Washington State Register

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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 81-15-037.

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

DENNIS W. COOPER
Code Reviser

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

(a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.

(b) **Adopted rules** have been permanently adopted and are set forth in ten point type.

(c) **Emergency rules** *have been adopted on an emergency basis and are set forth in ten point oblique type.*

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

(a) In amendatory sections—
  (i) underlined matter is new matter;
  (ii) deleted matter is ((~~lined out and bracketed between double parentheses~~));

(b) Complete new sections are prefaced by the heading NEW SECTION;

(c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

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

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

5. EFFECTIVE DATE OF RULES

(a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.

(b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.

(c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1981 – 1982

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates[1]			Distribution Date	First Agency Action Date[3]
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS[2] or 10 p. max. Non-OTS		
For Inclusion in—	*File no later than—*			*Count 20 days from—*	*For hearing/adoption on or after*
81-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
81-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
81-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
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82-03	Dec 23, 1981	Jan 6	Jan 20	Feb 3	Feb 23
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82-06	Feb 3	Feb 17	Mar 3	Mar 17	Apr 6
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82-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
82-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1983

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

[2]A filing of any length will be accepted on the closing dates of this column if it has been prepared by the Order Typing Service (OTS) of the Code Reviser's Office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

[3]"No proceeding may 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(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 82-15-053
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed July 19, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Child care agencies—Adult family homes minimum licensing/certification requirements, amending chapter 388-73 WAC.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by August 26, 1982. The meeting site is in a location which is barrier free.

Public hearings relating to these proposed rules will be held at the following times and places: 1:00 p.m., Thursday, September 9, 1982, Auditorium, Spokane County Health Department Building, West 1101 College, Spokane, WA; 3:00 p.m., Thursday, September 16, 1982, Auditorium, Seattle Public Library, 1000 4th Avenue, Seattle, WA; and 7:00 p.m., Thursday, September 16, 1982, Auditorium, Seattle Public Library, 1000 4th Avenue, Seattle, WA.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, September 29, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.15.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 16, 1982, and/or orally at the hearings above.

Dated: July 16, 1982
By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSES

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 388-73 WAC.

The Purpose of the Rule or Rule Change: To review and update child care licensing requirements.

The Reason These Rules are Necessary: To comply with RCW 74.15.030.

Statutory Authority: RCW 74.15.030.

Summary of the Rule or Rule Change: WAC 388-73-014 Persons and Organizations Subject to Licensing, would make a family day care home a subcategory of a day care center rather than a family home. This change is the result of legislative changes to RCW 74.15.020. Category Impacted: Family Day Care Homes; WAC 388-73-020(2) Certification of Juvenile Detention Facility and Exempt Agency, would eliminate a statement regarding payment which is not a licensing requirement. Category Impacted: All categories; WAC 388-73-042 Religious Activities, would require that a written description of the agency's religious policies and practices be submitted to the department and the child's parents. Category Impacted: All categories; WAC 388-73-050 Abuse, Neglect, Exploitation, would define sexual abuse and separate it from sexual exploitation. The revision would make the administrative code consistent with the revised statute. Category Impacted: All categories; WAC 388-73-058 Earnings, Allowances, Personal Belongings, would exempt foster homes from having to furnish an allowance and would allow the giving of an allowance to be contingent on completion of normal household tasks. Would permit foster parents to treat a foster child in a manner consistent with their treatment of their own children. Category Impacted: All full-time care facilities except CRCs, and juvenile detention; WAC 388-73-060 Work Assignments, the revision would permit performance of work other than normal household tasks if adequate monetary compensation is provided. Categories Impacted: All full-time facilities; WAC 388-73-062 Transportation, would allow facilities to use school buses for off-ground trips. Current licensing requirements require seatbelts in all vehicles. State and federal transportation standards do not require belts in some buses. Category Impacted: All categories; WAC 388-73-068 Personnel Policies, this revision would relieve the facility operator from including such changeable factors as rate of payment, hours of work, and fringe benefits in their written personnel policy. It would require that a grievance procedure be included in the policy. Category Impacted: All agencies employing five or more persons; WAC 388-73-070 Training, would require that agencies providing in-service training keep a record of such training. Category Impacted: All agencies employing five or more persons; WAC 388-73-076(1)(a) Social Study—Treatment Plans, defines "school records" to distinguish between facilities which have a school on the grounds and those that use other arrangements. Category Impacted: Full-time residential facilities and day treatment; WAC 388-73-102 Safety and Maintenance, the revision would add the requirement that staff members should have rapid access to any rooms occupied by children in case of emergency. Category Impacted: All categories of care; WAC 388-73-103 Water Safety, would introduce a new section addressing health and safety considerations for facilities which have swimming pools, hot tubs, etc. Category Impacted: All categories of care except where foster homes are specifically excluded; WAC 388-73-108 Bedrooms, paragraph (3), would permit the use of an 80 square foot room in the care of a parent and infant. Category Impacted: Maternity Homes, Foster Homes; paragraph (7) would permit the use of only rooms with direct access to a common area for the care of children, adults,

