Departmental Personnel: In addition to the members of the Dental Disciplinary Board, the following personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Susan E. Shoblom, Executive Secretary, Third Floor, Highways-Licenses Building, Olympia, WA 98504, 754-1867 (Comm), 235-1867 (Scan).

Proponents: These rules were proposed by the Washington State Dental Disciplinary Board.

Agency Comments: These rules are promulgated pursuant to the authority contained in RCW 18.32.640.

Chapter 308-38 WAC
GUIDELINES FOR DELEGATION OF DUTIES TO PERSONS
NOT LICENSED AS DENTISTS

WAC

308-38-100	PURPOSE.
308-38-110	DEFINITIONS.
308-38-120	ACTS THAT MAY BE PERFORMED BY UNLICENSED PERSONS.
308-38-130	ACTS THAT MAY NOT BE PERFORMED BY UNLICENSED PERSONS.
308-38-140	ACTS THAT MAY BE PERFORMED BY LICENSED DENTAL HYGIENISTS UNDER GENERAL SUPERVISION.
308-38-150	ACTS THAT MAY BE PERFORMED BY LICENSED DENTAL HYGIENISTS UNDER CLOSE SUPERVISION.
308-38-160	ACTS THAT MAY NOT BE PERFORMED BY DENTAL HYGIENISTS.

NEW SECTION

WAC 308-38-100 PURPOSE. The purpose of this chapter is to establish guidelines on delegation of duties to persons who are not licensed to practice dentistry. The dental laws of Washington state authorize the delegation of certain duties to non-dentist personnel and prohibit the delegation of certain other duties. By statute, the duties that may be delegated to a person not licensed to practice dentistry may be performed only under the supervision of a licensed dentist. The degree of supervision required to assure that treatment is appropriate and does not jeopardize the systemic or oral health of the patient varies with, among other considerations, the nature of the procedure and the qualifications of the person to whom the duty is delegated. The dentist is ultimately responsible for the services performed in his office and this responsibility cannot be delegated. The Board therefore, in order to promote the welfare of the state and to protect the health and well-being of the people of this state, finds that it is necessary to adopt the following definitions and regulations.

NEW SECTION

WAC 308-38-110 DEFINITIONS. (1) "Dental Disciplinary Board" shall mean the board created by RCW 18.32.560.

(2) "Dental Examining Board" shall mean the board created by RCW 18.32.035.

(3) "Director" shall mean the director of the Department of Licensing.

(4) "Close Supervision" shall mean that a licensed dentist whose patient is being treated has personally diagnosed the condition to be treated and has personally authorized the procedures to be performed. A dentist shall be physically present in the treatment facility while the procedures are performed. Close supervision does not require a dentist to be physically present in the operator; however, an attending dentist must be in the treatment facility and be capable of responding immediately in the event of an emergency.

(5) "Treatment Facility" means a dental office or connecting suite of offices, dental clinic, room or area with equipment to provide dental treatment, or the immediately adjacent rooms or areas. A treatment facility does not extend to any other area of a building in which the treatment facility is located.

(6) "General Supervision" means supervision of dental procedures based on instructions given by a licensed dentist but not requiring the physical presence of the supervising dentist in the treatment facility during the performance of those procedures.

(7) "Unlicensed Person" means a person who is neither a dentist duly licensed pursuant to the provisions of chapter 18.32 RCW nor a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW.

(8) "Oral Prophylaxis" means the preventive dental procedure of scaling and polishing which includes complete removal of calculus, soft deposits, plaque, stains and the smoothing of unattached tooth surfaces. The objective of this treatment shall be creation of an environment

in which hard and soft tissues can be maintained in good health by the patient.

(9) "Coronal Polishing" means a procedure limited to the removal of plaque and stain from exposed tooth surfaces, utilizing an appropriate rotary instrument with rubber cap or brush and a polishing agent.

This procedure shall not be intended or interpreted as an oral prophylaxis as defined in WAC 308-38-110(8) a procedure specifically reserved to performance by a licensed dentist or dental hygienist. Coronal polishing may, however, be performed by dental assistants under close supervision as a portion of the oral prophylaxis. In all instances, however, a licensed dentist shall determine that the teeth need to be polished and are free of calculus or other extraneous material prior to performance of coronal polishing by a dental assistant.

(10) "Root Planing" means the process of instrumentation by which the unattached surfaces of the root are made smooth by the removal of calculus and/or deposits.

(11) "Periodontal Soft Tissue Curettage" means the closed removal of tissue lining the periodontal pocket, not involving the reflection of a flap.

(12) "Debridement at the Periodontal Surgical Site" means curettage and/or root planing after reflection of a flap by the supervising dentist. This does not include cutting of osseous tissues.

(13) "Luxation" is defined as an integral part of the surgical procedure of which the end result is extraction of a tooth. Luxation is not a distinct procedure in and of itself. It is the dislocation or displacement of a tooth or of the temporomandibular articulation.

(14) "Incising" is defined as part of the surgical procedure of which the end result is removal of oral tissue. Incising, or the making of an incision, is not a separate and distinct procedure in and of itself.

(15) "Elevating Soft Tissues" is defined as part of a surgical procedure involving the use of the periosteal elevator to raise flaps of soft tissues. Elevating soft tissue is not a separate and distinct procedure in and of itself.

(16) "Suturing" is defined as the readaption of soft tissues by means of stitches as a phase of an oral surgery procedure. Suturing is not a separate and distinct procedure in and of itself.

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

NEW SECTION

WAC 308-38-120 ACTS THAT MAY BE PERFORMED BY UNLICENSED PERSONS. A dentist may allow an unlicensed person to perform the following acts under the dentist's close supervision:

- (1) Examination when confined to oral inspection, with no diagnosis.
- (2) Patient education in oral hygiene.
- (3) Place and remove the rubber dam.
- (4) Hold in place and remove impression materials after the dentist has placed them.
- (5) Take impressions solely for diagnostic and opposing models.
- (6) Take impressions and wax bites solely for study casts.
- (7) Remove the excess cement after the dentist has placed a permanent or temporary inlay, crown, bridge or appliance, or around orthodontic bands.
- (8) Perform coronal polish.
- (9) Give fluoride treatments.
- (10) Place periodontal packs.
- (11) Remove periodontal packs or sutures.
- (12) Placement of a matrix and wedge for a silver restoration after the dentist has prepared the cavity.
- (13) Place a temporary filling (as ZOE) after diagnosis and examination by the dentist.
- (14) Apply tooth separators as for placement for Class III gold foil.
- (15) Fabricate, place, and remove temporary crowns or temporary bridges.
- (16) Pack and medicate extraction areas.
- (17) Deliver a sedative drug capsule to patient.
- (18) Place topical anesthetics.
- (19) Placement of retraction cord.
- (20) Polish restorations at a subsequent appointment.
- (21) Select denture shade and mold.
- (22) Acid etch.
- (23) Apply sealants.
- (24) Place dental x-ray film in the patient's mouth and expose and develop the films.
- (25) Take intra-oral and extra-oral photographs.

- (26) Take health histories.
- (27) Take and record blood pressure and vital signs.
- (28) Give preoperative and postoperative instructions.
- (29) Assist in the administration of nitrous oxide analgesia or sedation, but shall not start the administration of the gases and shall not adjust the flow of the gases unless instructed to do so by the dentist. Patients must never be left unattended while nitrous oxide-oxygen analgesia or sedation is administered to them. The dentist must be present at chairside during the entire administration of nitrous oxide and oxygen analgesia or sedation if any other central nervous system depressant has been given to the patient. This regulation shall not be construed to prevent any person from taking appropriate action in the event of a medical emergency.
- (30) Select orthodontic bands for size.
- (31) Place and remove orthodontic separators.
- (32) Prepare teeth for the bonding or orthodontic appliances.
- (33) Fit and adjust headgear.
- (34) Remove fixed orthodontic appliances.
- (35) Remove and replace archwires and orthodontic wires.
- (36) Take a facebow transfer for mounting study casts.

NEW SECTION

WAC 308-38-130 ACTS THAT MAY NOT BE PERFORMED BY UNLICENSED PERSONS: No dentist shall allow an unlicensed person who is in his or her employ or is acting under his or her supervision or direction to perform any of the following procedures. (1) Any removal of or addition to the hard or soft natural tissue of the oral cavity.

- (2) Any placing of permanent or semi-permanent restorations in natural teeth.
- (3) Any diagnosis of or prescription for treatment of disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws, or adjacent structure.
- (4) Any administration of general or injected local anesthetic of any nature in connection with a dental operation.
- (5) Any oral prophylaxis.

NEW SECTION

WAC 308-38-140 ACTS THAT MAY BE PERFORMED BY LICENSED DENTAL HYGIENISTS UNDER GENERAL SUPERVISION. A dentist may allow a dental hygienist duly licensed pursuant to the provision of chapter 18.29 RCW to perform the following acts under the dentist's general supervision:

- (1) Examination, including measuring periodontal pockets, when confined to oral inspection, with not diagnosis.
- (2) Patient education in oral hygiene.
- (3) Take intra-oral and extra-oral radiographs.
- (4) Apply topical preventive or prophylactic agents.
- (5) Polish and smooth restorations.
- (6) Perform oral prophylaxis, the removing of deposits and stains from the surface of the teeth.
- (7) Perform root planing.
- (8) Perform subgingival and supragingival scaling with an ultrasonic scaling device or conventional manual instrumentation.
- (9) Apply sealants.
- (10) Take health histories.
- (11) Take and record blood pressure and vital signs.

NEW SECTION

WAC 308-38-150 ACTS THAT MAY BE PERFORMED BY LICENSED DENTAL HYGIENISTS UNDER CLOSE SUPERVISION. In addition to the acts performed under section WAC 308-38-120, a dentist may allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW to perform the following acts under the dentist's close supervision:

- (1) Perform soft-tissue curettage.
- (2) Give injections of a local anesthetic.
- (3) Place restorations into the cavity prepared by the dentist, and thereafter could carve, contour, and adjust contacts and occlusion of the restoration.
- (4) Administer nitrous oxide analgesia.

NEW SECTION

WAC 308-38-160 ACTS THAT MAY NOT BE PERFORMED BY DENTAL HYGIENISTS. No dentist shall allow a dental hygienist duly licensed pursuant to the provisions of chapter 18.29 RCW who is in his or her employ or is acting under his or her supervision or direction to perform any of the following procedures:

- (1) Any surgical removal or tissue of the oral cavity, except for soft-tissue curettage, as defined in WAC 308-38-110(11).
- (2) Any prescription of drugs or medications requiring the written order or prescription of a licensed dentist or physician.
- (3) Any diagnosis for treatment or treatment planning.
- (4) The taking of any impression of the teeth or jaw, or the relationship of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliances, or prosthesis. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.
- (5) Any scaling procedure.
- (6) The taking of any impressions of the teeth or jaws, or the relationships of the teeth or jaws, for the purpose of fabricating any intra-oral restoration, appliances, or prosthesis. Not prohibited are the taking of impressions solely for diagnostic and opposing models or taking wax bites solely for study casts.
- (7) Intra-orally adjust occlusal of inlays, crowns, and bridges.
- (8) Intra-orally finish margins of inlays, crowns, and bridges.
- (9) Cement or recement, permanently, any cast restoration or stainless steel crown.
- (10) Incise gingiva or other soft tissue.
- (11) Elevate soft tissue flap.
- (12) Luxate teeth.
- (13) Curette to sever epithelial attachment.
- (14) Suture.
- (15) Establish occlusal vertical dimension for dentures.
- (16) Try-in of dentures set in wax.
- (17) Insertion and post-insertion adjustments of dentures.
- (18) Endodontic treatment—open, extirpate, pulp, ream and file canals, establish length of tooth, and fill root canal.

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.

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
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- 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	16-316-315	AMD-P	81-08-059	82-28-080	AMD-P	81-09-010
16-54-001	REP	81-10-047	16-316-315	AMD-E	81-08-062	82-28-080	AMD	81-10-020
16-54-004	REP-P	81-07-055	16-316-326	AMD-P	81-08-059	82-28-080	AMD-E	81-10-051
16-54-004	REP	81-10-047	16-316-440	AMD-P	81-08-056	82-28-230	AMD-E	81-10-051
16-54-071	AMD-P	81-07-055	16-316-660	AMD-P	81-08-058	98-12-020	NEW-P	81-02-055
16-54-071	AMD	81-10-047	16-316-790	AMD-P	81-08-054	98-12-020	NEW	81-07-013
16-54-082	AMD-P	81-07-055	16-316-800	AMD-P	81-08-054	98-16-010	NEW-P	81-02-055
16-54-082	AMD	81-10-047	16-316-820	AMD-P	81-08-054	98-16-010	NEW	81-07-013
16-86-015	AMD-P	81-07-054	16-316-840	AMD	81-09-003	98-16-020	NEW-P	81-02-055
16-86-015	AMD	81-10-048	16-608-001	NEW	81-05-010	98-16-020	NEW	81-07-013
16-86-095	REP-E	81-04-025	16-608-010	NEW	81-05-010	98-16-030	NEW-P	81-02-055
16-86-095	AMD-P	81-07-054	16-608-020	NEW	81-05-010	98-16-030	NEW	81-07-013
16-86-095	AMD	81-10-049	16-750-010	AMD-P	81-02-041	98-20-010	NEW-P	81-02-055
16-86-095	REP-E	81-10-050	16-750-010	AMD	81-07-039	98-20-010	NEW	81-07-013
16-230-660	AMD-E	81-08-036	34-02-010	NEW-P	81-04-068	106-116-042	AMD-P	81-04-050
16-230-670	AMD-E	81-08-036	34-02-020	NEW-P	81-04-068	106-116-042	AMD	81-08-010
16-230-675	AMD-E	81-08-036	34-02-030	NEW-P	81-04-068	106-116-050	AMD-P	81-04-050
16-231-020	AMD-P	81-02-047	34-04-010	NEW-P	81-04-068	106-116-050	AMD	81-08-010
16-231-020	AMD-W	81-03-067	34-04-020	NEW-P	81-04-068	106-116-102	AMD-P	81-04-050
16-231-020	AMD-P	81-03-070	34-04-030	NEW-P	81-04-068	106-116-102	AMD	81-08-010
16-231-025	AMD-P	81-02-047	34-04-040	NEW-P	81-04-068	106-116-201	AMD-P	81-04-050
16-231-025	AMD-W	81-03-067	34-04-050	NEW-P	81-04-068	106-116-201	AMD	81-08-010
16-231-025	AMD-P	81-03-070	34-04-060	NEW-P	81-04-068	106-116-204	AMD-P	81-04-050
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16-231-115	AMD-W	81-03-065	34-04-090	NEW-P	81-04-068	106-116-205	AMD	81-08-010
16-231-115	AMD-P	81-03-068	34-04-100	NEW-P	81-04-068	106-116-304	AMD-P	81-04-050
16-231-115	AMD-E	81-07-042	34-04-110	NEW-P	81-04-068	106-116-304	AMD	81-08-010
16-231-115	AMD	81-07-044	34-04-120	NEW-P	81-04-068	106-116-305	AMD-P	81-04-050
16-231-120	AMD-P	81-02-045	34-06-010	NEW-P	81-04-068	106-116-305	AMD	81-08-010
16-231-120	AMD-W	81-03-065	36-12-110	AMD	81-05-005	106-116-306	AMD-P	81-04-050
16-231-120	AMD-P	81-03-068	36-12-190	AMD	81-05-005	106-116-306	AMD	81-08-010
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16-231-120	AMD	81-07-044	36-12-250	AMD	81-05-005	106-116-403	AMD	81-08-010
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16-231-125	AMD-W	81-03-065	36-12-270	AMD	81-05-005	106-116-513	AMD	81-08-010
16-231-125	AMD-P	81-03-068	36-12-480	AMD	81-05-005	106-116-514	AMD-P	81-04-050
16-231-125	AMD-E	81-07-042	67-32-150	AMD-P	81-03-049	106-116-514	AMD	81-08-010
16-231-125	AMD	81-07-044	67-32-150	AMD	81-07-001	106-116-515	AMD-P	81-04-050
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16-231-130	AMD-W	81-03-065	67-32-310	AMD-P	81-03-049	106-116-521	AMD-P	81-04-050
16-231-130	AMD-P	81-03-068	67-32-310	AMD	81-07-001	106-116-521	AMD	81-08-010
16-231-140	AMD-E	81-07-042	67-32-910	AMD-P	81-03-049	106-116-603	AMD-P	81-04-050
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16-232-010	AMD-W	81-03-066	82-24-130	AMD-P	81-07-056	106-116-901	AMD-P	81-04-050
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16-232-010	AMD-E	81-07-040	82-28-050	AMD-P	81-06-073	113-12-200	NEW-P	81-04-020
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16-232-045	NEW-E	81-07-040	82-28-06001	AMD-P	81-09-010	114-12-020	REP	81-05-004
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132B-12-300	REP	81-10-008	132F-136-020	AMD-P	81-10-064	132M-115-040	NEW-P	81-10-054
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132B-12-333	REP	81-10-008	132J-116-060	AMD-P	81-09-062	132M-136-075	NEW-W	81-04-026
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132B-12-348	REP	81-10-008	132L-26-030	AMD	81-03-036	132M-150-009	REP-P	81-10-054
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132B-12-351	REP	81-10-008	132L-26-040	AMD-P	81-08-041	132M-150-012	REP-P	81-10-054
132B-12-354	REP-P	81-04-005	132L-26-050	AMD	81-03-036	132M-150-015	REP-W	81-04-026
132B-12-354	REP	81-10-008	132L-26-060	AMD-P	81-08-041	132M-150-015	REP-P	81-10-054
132B-12-357	REP-P	81-04-005	132L-26-075	AMD-P	81-08-041	132M-150-018	REP-W	81-04-026
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132B-12-360	REP	81-10-008	132L-112-280	AMD	81-03-037	132M-150-021	REP-P	81-10-054
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132F-104-810	AMD-P	81-07-008	132M-113-025	NEW-P	81-10-054	132M-150-048	REP-W	81-04-026
132F-104-810	AMD-P	81-10-062	132M-113-030	NEW-W	81-04-026	132M-150-048	REP-P	81-10-054
132F-104-811	AMD-P	81-07-008	132M-113-030	NEW-P	81-10-054	132M-150-051	REP-W	81-04-026
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132V-22-010	AMD	81-08-002	172-120-080	AMD	81-06-023	180-55-020	NEW-P	81-04-044
132V-22-020	AMD-E	81-03-047	172-120-090	AMD	81-06-023	180-55-020	NEW	81-08-027
132V-22-020	AMD-P	81-03-061	172-120-100	AMD	81-06-023	180-55-025	NEW-P	81-04-044
132V-22-020	AMD	81-08-002	172-120-110	AMD	81-06-023	180-55-025	NEW	81-08-027
132V-22-030	AMD-E	81-03-047	172-120-120	AMD	81-06-023	180-55-030	NEW-P	81-04-044
132V-22-030	AMD-P	81-03-061	172-120-130	AMD	81-06-023	180-55-030	NEW	81-08-027
132V-22-030	AMD	81-08-002	172-120-140	AMD	81-06-023	180-55-035	NEW-P	81-04-044
132V-22-040	AMD-E	81-03-047	173-06-065	NEW-P	81-06-048	180-55-035	NEW	81-08-027
132V-22-040	AMD-P	81-03-061	173-06-065	NEW-E	81-06-049	180-55-040	NEW-P	81-04-044
132V-22-040	AMD	81-08-002	173-06-065	NEW	81-09-056	180-55-040	NEW	81-08-027
132V-22-050	AMD-E	81-03-047	173-14-140	AMD	81-04-027	180-55-045	NEW-P	81-04-044
132V-22-050	AMD-P	81-03-061	173-14-150	AMD	81-04-027	180-55-045	NEW	81-08-027
132V-22-050	AMD	81-08-002	173-14-155	NEW	81-04-027	180-55-050	NEW-P	81-04-044
132V-22-060	AMD-E	81-03-047	173-14-180	AMD	81-04-027	180-55-050	NEW	81-08-027
132V-22-060	AMD-P	81-03-061	173-14-190	REP	81-04-027	180-55-055	NEW-P	81-04-044
132V-22-060	AMD	81-08-002	173-19-210	AMD-W	81-04-065	180-55-055	NEW	81-08-027
132V-22-100	AMD-E	81-03-047	173-19-210	AMD-P	81-09-079	180-55-060	NEW-P	81-04-044
132V-22-100	AMD-P	81-03-061	173-19-2503	AMD-P	81-08-071	180-55-060	NEW	81-08-027
132V-22-100	AMD	81-08-002	173-19-2511	AMD-W	81-08-004	180-55-065	NEW-P	81-04-044
132V-22-200	AMD-E	81-03-047	173-19-2515	AMD-W	81-08-004	180-55-065	NEW	81-08-027
132V-22-200	AMD-P	81-03-061	173-19-2515	AMD-P	81-08-071	180-55-070	NEW-P	81-04-044
132V-22-200	AMD	81-08-002	173-19-2521	AMD-P	81-02-050	180-55-070	NEW	81-08-027
139-14-010	AMD-P	81-10-030	173-19-2521	AMD	81-06-051	180-55-075	NEW-P	81-04-044
139-24-010	REP	81-04-014	173-19-2521	AMD-P	81-08-071	180-55-075	NEW	81-08-027
139-32-010	AMD-P	81-10-031	173-19-2604	AMD-P	81-09-080	180-55-080	NEW-P	81-04-044
143-06-010	AMD-P	81-03-034	173-19-3506	AMD-W	81-08-004	180-55-080	NEW	81-08-027
143-06-010	AMD	81-07-004	173-19-3514	AMD-P	81-03-080	180-55-085	NEW-P	81-04-044
143-06-020	AMD-P	81-03-034	173-19-3514	AMD	81-08-005	180-55-085	NEW	81-08-027
143-06-020	AMD	81-07-004	173-19-360	AMD-P	81-05-034	180-55-090	NEW-P	81-04-044
143-06-030	AMD-P	81-03-034	173-19-360	AMD-P	81-09-019	180-55-090	NEW	81-08-027
143-06-030	AMD	81-07-004	173-19-360	AMD	81-09-057	180-55-095	NEW-P	81-04-044
143-06-040	AMD-P	81-03-034	173-19-370	AMD-W	81-08-004	180-55-095	NEW	81-08-027
143-06-040	AMD	81-07-004	173-19-3701	AMD-P	81-09-081	180-55-100	NEW-P	81-04-044
143-06-050	AMD-P	81-03-034	173-19-400	AMD-P	81-02-050	180-55-100	NEW	81-08-027
143-06-050	AMD	81-07-004	173-19-400	AMD	81-06-052	180-55-105	NEW-P	81-04-044
143-06-060	AMD-P	81-03-034	173-19-430	AMD-P	81-08-070	180-55-105	NEW	81-08-027
143-06-060	AMD	81-07-004	173-19-470	AMD-P	81-02-051	180-55-110	NEW-P	81-04-044
143-06-070	AMD-P	81-03-034	173-19-470	AMD	81-06-050	180-55-110	NEW	81-08-027
143-06-070	AMD	81-07-004	173-20-380	AMD-P	81-09-078	180-55-115	NEW-P	81-04-044
143-06-080	AMD-P	81-03-034	173-22-060	AMD-P	81-09-077	180-55-115	NEW	81-08-027
143-06-080	AMD	81-07-004	173-164-050	AMD-P	81-04-067	180-55-120	NEW-P	81-04-044
143-06-090	AMD-P	81-03-034	173-164-050	AMD	81-07-037	180-55-120	NEW	81-08-027
143-06-090	AMD	81-07-004	173-400-110	AMD	81-03-002	180-55-125	NEW-P	81-04-044
143-06-100	AMD-P	81-03-034	173-490-020	AMD	81-03-003	180-55-125	NEW	81-08-027
143-06-100	AMD	81-07-004	173-490-040	AMD	81-03-003	180-55-130	NEW-P	81-04-044
143-06-110	AMD-P	81-03-034	173-490-203	AMD	81-03-003	180-55-130	NEW	81-08-027
143-06-110	AMD	81-07-004	173-511-010	NEW	81-04-028	180-55-135	NEW-P	81-04-044
143-06-120	AMD-P	81-03-034	173-511-020	NEW	81-04-028	180-55-135	NEW	81-08-027
143-06-120	AMD	81-07-004	173-511-030	NEW	81-04-028	180-56-305	REP-P	81-04-045
143-06-130	AMD-P	81-03-034	173-511-040	NEW	81-04-028	180-56-305	REP	81-08-028
143-06-130	AMD	81-07-004	173-511-050	NEW	81-04-028	180-56-306	REP-P	81-04-045
143-06-140	AMD-P	81-03-034	173-511-060	NEW	81-04-028	180-56-306	REP	81-08-028
143-06-140	AMD	81-07-004	173-511-070	NEW	81-04-028	180-56-307	REP-P	81-04-045
143-06-150	AMD-P	81-03-034	173-511-080	NEW	81-04-028	180-56-307	REP	81-08-028
143-06-150	AMD	81-07-004	173-511-090	NEW	81-04-028	180-56-310	REP-P	81-04-045