or expectant mothers in need of care. Category Impacted: All full-time care; WAC 388-73-118(9) Toilets, Lavatories and Bathing Facilities, would allow other types of hand drying devices other than towels. Category Impacted: All categories; WAC 388-73-132 Health Care Plan, revisions to paragraphs (1) and (2) would remove some redundancy and make this section applicable only to agencies caring for more than thirteen children. Category Impacted: All agencies providing direct care; WAC 388-73-134 First Aid, this addition to paragraph (1) would require that the licensee keep current in respect to cardio-pulmonary resuscitation training. This revision to paragraph (2) would require first aid supplies consistent with procedures and permit the use of syrup of ipecac only on medical advice. Category Impacted: All agencies providing care; WAC 388-73-136 Medication Controlled by Licensee, Revisions to this section would eliminate the need to put a child's name on non-prescription medication; eliminate the need to get a physician's approval each time on "as needed" or prescription medication is disbursed; and would permit group care facility staff and day care centers to disburse non-prescription medication with a physician approved medical plan and, for day care centers, a parent's approval. Category Impacted: All categories of care; WAC 388-73-140 Health History, Physical Examinations, Immunizations, in paragraph (1) the insertion of the phrase "if possible" would cover situations in which a child's parent might not be available to provide medical information at the time of placement. Category Impacted: All categories of care except CRCs and juvenile detention; WAC 388-73-142 Tuberculosis, Communicable Disease, a section would be added to require maintaining a copy of the tuberculosis test report in an employee's file and would require that only employees with a reportable disease not be on duty. Category Impacted: All categories of care; WAC 388-73-144 Nutrition, revisions to this section would strengthen the wording, require staff to eat with the children when possible, require a schedule of meal times, require that menus include a listing of snacks served. They would require that cycle menus shall not be repeated in less than two weeks, require that children in care for five to nine hours shall receive at least one-third of their recommended dietary allowance, and also require that those in care more than nine hours shall receive an extra snack. Category Impacted: All facilities serving food except where specific exemptions are made; WAC 388-73-146 Infant Care, the title of this requirement would be changed to "Care of Younger Child" which would be more consistent with the subject matter. Category Impacted: Day Care Centers and Mini-Centers; WAC 388-73-210 Foster Care Licensees, this revision would permit voluntary child placing agencies to use their own formats for foster home studies. Category Impacted: Child Placing Agencies; WAC 388-73-304 Capacity, a new paragraph would be added to permit a foster home to exceed its licensed capacity to provide respite for another licensed foster home. Category Impacted: Foster Family Care. WAC 388-73-310 Fire Safety, paragraph (10) would be revised to better define the type of fire extinguisher required in a licensed family home and day care homes. Category Impacted: Foster Family Care. WAC 388-73-504 Personnel, would require a day treatment program to have a psychologist on staff to provide such services only if psychological testing is not provided by the accredited school in which the child is enrolled. Category Impacted: Day Treatment Programs; WAC 388-73-604 Daily Activity Program, the requirement for a written description of the agency's religious practices is transferred to WAC 388-73-042 Religious Activities. Category Impacted: Group Care Facilities; and WAC 388-73-708 Required Personnel, would change the language slightly (it appears redundant to mention "consultants" and "specialists") and would eliminate the need for a written agreement with each consultant. Category Impacted: Maternity Services.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Barry Fibel, Licensing Program Manager, Bureau of Children's Services, Mailstop: OB-41D, Phone: 3-0204.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