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-56-310	REP	81-08-028	212-10-015	NEW	81-04-058	212-55-060	NEW-P	81-03-051
180-56-315	REP-P	81-04-045	212-10-020	NEW	81-04-058	212-55-065	NEW-P	81-03-051
180-56-315	REP	81-08-028	212-10-025	NEW	81-04-058	212-55-070	NEW-P	81-03-051
180-56-320	REP-P	81-04-045	212-10-030	NEW	81-04-058	212-55-075	NEW-P	81-03-051
180-56-320	REP	81-08-028	212-10-035	NEW	81-04-058	212-55-080	NEW-P	81-03-051
180-56-325	REP-P	81-04-045	212-10-040	NEW	81-04-058	212-55-085	NEW-P	81-03-051
180-56-325	REP	81-08-028	212-10-045	NEW	81-04-058	212-55-090	NEW-P	81-03-051
180-56-330	REP-P	81-04-045	212-10-050	NEW	81-04-058	212-55-095	NEW-P	81-03-051
180-56-330	REP	81-08-028	212-10-055	NEW	81-04-058	212-56	REP-P	81-06-022
180-56-335	REP-P	81-04-045	212-10-060	NEW	81-04-058	212-56	REP-P	81-08-017
180-56-335	REP	81-08-028	212-52-001	AMD	81-03-081	212-56-001	REP-P	81-03-051
180-56-340	REP-P	81-04-045	212-52-005	AMD	81-03-081	212-56-005	REP-P	81-03-051
180-56-340	REP	81-08-028	212-52-010	REP	81-03-081	212-56-010	REP-P	81-03-051
180-56-345	REP-P	81-04-045	212-52-012	NEW	81-03-081	212-56-015	REP-P	81-03-051
180-56-345	REP	81-08-028	212-52-015	REP	81-03-081	212-56-020	REP-P	81-03-051
180-56-350	REP-P	81-04-045	212-52-020	AMD	81-03-081	212-56-025	REP-P	81-03-051
180-56-350	REP	81-08-028	212-52-025	AMD	81-03-081	212-56-030	REP-P	81-03-051
180-56-355	REP-P	81-04-045	212-52-027	NEW	81-03-081	212-56-035	REP-P	81-03-051
180-56-355	REP	81-08-028	212-52-035	REP	81-03-081	212-56-040	REP-P	81-03-051
180-56-360	REP-P	81-04-045	212-52-037	NEW	81-03-081	212-56-045	REP-P	81-03-051
180-56-360	REP	81-08-028	212-52-040	AMD	81-03-081	212-56-050	REP-P	81-03-051
180-56-365	REP-P	81-04-045	212-52-045	AMD	81-03-081	212-56-055	REP-P	81-03-051
180-56-365	REP	81-08-028	212-52-050	AMD	81-03-081	212-56-060	REP-P	81-03-051
180-56-370	REP-P	81-04-045	212-52-055	AMD	81-03-081	212-56-065	REP-P	81-03-051
180-56-370	REP	81-08-028	212-52-060	AMD	81-03-081	212-57	REP-P	81-06-022
180-56-375	REP-P	81-04-045	212-52-065	AMD	81-03-081	212-57	REP-P	81-08-017
180-56-375	REP	81-08-028	212-52-070	AMD	81-03-081	212-57-001	REP-P	81-03-051
180-56-380	REP-P	81-04-045	212-52-075	AMD	81-03-081	212-57-005	REP-P	81-03-051
180-56-380	REP	81-08-028	212-52-080	AMD	81-03-081	212-57-010	REP-P	81-03-051
180-75-070	AMD-P	81-08-051	212-52-090	AMD	81-03-081	212-57-015	REP-P	81-03-051
180-78-025	AMD-P	81-08-052	212-52-095	AMD	81-03-081	212-57-020	REP-P	81-03-051
180-78-027	NEW-P	81-08-052	212-52-100	AMD	81-03-081	212-57-025	REP-P	81-03-051
180-78-050	AMD-P	81-08-052	212-52-105	AMD	81-03-081	212-57-030	REP-P	81-03-051
180-78-057	NEW-P	81-08-052	212-52-110	AMD	81-03-081	212-57-035	REP-P	81-03-051
180-79-065	AMD-P	81-08-053	212-52-115	AMD	81-03-081	212-57-040	REP-P	81-03-051
180-79-120	AMD-P	81-08-053	212-52-120	AMD	81-03-081	212-57-045	REP-P	81-03-051
180-79-125	AMD-P	81-08-053	212-52-125	AMD	81-03-081	212-57-050	REP-P	81-03-051
180-79-150	AMD-P	81-08-053	212-54	NEW-P	81-06-022	212-57-055	REP-P	81-03-051
180-79-230	AMD-P	81-08-053	212-54	NEW-P	81-08-017	212-57-060	REP-P	81-03-051
180-79-245	AMD-P	81-08-053	212-54-001	NEW-P	81-03-051	212-57-065	REP-P	81-03-051
182-08-111	AMD	81-03-014	212-54-005	NEW-P	81-03-051	212-57-070	REP-P	81-03-051
182-08-300	NEW	81-03-014	212-54-010	NEW-P	81-03-051	212-58	REP-P	81-06-022
192-16-030	NEW-E	81-09-067	212-54-015	NEW-P	81-03-051	212-58	REP-P	81-08-017
192-16-030	NEW-P	81-10-065	212-54-020	NEW-P	81-03-051	212-58-001	REP-P	81-03-051
192-16-033	NEW-E	81-09-067	212-54-025	NEW-P	81-03-051	212-58-005	REP-P	81-03-051
192-16-033	NEW-P	81-10-065	212-54-030	NEW-P	81-03-051	212-58-010	REP-P	81-03-051
192-16-036	NEW-E	81-09-067	212-54-035	NEW-P	81-03-051	212-58-015	REP-P	81-03-051
192-16-036	NEW-P	81-10-065	212-54-040	NEW-P	81-03-051	212-58-020	REP-P	81-03-051
192-16-040	NEW-E	81-09-067	212-54-045	NEW-P	81-03-051	212-58-025	REP-P	81-03-051
192-16-040	NEW-P	81-10-065	212-54-050	NEW-P	81-03-051	212-58-030	REP-P	81-03-051
192-16-042	NEW-E	81-09-067	212-54-055	NEW-P	81-03-051	212-58-035	REP-P	81-03-051
192-16-042	NEW-P	81-10-065	212-54-060	NEW-P	81-03-051	212-58-040	REP-P	81-03-051
192-16-045	NEW-E	81-09-067	212-54-065	NEW-P	81-03-051	212-58-045	REP-P	81-03-051
192-16-045	NEW-P	81-10-065	212-54-070	NEW-P	81-03-051	212-58-050	REP-P	81-03-051
192-16-047	NEW-E	81-09-067	212-54-075	NEW-P	81-03-051	212-58-055	REP-P	81-03-051
192-16-047	NEW-P	81-10-065	212-54-080	NEW-P	81-03-051	212-58-060	REP-P	81-03-051
204-24	AMD-P	81-10-001	212-54-085	NEW-P	81-03-051	212-58-065	REP-P	81-03-051
204-24-050	AMD-E	81-06-036	212-54-090	NEW-P	81-03-051	212-58-070	REP-P	81-03-051
204-24-050	AMD	81-10-038	212-54-095	NEW-P	81-03-051	212-59	REP-P	81-06-022
204-36-060	AMD	81-04-043	212-54-100	NEW-P	81-03-051	212-59	REP-P	81-08-017
204-38	AMD-P	81-10-001	212-55	NEW-P	81-06-022	212-59-001	REP-P	81-03-051
204-38-030	AMD-E	81-04-039	212-55	NEW-P	81-08-017	212-59-005	REP-P	81-03-051
204-38-030	AMD-P	81-04-041	212-55-001	NEW-P	81-03-051	212-59-010	REP-P	81-03-051
204-38-030	AMD	81-10-038	212-55-005	NEW-P	81-03-051	212-59-015	REP-P	81-03-051
204-38-040	AMD-E	81-04-039	212-55-010	NEW-P	81-03-051	212-59-020	REP-P	81-03-051
204-38-040	AMD-P	81-04-041	212-55-015	NEW-P	81-03-051	212-59-025	REP-P	81-03-051
204-38-040	AMD	81-10-038	212-55-020	NEW-P	81-03-051	212-59-030	REP-P	81-03-051
204-38-050	AMD-E	81-04-039	212-55-025	NEW-P	81-03-051	212-59-035	REP-P	81-03-051
204-38-050	AMD-P	81-04-041	212-55-030	NEW-P	81-03-051	212-59-040	REP-P	81-03-051
204-38-050	AMD	81-10-038	212-55-035	NEW-P	81-03-051	212-59-045	REP-P	81-03-051
204-66	AMD-P	81-10-001	212-55-040	NEW-P	81-03-051	212-59-050	REP-P	81-03-051
204-66-180	AMD-P	81-04-040	212-55-045	NEW-P	81-03-051	212-59-055	REP-P	81-03-051
204-66-180	AMD	81-10-038	212-55-050	NEW-P	81-03-051	212-59-060	REP-P	81-03-051
212-10-010	NEW	81-04-058	212-55-055	NEW-P	81-03-051	212-59-065	REP-P	81-03-051

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
212-60	REP-P	81-06-022	212-64-025	AMD-P	81-03-051	220-32-03600H	NEW-E	81-06-019
212-60	REP-P	81-08-017	212-64-030	AMD-P	81-03-051	220-32-04000K	NEW-E	81-03-044
212-60-001	REP-P	81-03-051	212-64-033	NEW-P	81-03-051	220-32-04200D	NEW-E	81-03-043
212-60-005	REP-P	81-03-051	212-64-035	AMD-P	81-03-051	220-32-05100Q	NEW-E	81-04-003
212-60-010	REP-P	81-03-051	212-64-037	NEW-P	81-03-051	220-32-05500C	NEW-E	81-10-007
212-60-015	REP-P	81-03-051	212-64-039	NEW-P	81-03-051	220-32-05700I	NEW-E	81-03-044
212-60-020	REP-P	81-03-051	212-64-040	AMD-P	81-03-051	220-32-05900A	NEW-E	81-09-007
212-60-025	REP-P	81-03-051	212-64-043	NEW-P	81-03-051	220-36-021	AMD-P	81-09-082
212-60-030	REP-P	81-03-051	212-64-045	AMD-P	81-03-051	220-36-022	AMD-P	81-09-082
212-60-035	REP-P	81-03-051	212-64-050	AMD-P	81-03-051	220-36-024	AMD-P	81-09-082
212-60-040	REP-P	81-03-051	212-64-055	AMD-P	81-03-051	220-40-021	AMD-P	81-09-082
212-60-045	REP-P	81-03-051	212-64-060	AMD-P	81-03-051	220-40-022	AMD-P	81-09-082
212-60-050	REP-P	81-03-051	212-64-065	AMD-P	81-03-051	220-40-024	AMD-P	81-09-082
212-60-055	REP-P	81-03-051	212-64-067	NEW-P	81-03-051	220-44-030	AMD	81-02-053
212-60-060	REP-P	81-03-051	212-64-068	NEW-P	81-03-051	220-44-040	AMD	81-02-053
212-60-065	REP-P	81-03-051	212-64-069	NEW-P	81-03-051	220-48-080	AMD	81-02-053
212-60-070	REP-P	81-03-051	212-64-070	AMD-P	81-03-051	220-48-09001	NEW	81-02-053
212-61	REP-P	81-06-022	212-65	NEW-P	81-06-022	220-48-091	AMD	81-02-053
212-61	REP-P	81-08-017	212-65	NEW-P	81-08-017	220-48-09100C	NEW-E	81-03-031
212-61-001	REP-P	81-03-051	212-65-001	NEW-P	81-03-051	220-48-092	AMD	81-02-053
212-61-005	REP-P	81-03-051	212-65-005	NEW-P	81-03-051	220-48-096	AMD	81-02-053
212-61-010	REP-P	81-03-051	212-65-010	NEW-P	81-03-051	220-48-098	AMD	81-02-053
212-61-015	REP-P	81-03-051	212-65-015	NEW-P	81-03-051	220-48-100	AMD	81-02-053
212-61-020	REP-P	81-03-051	212-65-020	NEW-P	81-03-051	220-49-02000B	REP-E	81-03-030
212-61-025	REP-P	81-03-051	212-65-025	NEW-P	81-03-051	220-49-02000C	NEW-E	81-03-030
212-61-030	REP-P	81-03-051	212-65-030	NEW-P	81-03-051	220-49-02000C	REP-E	81-09-053
212-61-035	REP-P	81-03-051	212-65-035	NEW-P	81-03-051	220-49-02000D	NEW-E	81-05-023
212-61-040	REP-P	81-03-051	212-65-040	NEW-P	81-03-051	220-49-02000D	REP-E	81-09-053
212-61-045	REP-P	81-03-051	212-65-045	NEW-P	81-03-051	220-49-02000E	NEW-E	81-09-053
212-61-050	REP-P	81-03-051	212-65-050	NEW-P	81-03-051	220-49-022	AMD	81-02-053
212-61-055	REP-P	81-03-051	212-65-055	NEW-P	81-03-051	220-49-023	AMD	81-02-053
212-61-060	REP-P	81-03-051	212-65-060	NEW-P	81-03-051	220-52-019	AMD-P	81-07-016
212-61-065	REP-P	81-03-051	212-65-065	NEW-P	81-03-051	220-52-01900F	NEW-E	81-08-006
212-62	REP-P	81-06-022	212-65-070	NEW-P	81-03-051	220-52-05300H	NEW-E	81-04-060
212-62	REP-P	81-08-017	212-65-075	NEW-P	81-03-051	220-52-05300H	REP-E	81-08-031
212-62-001	REP-P	81-03-051	212-65-080	NEW-P	81-03-051	220-52-05300I	NEW-E	81-10-029
212-62-005	REP-P	81-03-051	212-65-085	NEW-P	81-03-051	220-52-071	AMD-P	81-07-016
212-62-010	REP-P	81-03-051	212-65-090	NEW-P	81-03-051	220-52-07100A	NEW-E	81-08-006
212-62-015	REP-P	81-03-051	212-65-095	NEW-P	81-03-051	220-52-075	AMD-P	81-07-016
212-62-020	REP-P	81-03-051	212-65-100	NEW-P	81-03-051	220-52-07500C	NEW-E	81-05-006
212-62-025	REP-P	81-03-051	220-20-010	AMD	81-02-053	220-56-105	AMD	81-05-027
212-62-030	REP-P	81-03-051	220-20-012	AMD	81-02-053	220-56-131	NEW	81-05-027
212-62-035	REP-P	81-03-051	220-22-020	AMD-P	81-09-082	220-56-135	AMD	81-05-027
212-62-040	REP-P	81-03-051	220-28-002FOA	NEW-E	81-06-028	220-56-16000I	NEW-E	81-06-027
212-62-045	REP-P	81-03-051	220-28-00400L	NEW-E	81-02-052	220-56-19000D	NEW-E	81-10-041
212-62-050	REP-P	81-03-051	220-28-00400M	NEW-E	81-09-006	220-56-205	AMD	81-05-027
212-62-055	REP-P	81-03-051	220-28-00400M	REP-E	81-09-035	220-56-225	AMD	81-05-027
212-62-060	REP-P	81-03-051	220-28-00400N	NEW-E	81-09-035	220-56-285	AMD	81-05-027
212-62-065	REP-P	81-03-051	220-28-00400N	REP-E	81-10-042	220-56-295	AMD	81-05-027
212-62-070	REP-P	81-03-051	220-48-00400P	NEW-E	81-10-042	220-56-315	AMD	81-05-027
212-63	REP-P	81-06-022	220-28-004BOS	NEW-E	81-09-035	220-56-320	AMD	81-05-027
212-63	REP-P	81-08-017	220-28-00500W	NEW-E	81-09-035	220-56-32500B	NEW-E	81-10-029
212-63-001	REP-P	81-03-051	220-28-00600U	NEW-E	81-09-035	220-56-340	AMD	81-05-027
212-63-005	REP-P	81-03-051	220-28-006A0S	NEW-E	81-09-035	220-56-350	AMD	81-05-027
212-63-010	REP-P	81-03-051	220-28-006C0N	NEW-E	81-09-035	220-56-365	AMD	81-05-027
212-63-015	REP-P	81-03-051	220-28-00700N	NEW-E	81-09-035	220-56-380	AMD	81-05-027
212-63-020	REP-P	81-03-051	220-28-007A0M	NEW-E	81-09-035	220-57-137	AMD	81-05-027
212-63-025	REP-P	81-03-051	220-28-007B0S	NEW-E	81-09-035	220-57-138	NEW	81-05-027
212-63-030	REP-P	81-03-051	220-28-007C0Y	NEW-E	81-09-035	220-57-140	AMD	81-05-027
212-63-035	REP-P	81-03-051	220-28-007D0A	NEW-E	81-09-035	220-57-150	AMD	81-05-027
212-63-040	REP-P	81-03-051	220-28-007F0M	NEW-E	81-09-035	220-57-155	AMD	81-05-027
212-63-045	REP-P	81-03-051	220-28-00800D	NEW-E	81-09-035	220-57-160	AMD	81-05-027
212-63-050	REP-P	81-03-051	220-28-008F0M	REP-E	81-02-037	220-57-16000J	NEW-E	81-10-028
212-63-055	REP-P	81-03-051	220-28-008F0N	NEW-E	81-09-035	220-57-17500F	NEW-E	81-10-057
212-63-060	REP-P	81-03-051	220-28-011A0L	NEW-E	81-09-035	220-57-185	AMD	81-05-027
212-63-065	REP-P	81-03-051	220-28-011F0L	NEW-E	81-09-035	220-57-205	AMD	81-05-027
212-63-070	REP-P	81-03-051	220-28-011G0G	NEW-E	81-09-035	220-57-210	AMD	81-05-027
212-64	AMD-P	81-06-022	220-28-0112F0G	NEW-E	81-02-052	220-57-215	AMD	81-05-027
212-64	AMD-P	81-08-017	220-28-01300U	NEW-E	81-03-035	220-57-220	AMD	81-05-027
212-64-001	AMD-P	81-03-051	220-28-013A0E	NEW-E	81-09-035	220-57-225	AMD	81-05-027
212-64-005	AMD-P	81-03-051	220-28-013F0A	NEW-E	81-09-035	220-57-230	AMD	81-05-027
212-64-010	REP-P	81-03-051	220-28-013G0H	NEW-E	81-03-035	220-57-235	AMD	81-05-027
212-64-015	AMD-P	81-03-051	220-32-02200E	NEW-E	81-03-044	220-57-240	AMD	81-05-027
212-64-020	AMD-P	81-03-051	220-32-03000B	NEW-E	81-04-003	220-57-255	AMD	81-05-027