Small Business Economic Impact Statement: The revision of WAC 388-73-144 may result in a small increase in the cost of food since it now requires that all children in care more than nine hours, rather than the previous ten, shall be offered a snack. The difference will not represent a greater number of children and since a large percentage of day care centers are involved in the USDA Child Care Food Program, the cost will not be great. The revision to WAC 388-73-060 requires that children in a residential facility be paid for work which would exceed normal household chores. Revisions to WAC 388-73-042, 388-73-068, 388-73-070 and 388-73-140, make minor changes to record keeping requirements. As far as the staff time required is concerned, the total effect should be close to neutral.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-014 PERSONS AND ORGANIZATIONS SUBJECT TO LICENSING. Persons and organizations operating the following types of facilities are subject to licensing under chapter 74.15 RCW and RCW 74.08.044:

(1) "Group care facility" means an agency ((~~which is~~)) maintained and operated for the care of a group of children on a twenty-four hour basis.

(2) "Child placing agency" means an agency ((~~which places~~)) placing children for temporary care, continued care, or for adoption.

(3) "Maternity service" means an agency ((~~which provides~~)) providing or ((~~arranges~~)) arranging for care or services to expectant mothers regardless of age, before or during confinement, or ((~~which provides~~)) providing care as needed to mothers and their infants after confinement. See WAC 388-73-702.

(4) "Day care center" means an agency ((~~which~~)) regularly ((~~provides~~)) providing care for a group of children for periods of less than twenty-four hours. Separate requirements are adopted for the following subcategories of day care centers:

(a) A day care center provides for the care of thirteen or more children. No such center shall be located in a private family residence unless ((~~that~~)) the portion of the residence ((~~to which~~)) where the children have access is used exclusively for the children during the hours the center is in operation or is separate from the usual living quarters of the family.

(b) A "mini-day care program" means:

(i) A day care center for the care of twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care and supervision the child is placed; or

(ii) For the care of from seven through twelve children in the family abode of such person or persons.

(c) A family day care home means a home regularly providing care during part of the twenty-four hour day to six or fewer children.

((~~(c)~~)) (d) A day treatment program means an agency ((~~which provides~~)) providing care, supervision, and appropriate therapeutic and educational services during part of the twenty-four hour day for a group of persons under the age of eighteen years and ((~~who are~~)) the persons unable to adjust to full-time regular or special school programs or full-time family living because of disruptive behavior, family stress, learning disabilities or other serious emotional or social handicaps.

(5) "Foster family home" means a person(s) ((~~who~~)) regularly ((~~provide(s)~~)) providing care ((~~during all or any part of the~~)) on a twenty-four hour ((~~day~~)) basis to one or more children, expectant mothers, developmentally disabled adults or other adults in need of protection in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or adult is placed. Separate requirements are adopted for the following subcategories of foster family homes:

(a) A family home for adults means a home ((~~which~~)) regularly ((~~provides~~)) providing care on a twenty-four hour basis for up to four developmentally disabled adults; or up to four adults in need of protection ((~~who are recipients of financial assistance or Title XX services~~)).

(b) A foster family home for children or expectant mothers means a home ((~~which~~)) regularly ((~~provides~~)) providing care on a twenty-four hour basis to one or more, but not more than four foster children under the age of eighteen years or to not more than three expectant mothers.