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220-57-265	AMD	81-05-027	230-04-145	NEW-P	81-04-072	232-12-130	REP-P	81-08-064
220-57-270	AMD	81-05-027	230-04-147	NEW-P	81-04-072	232-12-131	NEW-P	81-08-064
220-57-275	AMD	81-05-027	230-04-190	AMD	81-03-045	232-12-134	NEW-P	81-08-064
220-57-300	AMD	81-05-027	230-04-200	AMD	81-03-045	232-12-135	REP-P	81-08-064
220-57-310	AMD	81-05-027	230-04-200	AMD-P	81-04-072	232-12-137	NEW-P	81-08-064
220-57-315	AMD	81-05-027	230-04-200	AMD-P	81-06-074	232-12-140	REP-P	81-08-064
220-57-31500B	NEW-E	81-09-007	230-04-200	AMD-P	81-09-021	232-12-141	NEW-P	81-08-064
220-57-319	AMD	81-05-027	230-04-200	AMD-P	81-10-071	232-12-144	NEW-P	81-08-064
220-57-325	AMD	81-05-027	230-04-203	NEW-P	81-06-074	232-12-147	NEW-P	81-08-064
220-57-345	AMD	81-05-027	230-04-203	NEW-P	81-09-021	232-12-150	REP-P	81-08-064
220-57-350	AMD	81-05-027	230-04-204	NEW-P	81-06-074	232-12-151	NEW-P	81-08-064
220-57-370	AMD	81-05-027	230-04-204	NEW-P	81-09-021	232-12-154	NEW-P	81-08-064
220-57-375	AMD	81-05-027	230-04-206	NEW-P	81-06-074	232-12-157	NEW-P	81-08-064
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220-57-405	AMD	81-05-027	230-30-015	AMD-P	81-04-072	232-12-161	NEW-P	81-08-064
220-57-420	AMD	81-05-027	230-30-015	AMD-P	81-10-071	232-12-164	NEW-P	81-08-064
220-57-425	AMD	81-05-027	230-30-200	AMD-P	81-08-069	232-12-167	NEW-P	81-08-064
220-57-435	AMD	81-05-027	230-42-010	AMD-P	81-10-071	232-12-170	REP-P	81-08-064
220-57-450	AMD	81-05-027	230-60-015	AMD-P	81-08-069	232-12-171	REP-P	81-08-064
220-57-455	AMD	81-05-027	230-60-070	AMD-P	81-08-069	232-12-173	REP-P	81-08-064
220-57-460	AMD	81-05-027	232-12-001	NEW-P	81-08-064	232-12-174	NEW-P	81-08-064
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220-57-500	AMD	81-05-027	232-12-010	REP-P	81-08-064	232-12-181	NEW-P	81-08-064
220-57-505	AMD	81-05-027	232-12-011	NEW-P	81-08-064	232-12-184	NEW-P	81-08-064
220-57-50500D	NEW-E	81-06-027	232-12-014	NEW-P	81-08-064	232-12-187	NEW-P	81-08-064
220-57A-005	AMD	81-05-027	232-12-015	REP-P	81-08-064	232-12-190	REP-P	81-08-064
220-57A-010	AMD	81-05-027	232-12-017	NEW-P	81-08-064	232-12-191	NEW-P	81-08-064
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220-57A-095	AMD	81-05-027	232-12-030	REP-P	81-08-064	232-12-207	NEW-P	81-08-064
220-57A-115	AMD	81-05-027	232-12-031	NEW-P	81-08-064	232-12-210	REP-P	81-08-064
220-57A-120	AMD	81-05-027	232-12-034	NEW-P	81-08-064	232-12-211	REP-P	81-08-064
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220-57A-145	AMD	81-05-027	232-12-040	REP-P	81-08-064	232-12-213	REP-P	81-08-064
220-57A-152	AMD	81-05-027	232-12-041	NEW-P	81-08-064	232-12-214	REP-P	81-08-064
220-57A-155	AMD	81-05-027	232-12-044	NEW-P	81-08-064	232-12-215	REP-P	81-08-064
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220-57A-185	AMD	81-05-027	232-12-057	NEW-P	81-08-064	232-12-227	NEW-P	81-08-064
220-57A-190	AMD	81-05-027	232-12-060	REP-P	81-08-064	232-12-230	REP-P	81-08-064
220-69-23402	NEW	81-03-032	232-12-061	NEW-P	81-08-064	232-12-231	REP-P	81-08-064
220-69-23501	NEW	81-03-032	232-12-064	NEW-P	81-08-064	232-12-232	REP-P	81-08-064
220-69-240	AMD-P	81-07-016	232-12-065	REP-P	81-08-064	232-12-233	REP-P	81-08-064
220-69-24000C	NEW-E	81-05-006	232-12-067	NEW-P	81-08-064	232-12-234	REP-P	81-08-064
220-69-241	AMD	81-03-032	232-12-070	REP-P	81-08-064	232-12-235	REP-P	81-08-064
220-69-241	AMD-P	81-07-016	232-12-071	NEW-P	81-08-064	232-12-236	REP-P	81-08-064
220-69-25401	AMD-P	81-07-016	232-12-074	NEW-P	81-08-064	232-12-237	REP-P	81-08-064
220-69-25401C	NEW-E	81-05-006	232-12-077	NEW-P	81-08-064	232-12-238	REP-P	81-08-064
220-69-25402	NEW	81-03-032	232-12-080	REP-P	81-08-064	232-12-240	REP-P	81-08-064
220-69-25501	NEW	81-03-032	232-12-081	NEW-P	81-08-064	232-12-241	NEW-P	81-08-064
220-69-26402	NEW	81-03-032	232-12-084	NEW-P	81-08-064	232-12-244	NEW-P	81-08-064
220-69-265	AMD	81-03-032	232-12-087	NEW-P	81-08-064	232-12-247	NEW-P	81-08-064
220-69-26501	NEW	81-03-032	232-12-090	REP-P	81-08-064	232-12-251	NEW-P	81-08-064
220-69-280	AMD-P	81-07-016	232-12-091	NEW-P	81-08-064	232-12-254	NEW-P	81-08-064
220-95-010	AMD-P	81-05-036	232-12-094	NEW-P	81-08-064	232-12-255	REP-P	81-08-064
220-95-010	AMD	81-09-018	232-12-097	NEW-P	81-08-064	232-12-257	NEW-P	81-08-064
220-95-012	NEW-P	81-05-036	232-12-100	REP-P	81-08-064	232-12-261	NEW-P	81-08-064
220-95-012	NEW	81-09-018	232-12-101	NEW-P	81-08-064	232-12-264	NEW-P	81-08-064
220-95-017	NEW-P	81-05-036	232-12-104	NEW-P	81-08-064	232-12-267	NEW-P	81-08-064
220-95-017	NEW	81-09-018	232-12-105	REP-P	81-08-064	232-12-271	NEW-P	81-08-064
230-02-210	AMD-P	81-06-074	232-12-107	NEW-P	81-08-064	232-12-274	NEW-P	81-08-064
230-02-210	AMD-P	81-09-021	232-12-110	REP-P	81-08-064	232-12-277	NEW-P	81-08-064
230-02-210	AMD	81-09-055	232-12-111	NEW-P	81-08-064	232-12-280	REP-P	81-08-064
230-02-405	AMD-P	81-06-074	232-12-114	NEW-P	81-08-064	232-12-281	NEW-P	81-08-064
230-02-405	AMD-P	81-09-021	232-12-117	NEW-P	81-08-064	232-12-284	NEW-P	81-08-064
230-02-405	AMD	81-09-055	232-12-120	REP-P	81-08-064	232-12-287	NEW-P	81-08-064
230-02-418	NEW-P	81-04-072	232-12-121	NEW-P	81-08-064	232-12-291	NEW-P	81-08-064
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232-12-310	REP-P	81-08-064	232-32-129	NEW-E	81-03-010	248-19-390	AMD	81-09-012
232-12-320	REP-P	81-08-064	232-32-130	NEW-E	81-03-033	248-19-400	AMD-E	81-05-030
232-12-340	REP-P	81-08-064	232-32-131	NEW-E	81-04-017	248-19-400	AMD	81-09-012
232-12-350	REP-P	81-08-064	232-32-132	NEW-E	81-04-057	248-19-403	NEW-E	81-05-030
232-12-355	REP-P	81-08-064	232-32-133	NEW-E	81-05-011	248-19-403	NEW	81-09-012
232-12-360	AMD-P	81-05-031	236-12-430	AMD-P	81-08-015	248-19-405	NEW-E	81-05-030
232-12-360	REP-P	81-08-064	236-12-430	AMD-E	81-08-016	248-19-405	NEW	81-09-012
232-12-360	AMD-E	81-09-027	236-12-470	AMD-P	81-08-015	248-19-410	AMD-E	81-05-030
232-12-365	REP-P	81-08-064	236-12-470	AMD-E	81-08-016	248-19-410	AMD	81-09-012
232-12-370	REP-P	81-08-064	237-990	AMD	81-09-016	248-19-415	NEW-E	81-05-030
232-12-373	REP-P	81-08-064	248-14	AMD-P	81-03-004	248-19-415	NEW	81-09-012
232-12-380	REP-P	81-08-064	248-14-001	AMD-P	81-08-047	248-19-420	AMD-E	81-05-030
232-12-390	REP-P	81-08-064	248-14-100	AMD-P	81-08-047	248-19-420	AMD	81-09-012
232-12-400	REP-P	81-08-064	248-14-110	AMD-P	81-08-047	248-19-430	AMD-E	81-05-030
232-12-405	REP-P	81-08-064	248-14-114	NEW-P	81-08-047	248-19-430	AMD	81-09-012
232-12-410	REP-P	81-08-064	248-14-120	AMD-P	81-08-047	248-19-440	AMD-E	81-05-030
232-12-420	REP-P	81-08-064	248-14-125	NEW-P	81-08-047	248-19-440	AMD	81-09-012
232-12-430	REP-P	81-08-064	248-14-128	NEW-P	81-08-047	248-19-450	AMD-E	81-05-030
232-12-435	REP-P	81-08-064	248-14-130	AMD-P	81-08-047	248-19-450	AMD	81-09-012
232-12-440	REP-P	81-08-064	248-14-140	AMD-P	81-08-047	248-19-475	NEW-E	81-05-030
232-12-450	REP-P	81-08-064	248-14-150	AMD-P	81-08-047	248-19-475	NEW	81-09-012
232-12-460	REP-P	81-08-064	248-14-152	NEW-P	81-08-047	248-19-480	AMD-E	81-05-030
232-12-470	REP-P	81-08-064	248-14-155	NEW-P	81-08-047	248-19-480	AMD	81-09-012
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
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232-12-530	REP-P	81-08-064	248-18	AMD-P	81-03-038	248-22-060	REP	81-07-035
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232-12-570	REP-P	81-08-064	248-18-010	AMD	81-05-029	248-22-070	REP	81-07-035
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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
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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
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232-21-100	REP-P	81-08-064	248-19-240	AMD-E	81-05-030	250-20-021	AMD-P	81-10-069
232-21-100	REP-E	81-09-026	248-19-240	AMD	81-09-012	250-40-030	AMD-P	81-10-070
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232-28-100	REP-P	81-05-031	248-19-270	AMD-E	81-05-030	250-44-020	AMD-E	81-09-032
232-28-200	REP-P	81-05-031	248-19-270	AMD	81-09-012	250-44-030	AMD-E	81-09-032
232-28-203	REP-P	81-08-064	248-19-280	AMD-E	81-05-030	250-44-040	AMD-E	81-09-032
232-28-204	NEW-P	81-08-064	248-19-280	AMD	81-09-012	250-44-050	AMD-E	81-09-032
232-28-300	REP-P	81-05-031	248-19-300	AMD-E	81-05-030	250-44-090	AMD-E	81-09-032
232-28-303	REP-P	81-08-064	248-19-300	AMD	81-09-012	250-44-110	AMD-E	81-09-032
232-28-304	NEW-P	81-08-064	248-19-310	AMD-E	81-05-030	250-44-120	AMD-E	81-09-032
232-28-400	REP-P	81-05-031	248-19-310	AMD	81-09-012	250-44-130	AMD-E	81-09-032
232-28-500	REP-P	81-05-031	248-19-320	AMD-E	81-05-030	250-44-140	AMD-E	81-09-032
232-28-600	REP-P	81-05-031	248-19-320	AMD	81-09-012	250-44-150	AMD-E	81-09-032
232-28-60301	NEW-E	81-08-011	248-19-325	NEW-E	81-05-030	250-44-160	AMD-E	81-09-032
232-28-60302	NEW-E	81-09-066	248-19-325	NEW	81-09-012	250-44-180	AMD-E	81-09-032
232-28-702	REP	81-04-018	248-19-330	AMD-E	81-05-030	250-44-200	AMD-E	81-09-032
232-28-703	NEW	81-04-018	248-19-330	AMD	81-09-012	250-44-210	AMD-E	81-09-032
232-28-802	REP-P	81-05-031	248-19-340	AMD-E	81-05-030	250-55-020	AMD-P	81-09-068
232-28-802	REP-P	81-08-064	248-19-340	AMD	81-09-012	250-55-030	AMD-P	81-09-068
232-28-802	REP-E	81-09-025	248-19-350	AMD-E	81-05-030	250-55-040	AMD-P	81-09-068
232-28-803	NEW-P	81-05-031	248-19-350	AMD	81-09-012	250-55-050	AMD-P	81-09-068
232-28-803	NEW-P	81-08-064	248-19-360	AMD-E	81-05-030	250-55-070	AMD-P	81-09-068
232-28-803	NEW-E	81-09-025	248-19-360	AMD	81-09-012	250-55-100	AMD-P	81-09-068
232-32-126	REP-E	81-02-021	248-19-370	AMD-E	81-05-030	250-55-110	AMD-P	81-09-068
232-32-127	NEW-E	81-02-021	248-19-370	AMD	81-09-012	250-55-120	AMD-P	81-09-068

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250-55-160	AMD-P 81-09-068	260-52-010	AMD 81-08-013	275-110-040	AMD-P 81-09-048
250-55-220	AMD-P 81-09-068	260-52-040	AMD-P 81-07-020	275-110-080	AMD-E 81-09-047
251-04-020	AMD-P 81-04-051	260-52-040	AMD 81-08-013	275-110-080	AMD-P 81-09-048
251-04-020	AMD-P 81-10-009	260-60-050	AMD-P 81-07-020	275-110-090	AMD-E 81-09-047
251-06-080	AMD-P 81-10-005	260-60-050	AMD-P 81-08-012	275-110-090	AMD-P 81-09-048
251-10-055	AMD-P 81-04-051	260-60-050	AMD 81-09-075	284-15-010	NEW 81-03-082
251-10-055	AMD-P 81-10-009	260-60-115	NEW-P 81-07-020	284-15-020	NEW 81-03-082
251-10-110	AMD-P 81-04-051	260-60-115	NEW-P 81-08-012	284-15-030	NEW 81-03-082
251-10-110	AMD-P 81-10-009	260-60-115	NEW 81-09-075	284-15-040	NEW 81-03-082
251-10-112	NEW-P 81-04-051	260-60-120	AMD-P 81-07-020	284-15-050	NEW 81-03-082
251-10-112	NEW-P 81-10-009	260-60-120	AMD 81-08-013	284-25	NEW-P 81-06-011
251-10-113	NEW-P 81-04-051	260-60-210	AMD-P 81-07-020	284-25	NEW-P 81-10-046
251-10-113	NEW-P 81-10-009	260-60-210	AMD-P 81-08-012	284-51-010	NEW-P 81-09-008
251-12-072	AMD-P 81-09-023	260-60-210	AMD 81-09-075	284-51-020	NEW-P 81-09-008
251-12-240	AMD-P 81-04-051	260-70-140	AMD-P 81-07-020	284-51-030	NEW-P 81-09-008
251-12-240	AMD-P 81-10-009	260-70-140	AMD-P 81-08-012	284-51-040	NEW-P 81-09-008
251-18-010	AMD-P 81-09-023	260-70-140	AMD 81-09-075	284-51-050	NEW-P 81-09-008
251-18-020	AMD-P 81-09-023	261-20	AMD-P 81-02-036	284-51-060	NEW-P 81-09-008
251-18-025	AMD-P 81-09-023	261-20-010	NEW-P 81-02-035	284-51-070	NEW-P 81-09-008
251-18-030	AMD-P 81-09-023	261-20-010	NEW 81-06-016	284-51-080	NEW-P 81-09-008
251-18-050	REP-P 81-09-023	261-20-020	NEW-P 81-02-035	284-51-090	NEW-P 81-09-008
251-18-060	AMD-P 81-09-023	261-20-020	NEW 81-06-016	284-51-100	NEW-P 81-09-008
251-18-070	AMD-P 81-09-023	261-20-030	NEW-P 81-02-035	284-51-110	NEW-P 81-09-008
251-18-080	REP-P 81-09-023	261-20-030	NEW 81-06-016	284-51-120	NEW-P 81-09-008
251-18-100	REP-P 81-09-023	261-20-030	AMD 81-06-017	284-51-130	NEW-P 81-09-008
251-18-110	AMD-P 81-09-023	261-20-040	NEW-P 81-02-035	284-51-140	NEW-P 81-09-008
251-18-112	NEW-P 81-09-023	261-20-040	NEW 81-06-016	284-51-150	NEW-P 81-09-008
251-18-115	REP-P 81-09-023	261-20-050	NEW-P 81-02-035	284-51-160	NEW-P 81-09-008
251-18-120	REP-P 81-09-023	261-20-050	NEW 81-06-016	284-51-170	NEW-P 81-09-008
251-18-130	AMD-P 81-09-023	261-20-060	NEW-P 81-02-035	289-13-070	AMD 81-03-029
251-18-140	AMD-P 81-09-023	261-20-060	NEW 81-06-016	289-13-075	NEW 81-03-029
251-18-145	NEW-P 81-09-023	261-20-065	NEW-P 81-02-035	289-13-110	AMD 81-03-029
251-18-150	REP-P 81-09-023	261-20-065	NEW 81-06-016	289-13-110	AMD-P 81-08-072
251-18-155	REP-P 81-09-023	261-20-070	NEW-P 81-02-035	289-13-170	AMD 81-03-029
251-18-160	REP-P 81-09-023	261-20-070	NEW 81-06-016	289-13-190	AMD-P 81-08-072
251-18-170	REP-P 81-09-023	261-20-080	NEW-P 81-02-035	289-14	AMD-P 81-04-062
251-18-175	AMD-P 81-09-023	261-20-080	NEW 81-06-016	289-14-005	AMD 81-07-057
251-18-180	AMD-P 81-09-023	275-16-010	AMD-E 81-04-032	289-14-005	AMD 81-08-014
251-18-181	AMD-P 81-09-023	275-16-010	AMD-P 81-04-038	289-14-010	AMD 81-07-057
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251-18-190	AMD-P 81-09-023	275-16-015	NEW-E 81-04-032	289-14-030	REP 81-07-057
251-18-200	AMD-P 81-09-023	275-16-015	NEW-P 81-04-038	289-14-100	NEW 81-08-014
251-18-330	AMD-P 81-04-051	275-16-015	NEW 81-08-020	289-14-120	NEW 81-08-014
251-18-330	AMD-P 81-10-009	275-16-035	NEW-E 81-04-032	289-14-130	NEW 81-08-014
251-20-010	AMD-P 81-09-023	275-16-035	NEW-P 81-04-038	289-14-200	NEW 81-07-057
251-20-030	AMD-P 81-09-023	275-16-035	NEW 81-08-020	289-14-210	NEW 81-07-057
251-20-040	AMD-P 81-09-023	275-16-040	REP-E 81-04-032	289-14-220	NEW 81-07-057
251-20-050	AMD-P 81-09-023	275-16-040	REP-P 81-04-038	289-14-230	NEW 81-07-057
251-20-060	AMD-P 81-09-023	275-16-040	REP 81-08-020	289-15	NEW-P 81-04-062
251-22-240	AMD-P 81-04-023	275-16-055	NEW-E 81-04-032	289-15-100	NEW 81-08-014
251-22-240	AMD 81-07-002	275-16-055	NEW-P 81-04-038	289-15-110	NEW 81-08-014
260-12-010	AMD-P 81-07-020	275-16-065	NEW-E 81-04-032	289-15-120	NEW 81-08-014
260-12-010	AMD 81-08-013	275-16-065	NEW-P 81-04-038	289-15-200	NEW 81-07-057
260-12-140	AMD-P 81-07-020	275-16-065	NEW 81-08-020	289-15-210	NEW 81-07-057
260-12-140	AMD 81-08-013	275-16-065	NEW 81-08-020	289-15-220	NEW-P 81-04-063
260-20-075	NEW-P 81-07-020	275-16-075	NEW-E 81-04-032	289-15-220	NEW 81-08-001
260-20-075	NEW 81-08-013	275-16-075	NEW-P 81-04-038	289-15-230	NEW 81-07-057
260-20-170	AMD-E 81-08-030	275-16-075	NEW 81-08-020	289-16	NEW-P 81-04-062
260-24-280	AMD-P 81-07-020	275-16-085	NEW-E 81-04-032	289-16-010	REP 81-07-057
260-24-280	AMD 81-08-013	275-16-085	NEW-P 81-04-038	289-16-020	REP 81-07-057
260-32-040	AMD-P 81-07-021	275-16-085	NEW 81-08-020	289-16-030	REP 81-07-057
260-32-040	AMD-W 81-08-024	275-16-095	NEW-E 81-04-032	289-16-040	REP 81-07-057
260-36-040	AMD-P 81-07-020	275-16-095	NEW-P 81-04-038	289-16-040	REP 81-07-057
260-36-040	AMD-W 81-08-024	275-16-095	NEW 81-08-020	289-16-100	NEW 81-08-014
260-36-180	NEW-P 81-07-020	275-16-105	NEW-E 81-04-032	289-16-110	NEW 81-08-014
260-36-180	NEW-P 81-08-012	275-16-105	NEW-P 81-04-038	289-16-120	NEW 81-08-014
260-36-180	NEW 81-09-075	275-16-105	NEW 81-08-020	289-16-130	NEW 81-08-014
260-40-120	AMD-P 81-07-020	275-20-030	AMD-P 81-02-023	289-16-140	NEW 81-08-014
260-40-120	AMD-P 81-08-012	275-20-030	AMD 81-06-004	289-16-150	NEW 81-08-014
260-40-120	AMD-W 81-09-071	275-92-407	NEW 81-05-001	289-16-160	NEW 81-08-014
260-48-110	AMD-P 81-07-020	275-93-040	AMD 81-03-076	289-16-200	NEW 81-07-057
260-48-110	AMD-E 81-08-030	275-110-020	AMD-E 81-09-047	289-16-210	NEW 81-07-057
260-48-326	NEW-E 81-08-030	275-110-020	AMD-P 81-09-048	289-16-220	NEW 81-07-057