((~~(c) A family day care home means a home which regularly provides care during part of the twenty-four hour day to six or fewer children.~~))

(6) "Crisis residential center" means an agency ((~~which is operated~~)) operating under contract with the department to provide temporary, protective care to children in a semisecure residential facility in the performance of duties specified and in the manner provided in ((~~sections 15 through 34 and 78 through 82, chapter 155, Laws of 1979~~)) RCW 13.32A.010 through 13.32A.200 and 74.13.032 through 74.13.036. Separate requirements are adopted for the following subcategories of crisis residential centers:

(a) A regional crisis residential center((~~, which~~)) is a structured group care facility whose primary and exclusive functions are those of a crisis residential center.

(b) A group care facility, a portion of which functions as a crisis residential center.

(c) Foster family home ((~~which functions~~)) functioning either partially or exclusively as a crisis residential center and has been designated as a crisis residential center by the department.

NEW SECTION

WAC 388-73-01950 FIRE STANDARDS. All group care facilities, day care centers, mini-day care centers, and maternity centers shall conform to the rules and regulations adopted by the Washington state fire marshal's office establishing minimum standards for the prevention of fire and for the protection of life and property against fire. The Washington state fire marshal's standards are found in chapter 212-55 WAC.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-020 CERTIFICATION OF JUVENILE DETENTION FACILITY AND EXEMPT AGENCY. (1) An agency legally exempt from licensing may not be licensed. However, at ((~~its~~)) the agency's request, such agency may be certified by the department as meeting licensing and other pertinent requirements, if investigation proves such to be the case, to enable ((~~it~~)) the agency to be eligible for the receipt of funds or for other legitimate purposes. In such cases, unless otherwise clearly evident from the text, requirements and procedures for licensing apply equally to certification.

((~~(2) An agency may not receive funds from the department unless it is licensed or certified. Licensing per se does not obligate the department to make referrals or payment to an agency; additional requirements may be imposed for such purposes.~~

~~(3)~~)) (2) Juvenile detention facilities operated by juvenile courts, shall be certified in accord with the provision of ((~~section 80, chapter 155, Laws of 1979~~)) RCW 74.13.034, and requirements promulgated pursuant thereto. Except as otherwise indicated by the text, the requirements for licensing group care facilities also apply to the certification of juvenile detention facilities.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-024 LICENSES FOR HOMES SUPERVISED BY LICENSED AGENCY. Foster family homes certified by a licensed child-placing agency as meeting licensing requirements for foster family homes shall accept children only from the certifying child-placing agency or from the department when the child is in the legal custody and/or supervision of the department and each placement by the department is approved in writing by the child-placing agency responsible for supervision of the home. Licenses issued under this section are valid only as long as the homes remain under the supervision of the certifying licensed agency and operate in accordance with licensing requirements. This section does not apply to agencies which are certified (rather than licensed) in accordance with WAC 388-73-020.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-042 RELIGIOUS ACTIVITIES. The rights of persons in care to observe the tenets of ((~~their~~)) the person's faith shall be respected and facilitated consistent with state and federal law. Persons shall not be punished for exercising these rights. A written description of religious policies and practices, if any, will be submitted to the department and shall be provided to the child and family upon admission, if possible.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-050 ABUSE, NEGLECT, EXPLOITATION. Licensees shall protect persons, while in ((~~their~~)) the licensee's care, from abuse, neglect, and exploitation as defined herein:

(1) Abuse:

(a) Physical abuse - The person has sustained physical damage, such as bruises, lacerations, fractures or burns as a result of a nonaccidental physical act or acts.

(b) Emotional abuse - The person has sustained emotional damage as shown by his((~~/~~)) or her behavior or physical manifestations, and/or whose health and welfare is endangered as a result of treatment received in the licensed facility.

(2) Neglect:

(a) Physical neglect - The person has sustained physical or material deprivation, such as not being adequately fed, clothed or bathed. Adequate medical care is lacking. The person does not receive the supervision necessary relative to his((~~/~~)) or her level of development.

(b) Emotional neglect - The person has sustained emotional damage as shown by his((~~/~~)) or her behavior or physical manifestations, or whose health and welfare is endangered by rejection, lack of love, attention, approval or security.