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289-16-230	NEW	81-07-057	289-24-200	NEW	81-07-057	296-27-16025	NEW-P	81-03-071
289-16-230	AMD	81-08-001	289-24-210	NEW	81-07-057	296-27-16025	NEW-E	81-08-035
289-16-240	NEW	81-07-057	289-24-220	NEW	81-07-057	296-37-510	AMD-E	81-02-029
289-16-250	NEW	81-07-057	289-30-060	NEW-P	81-04-064	296-37-510	AMD	81-07-048
289-16-260	NEW	81-07-057	289-30-060	NEW	81-07-058	296-37-550	AMD-E	81-02-029
289-18	NEW-P	81-04-062	296-15-040	REP	81-10-052	296-37-550	AMD	81-07-048
289-18-010	REP	81-07-057	296-15-044	NEW-P	81-08-063	296-45-660	NEW-E	81-07-049
289-18-020	REP	81-07-057	296-15-044	NEW	81-10-052	296-45-660	NEW-P	81-07-051
289-18-030	REP	81-07-057	296-17-895	AMD	81-04-024	296-45-66001	NEW-E	81-07-049
289-18-040	REP	81-07-057	296-17-904	NEW	81-04-024	296-45-66001	NEW-P	81-07-051
289-18-050	REP	81-07-057	296-17-905	AMD	81-04-024	296-45-66003	NEW-E	81-07-049
289-18-100	NEW	81-08-014	296-17-907	NEW	81-04-024	296-45-66003	NEW-P	81-07-051
289-18-110	NEW	81-08-014	296-17-910	AMD	81-04-024	296-45-66005	NEW-E	81-07-049
289-18-120	NEW	81-08-014	296-17-911	NEW	81-04-024	296-45-66005	NEW-P	81-07-051
289-18-200	NEW	81-07-057	296-17-912	NEW	81-04-024	296-45-66007	NEW-E	81-07-049
289-18-210	NEW	81-07-057	296-17-913	NEW	81-04-024	296-45-66007	NEW-P	81-07-051
289-18-220	NEW	81-07-057	296-17-914	NEW	81-04-024	296-45-66009	NEW-E	81-07-049
289-19	NEW-P	81-04-062	296-17-915	NEW	81-04-024	296-45-66009	NEW-P	81-07-051
289-19-010	NEW	81-08-014	296-17-916	NEW	81-04-024	296-45-66011	NEW-E	81-07-049
289-19-100	NEW	81-08-014	296-17-917	NEW	81-04-024	296-45-66011	NEW-P	81-07-051
289-19-110	NEW	81-08-014	296-17-919	NEW	81-04-024	296-46	AMD-P	81-05-019
289-19-120	NEW	81-08-014	296-17-91901	NEW	81-04-024	296-46	AMD-P	81-05-025
289-19-130	NEW	81-08-014	296-17-91902	NEW	81-04-024	296-46-110	AMD	81-06-037
289-19-200	NEW	81-07-057	296-24-060	AMD-P	81-07-051	296-46-115	NEW	81-06-037
289-19-210	NEW	81-07-057	296-24-070	AMD-P	81-07-051	296-46-130	AMD	81-06-037
289-19-220	NEW	81-07-057	296-24-67515	AMD-P	81-07-051	296-46-140	AMD	81-06-037
289-19-230	NEW	81-07-057	296-24-081	REP-P	81-07-051	296-46-150	AMD	81-06-037
289-20	NEW-P	81-04-062	296-24-08101	REP-P	81-07-051	296-46-335	AMD	81-06-037
289-20-010	REP	81-07-057	296-24-08103	REP-P	81-07-051	296-46-350	AMD	81-06-037
289-20-020	REP	81-07-057	296-24-08105	REP-P	81-07-051	296-46-355	NEW	81-06-037
289-20-030	REP	81-07-057	296-24-08107	REP-P	81-07-051	296-46-40101	REP	81-06-037
289-20-040	REP	81-07-057	296-24-08109	REP-P	81-07-051	296-46-424	AMD	81-06-037
289-20-050	REP	81-07-057	296-24-08111	REP-P	81-07-051	296-46-500	AMD	81-06-037
289-20-100	NEW	81-08-014	296-24-08113	REP-P	81-07-051	296-46-501	NEW	81-06-037
289-20-105	NEW	81-08-014	296-24-960	NEW-P	81-07-027	296-46-506	NEW	81-06-037
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289-20-120	NEW	81-08-014	296-27	AMD-P	81-06-026	296-46-515	REP	81-06-037
289-20-130	NEW	81-08-014	296-27-160	NEW-P	81-03-071	296-46-520	REP	81-06-037
289-20-140	NEW	81-08-014	296-27-160	NEW-E	81-08-035	296-46-525	REP	81-06-037
289-20-150	NEW	81-08-014	296-27-160	NEW-P	81-10-059	296-46-910	AMD	81-06-037
289-20-160	NEW	81-08-014	296-27-16001	NEW-P	81-03-071	296-52-030	AMD	81-07-048
289-20-165	NEW	81-08-014	296-27-16001	NEW-E	81-08-035	296-52-043	AMD	81-07-048
289-20-170	NEW	81-08-014	296-27-16001	NEW-P	81-10-059	296-52-050	AMD	81-07-048
289-20-180	NEW	81-08-014	296-27-16003	NEW-P	81-03-071	296-52-090	AMD	81-07-048
289-20-190	NEW	81-08-014	296-27-16003	NEW-E	81-08-035	296-52-095	AMD	81-07-048
289-20-200	NEW	81-07-057	296-27-16003	NEW-P	81-10-059	296-54-559	AMD	81-05-013
289-20-205	NEW	81-07-057	296-27-16005	NEW-P	81-03-071	296-54-565		81-05-013
289-20-210	NEW	81-07-057	296-27-16005	NEW-E	81-08-035	296-54-567	AMD	81-05-013
289-20-220	NEW	81-07-057	296-27-16005	NEW-P	81-10-059	296-62-071	NEW-P	81-07-027
289-20-230	NEW	81-07-057	296-27-16007	NEW-P	81-03-071	296-62-07101	NEW-P	81-07-027
289-20-240	NEW	81-07-057	296-27-16007	NEW-E	81-08-035	296-62-07103	NEW-P	81-07-027
289-20-250	NEW	81-07-057	296-27-16007	NEW-P	81-10-059	296-62-07105	NEW-P	81-07-027
289-20-260	NEW	81-07-057	296-27-16009	NEW-P	81-03-071	296-62-07107	NEW-P	81-07-027
289-20-265	NEW	81-07-057	296-27-16009	NEW-E	81-08-035	296-62-07109	NEW-P	81-07-027
289-20-270	NEW	81-07-057	296-27-16009	NEW-P	81-10-059	296-62-07111	NEW-P	81-07-027
289-20-280	NEW	81-07-057	296-27-16011	NEW-P	81-03-071	296-62-07113	NEW-P	81-07-027
289-20-290	NEW	81-07-057	296-27-16011	NEW-E	81-08-035	296-62-07115	NEW-P	81-07-027
289-22	NEW-P	81-04-062	296-27-16011	NEW-P	81-10-059	296-62-07117	NEW-P	81-07-027
289-22-010	REP	81-07-057	296-27-16013	NEW-P	81-03-071	296-62-07119	NEW-P	81-07-027
289-22-020	REP	81-07-057	296-27-16013	NEW-E	81-08-035	296-62-07121	NEW-P	81-07-027
289-22-100	NEW	81-08-014	296-27-16013	NEW-P	81-10-059	296-62-07123	NEW-P	81-07-027
289-22-110	NEW	81-08-014	296-27-16015	NEW-P	81-03-071	296-62-07125	NEW-P	81-07-027
289-22-200	NEW	81-07-057	296-27-16015	NEW-E	81-08-035	296-62-07302	AMD	81-07-048
289-22-210	NEW	81-07-057	296-27-16015	NEW-P	81-10-059	296-62-07304	AMD	81-07-048
289-24	NEW-P	81-04-062	296-27-16017	NEW-P	81-03-071	296-62-07306	AMD-P	81-07-051
289-24-010	REP	81-07-057	296-27-16017	NEW-E	81-08-035	296-62-07310	AMD	81-07-048
289-24-010	AMD	81-08-014	296-27-16017	NEW-P	81-10-059	296-62-07312	AMD	81-07-048
289-24-020	REP	81-07-057	296-27-16019	NEW-P	81-10-059	296-62-07329	AMD-P	81-07-051
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289-24-040	REP	81-07-057	296-27-16021	NEW-E	81-08-035	296-62-07345	AMD-P	81-07-051
289-24-050	REP	81-07-057	296-27-16021	NEW-P	81-10-059	296-62-07347	AMD-P	81-07-051
289-24-100	NEW	81-08-014	296-27-16023	NEW-P	81-03-071	296-62-07349	AMD-P	81-07-051
289-24-110	NEW	81-08-014	296-27-16023	NEW-E	81-08-035	296-62-07501	AMD-P	81-07-051

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296-62-07519	NEW-P	81-07-051	308-16-215	AMD	81-03-015
296-62-09011	AMD-P	81-07-027	308-16-216	AMD	81-03-015
296-62-09015	NEW-P	81-07-027	308-16-217	AMD	81-03-015
296-62-09017	NEW-P	81-07-027	308-16-218	NEW	81-03-015
296-62-09019	NEW-P	81-07-027	308-24-305	AMD	81-03-016
296-62-09021	NEW-P	81-07-027	308-24-320	AMD	81-03-016
296-62-09023	NEW-P	81-07-027	308-24-380	REP-P	81-05-035
296-62-09025	NEW-P	81-07-027	308-24-380	REP	81-09-031
296-62-09027	NEW-P	81-07-027	308-24-382	NEW-P	81-05-035
296-62-09029	NEW-P	81-07-027	308-24-382	NEW	81-09-031
296-62-09031	NEW-P	81-07-027	308-24-384	NEW-P	81-05-035
296-62-09033	NEW-P	81-07-027	308-24-384	NEW	81-09-031
296-62-09035	NEW-P	81-07-027	308-24-403	AMD	81-03-016
296-62-09037	NEW-P	81-07-027	308-24-404	AMD	81-03-016
296-62-09039	NEW-P	81-07-027	308-24-430	AMD	81-03-016
296-62-09041	NEW-P	81-07-027	308-33-011	AMD	81-02-031
296-62-09043	NEW-P	81-07-027	308-33-015	REP	81-02-031
296-62-09045	NEW-P	81-07-027	308-33-020	AMD	81-02-031
296-62-09047	NEW-P	81-07-027	308-33-030	AMD	81-02-031
296-62-09049	NEW-P	81-07-027	308-36-020	AMD-P	81-04-047
296-62-09051	NEW-P	81-07-027	308-36-020	AMD	81-08-043
296-62-09053	NEW-P	81-07-027	308-37-100	NEW-P	81-02-032
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296-62-09059	NEW-P	81-07-027	308-37-110	NEW	81-06-013
296-62-09061	NEW-P	81-07-027	308-37-120	NEW-P	81-02-032
296-62-09063	NEW-P	81-07-027	308-37-120	NEW	81-06-013
296-62-100	AMD-P	81-07-051	308-37-130	NEW-P	81-02-032
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296-62-11019	AMD-P	81-07-051	308-37-140	NEW-P	81-02-032
296-62-11021	AMD-P	81-07-051	308-37-140	NEW	81-06-013
296-62-14507	AMD-P	81-07-051	308-38	NEW-P	81-06-015
296-62-14531	AMD-P	81-07-051	308-38-100	NEW-P	81-02-032
296-62-14533	AMD-P	81-07-051	308-38-100	NEW-P	81-10-072
296-62-20011	AMD-P	81-07-051	308-38-110	NEW-P	81-02-032
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296-79-180	AMD	81-03-007	308-38-140	NEW-P	81-02-032
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296-79-220	AMD-P	81-07-051	308-38-150	NEW-P	81-02-032
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322-10-100	NEW-P	81-03-084	356-34-180	AMD-P	81-07-032	365-42-350	REP-P	81-03-050
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322-12-040	REP-P	81-03-084	360-13-010	AMD-P	81-06-076	365-42-370	REP	81-10-058
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322-12-070	REP-P	81-03-084	360-13-020	AMD-P	81-02-033	365-42-380	REP	81-10-058
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