(c) Sexual abuse - The person has been subjected to touching or fondling for purposes of sexual gratification, penetration, or oral sex, or has been forced to participate in oral sex.

(3) Exploitation - The person is forced to work at unreasonable tasks and/or for unreasonable periods of time, or is sexually ((~~abused~~)) exploited, or is forced to commit criminal acts.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-058 EARNINGS, ALLOWANCES, PERSONAL BELONGINGS. Except for crisis residential centers ((~~and~~)) , juvenile detention facilities, and foster family homes, full-time child care providers shall give each child a regular allowance based on his((~~/~~)) or her age, needs and ability to handle money. However, receipt of an allowance may be related to successful performance of normal household tasks insofar as appropriate to the program and part of a planned learning experience as in a normal family setting. Group care facilities shall account for allowances given and for children's earnings, if any, in a ledger or other appropriate record maintained for this purpose. When a person is discharged, he((~~/~~)) or she shall be permitted to take his((~~/~~)) or her personal belongings and all of his((~~/~~)) or her money, or be fully informed about the transfer of his((~~/~~)) or her money to another facility.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-060 WORK ASSIGNMENTS. Persons under care shall not be used to carry the responsibility for basic maintenance of the facility and equipment. However, household tasks may be performed insofar as ((~~they are~~)) appropriate to the program and as part

of a planned learning experience. Work assignments shall be appropriate to the age and physical condition of the person under care. Work assignments other than household tasks may be performed insofar as appropriate to the age and physical condition of the person under care and adequate monetary compensation shall be provided and is a part of the treatment plan.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-062 TRANSPORTATION. When a licensee provides transportation for persons under care:

(1) The vehicle shall be in safe operating condition. The driver shall have a current driver's license.

(2) There shall be at least one adult supervisor other than the driver in a vehicle when there are more than six preschool-aged children in the vehicle.

(3) Licensee or driver shall carry liability and medical insurance.

(4) Seat belts or other appropriate safety devices shall be provided for all passengers, except for buses approved by the state patrol. The number of passengers shall not exceed the vehicle's seating capacity.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-068 PERSONNEL POLICIES. All agencies employing five or more persons shall have written policies covering qualifications and duties of staff and volunteers, ((~~hours of work, rate of payment, and fringe benefits~~)) and grievance procedures.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-070 TRAINING. Staff shall be made aware of the licensee's policies and procedures and the rules contained in this chapter. All agencies employing five or more persons shall have an in-service training program for developing and upgrading staff skills, and shall keep a record of such training.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-076 SOCIAL STUDY-TREATMENT PLANS. Except for juvenile detention facilities, the social service staff of each child-placing agency, day treatment program, maternity service, and group care facility shall:

(1) Develop or assemble from appropriate sources a written diagnostic social study on each child and expectant mother accepted for care. Except in the case of persons accepted for emergency care, the study shall serve as the basis of the person's admission to care. In such case, the study shall be completed within thirty days after admission if the person remains in care. The study shall contain in addition to the minimum information recorded as required by WAC 388-73-054 the following information:

(a) Child's school records ((~~(grade placement, report cards and correspondence with schools)~~)) , when possible. Records for this purpose means grade placement, reports, and correspondence with schools, except where the facility has a school on the grounds, records shall mean transcripts and other records normally kept by a school.

(b) Copies of psychological or psychiatric evaluations, if any, of the child or expectant mother.

(c) A narrative description of the background of the child and his or her family, ((~~their~~)) the child's inter-relationships and the problems and behaviors ((~~which necessitate~~)) necessitating care away from own home, previous placement history, if any, and an evaluation as to need for the particular services and type of care ((~~which~~)) the licensee will provide. For American Indian children see WAC 388-73-044.

(2) Develop and implement a written treatment plan for each person accepted for care. Such plan shall outline the agency's treatment goals and methods of work with the individual and his or her family. The plan shall be updated at least quarterly to show progress toward achievement of goals and shall identify impediments to the return of the child to his or her own home, the home of relatives, or placement for adoption and steps taken or to be taken to overcome those impediments. No person shall be admitted to nor retained in an agency's program ((~~who~~)) where the person cannot be served effectively by ((~~that~~)) the program or ((~~who~~)) where the person can be served more appropriately by another available program.

(3) Whenever the treatment plan indicates the child may return to his((~~/~~)) or her own home, the agency shall provide or arrange for services to child's parents. Where geographical or other conditions prevent the licensee from working directly with child's parents or another agency is already providing appropriate services, the licensee shall enter into an agreement with ((~~that~~)) the agency for joint planning and exchange of reports toward the end of reuniting the family, or shall make arrangements with another appropriate agency toward that end.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-102 SAFETY AND MAINTENANCE. (1) The physical plant, premises, and equipment shall be maintained in a clean and sanitary condition, free of hazards and in good repair. Steps shall be provided with handrails as determined necessary by the department. Emergency lighting devices, such as flashlights, in operational condition shall be available. All flaking or deteriorating lead-based paint on exterior and interior surfaces, and equipment and toys ((~~which are~~)) accessible to preschool-age children shall be refinished with lead-free paint or other nontoxic material.

(2) In facilities ((~~which care~~)) caring for seven or more children, toilet rooms, kitchens, and other rooms subject to moisture shall have washable, impervious floors.

(3) In facilities caring for seven or more preschool children, electrical outlets shall be of a safety type, covered with blank plates, or otherwise made inaccessible to such children.

(4) There shall be provision for staff members to gain rapid access to any bedroom, toilet room, shower room, bathroom, or other room occupied by children should emergency need arise.

NEW SECTION

WAC 388-73-103 WATER SAFETY. (1) Except for foster family homes, when a swimming pool is used at a child care agency, the swimming pool shall meet the requirements of chapter 248-98 WAC as applicable to public and semipublic pools.

(2) Pools shall be fenced with a locked gate to make the pool inaccessible to children when not in use.

(3) Except for foster family homes, a certified lifeguard shall be in attendance at all times when children are using a swimming pool or swimming area.

(4) Portable wading pools shall be permitted if the portable wading pools are emptied and cleaned daily. Children shall be supervised at all times when wading.

(5) Hot tubs, spas, etc., shall be inaccessible when not in use and shall not be used by children without adult supervision.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-108 BEDROOMS. In full-time care facilities:

(1) Hallways, kitchens, living rooms, dining rooms, and unfinished basements shall not be used as bedrooms. Every bedroom shall be an outside room permitting entrance of natural light. Separate sleeping quarters shall be furnished for each sex for children over six years of age. Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets. There shall be not less than thirty inches laterally between beds. In group-care facilities and maternity homes, single occupancy bedrooms shall provide at least eighty square feet of floor space. Each person in care shall have a bed of his((~~/~~)) or her own. There shall be no more than four persons to a bedroom except in facilities licensed for more prior to the adoption of these rules.

(2) For each person in care there shall be a bed at least thirty inches wide with a clean, firm mattress, pillow, sheets, blankets, and ((~~pillow cases~~)) pillowcases. Pillows shall be covered with waterproof material or be of a washable type. Waterproof mattress covers shall be provided for incontinent persons.

(3) The upper bunk of doubledeck beds are prohibited for use by preschool-age children, expectant mothers, and handicapped persons. When mother and ((~~child~~)) infant sleep in the same room, the room shall contain at least ((~~one hundred~~)) eighty square feet of usable floor space. A crib or bassinet with a clean, firm mattress covered with a waterproof material shall be provided for the ((~~child~~)) infant. No more than one mother and her newborn infant(s) may occupy a bedroom.

(4) Bedding shall be clean; sheets and pillowcases shall be laundered weekly.

(5) No child over the age of one year shall share a bedroom with foster parents or agency staff. An adult must be on the same floor or within easy hearing distance and accessibility to where children under six years of age are sleeping.

(6) See WAC 388-73-146(7) for requirements for cribs for infants.

(7) Only rooms having unrestricted direct access to hallways, corridors, living rooms, day rooms, or such common use area shall be used as bedrooms.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-118 TOILETS, LAVATORIES, AND BATHING FACILITIES. (1) There shall be at least one indoor flush type toilet and one lavatory with hot and cold or tempered running water. The following ratios of persons normally on the premises to facilities shall apply:

	TOILETS	LAVATORIES	BATHING FACILITIES
Day Care Centers Day Treatment Programs	2 minimum and 1:15 or major fraction	2 minimum and 1:15 or major fraction	None Required
Mini-Day Care Programs	1 minimum	1 minimum	None Required
Group Care Facilities Maternity Homes	2 minimum and 1:8 or major fraction	2 minimum and 1:8 or major fraction	1 minimum and 1:8 or major fraction
Family Home for Adults Foster Family Home Family Day Care Home	1 minimum	1 minimum	1 minimum

(2) Toilet and bathing facilities shall provide for privacy for persons of the opposite sex ((~~who are~~)) six years of age or older.

(3) Toilet, urinals, and handwashing sinks shall be of appropriate height for the children served or be provided with a safe and easily cleanable platform.

(4) For facilities licensed for the care of seven or more persons, lavatories and bathing facilities shall be provided with hot and cold or tempered running water ((~~which shall~~)) not ((~~exceed 110° F.~~)) exceeding one hundred ten degrees Fahrenheit for preschool or mentally retarded children and ((~~120° F.~~)) one hundred twenty degrees Fahrenheit for all others.

(5) All bathing facilities shall have a conveniently located grab bar unless other safety measures, such as nonskid pads, are approved by the department (see subsection (8) ((~~below~~)) of this section). Preschool children shall not be left unattended in a bathtub.

(6) Equipment for toileting and toilet training of toddlers shall be provided and maintained in a sanitary condition at all times. Infants in diapers and ((~~those~~)) toddlers using toilet training equipment need not be included when determining the number of flush-type toilets required.

(7) Whenever urinals are provided, one toilet less than the number specified may be provided for each urinal installed except ((~~that~~)) the number of toilets in such cases shall not be reduced to less than two-thirds of the minimum specified.

(8) In maternity homes bathing facilities shall have adequate grab bars in convenient places. All sleeping areas shall have at least one toilet and lavatory on the same floor.

(9) Soap and individual towels or disposable towels or approved other hand drying devices shall be provided.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-132 HEALTH CARE PLAN. (1) All facilities providing direct care shall ((~~have a written plan of action to be taken in the event of medical emergencies and a plan for health supervision and arrangement for the provision of needed medical care~~)) maintain current written medical policies and procedures including first aid, care of minor illnesses, action to be taken in event of medical emergencies, infant care procedures when infants are under care, and general health practices.

(2) Agencies licensed for the care of ((~~seven~~)) thirteen or more persons and all group homes shall((~~:~~

~~(a)~~)) arrange for the services of an advisory physician, physician's assistant or registered nurse to assist in the development and periodic review of the agency's health policies, procedures and practices. Emergency phone numbers shall be posted next to the phone.

(((~~(b) Maintain current, written medical policies and procedures including standing orders for first aid, care of minor illnesses, action to be taken in the event of medical emergencies, infant-care procedures when infants are under care and general health practices.~~)))

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-134 FIRST AID. (1) A person ((~~who has~~)) having completed a basic Red Cross first aid course or a first aid course approved by the department and training in ((~~cardio-pulmonary~~)) cardiopulmonary resuscitation shall be present at all times persons are under care or the licensee shall have a plan approved by the department to obtain such training except ((~~that~~)) for foster family homes, the "at all times" provision is not applicable. Training in cardiopulmonary resuscitation shall be kept current. A list of the names of persons ((~~who have~~)) having completed such a course, and the dates of completion shall be maintained in the facility. The requirement for CPR training may be waived for persons when such training is contraindicated for medical reasons.

(2) First aid supplies, as needed to conform with ((~~the plan of action,~~)) first aid policies and procedures shall be readily available. First aid supplies shall include syrup of ipecac to be administered only on the advice of a physician or poison control center.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-136 MEDICATIONS CONTROLLED BY LICENSEE. (1) All medications shall be kept in an orderly fashion in locked storage or otherwise made inaccessible to unauthorized persons and shall be refrigerated when so required.

(2) External medications shall be stored separately (separate compartments) from internal medications.

(3) Medications must be stored in ((~~their~~)) the medication's original container. ((~~The container shall contain the patient's name and date of purchase.~~))

(4) Only the licensee or responsible designee shall disburse or have access to medications except for self-administered medications as provided for in WAC 388-73-138.

(5) Medications shall be disbursed only on the written approval of a parent, or person or agency ((~~who has~~)) having authority by court order to approve medical care.

(6) Prescription medications shall be disbursed only as specified on the prescription label or as otherwise authorized by a physician or other person legally authorized to prescribe medication.

(7) Except for foster family care and family day care, nonprescription medication shall be disbursed only as authorized by a physician or as based on established medical policy approved by a physician.

((~~(6)~~)) (8) Except for foster family homes, a record shall be kept of all medications disbursed and "as needed" medications shall be approved by a physician or registered nurse prior to disbursement.

((~~(7)~~)) (9) Unused medications shall be properly disposed of or returned to the parent or other responsible party.

AMENDATORY SECTION (Amending Order 1540, filed 9/9/80)

WAC 388-73-140 HEALTH HISTORY, PHYSICAL EXAMINATIONS, IMMUNIZATIONS. This section is not applicable to crisis residential centers and juvenile detention facilities.

(1) A health history for each person under care shall be obtained when the person is accepted for care, if possible. ((~~This~~)) The health history shall include the date of the person's last physical examination, allergies, any special health problems, and for children, an immunization history.

(2) If a child has not been under regular medical supervision or has not had a physical examination by a physician, physician's assistant or certified registered nurse (nurse practitioner) within one year prior to admission, arrangements shall be made for an examination within thirty days.

(3) Yearly physical examinations are required for each child ((~~who is~~)) not under regular medical supervision.

(4) Prior to admission or within forty-five calendar days of the child's first day of attendance, each child shall present proof of full immunization for diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles (rubeola), rubella (German measles), and mumps as set forth in WAC 248-100-164(2). (Note: Appropriate forms and information may be obtained at the local health department. For the requirements applying to day care centers, see WAC 248-100-164.)

(5) Children ((~~who have~~)) not having received all immunizations as set forth in WAC 248-100-164(2) may be accepted on a conditional basis if immunizations are initiated and are completed as rapidly as is medically indicated. Exceptions to ((~~this~~)) the immunization requirement shall be made in the case of a parent or guardian ((~~who expresses~~)) expressing religious, philosophical, or personal objections by

signing a statement to this effect; or there is a physician's statement that a valid medical reason exists to contraindicate immunization.

AMENDATORY SECTION (Amending Order 1540, filed 9/9/80)

WAC 388-73-142 TUBERCULOSIS, COMMUNICABLE DISEASE. (1) Each licensee, employee, adult volunteer, and other adult persons ((~~who have~~)) having regular contact with persons in care shall have a tuberculin skin test, by the Mantoux method, upon employment or licensing unless medically contraindicated.

(a) Persons whose TB skin test is positive (10 mm or more induration) shall have a chest x-ray within ninety days following the skin test.

(b) Routine periodic retesting or x-ray (biennial or otherwise) after the entry testing is not required.

(c) An entry test shall not be required of persons whose TB skin test has been documented as negative (less than 10 mm) within the last two years nor shall routine periodic retesting or x-ray (biennial or otherwise) be required of such persons.

(2) A record of skin test results, x-rays, or exemptions to such will be kept in the facility.

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

AMENDATORY SECTION (Amending Order 1540, filed 9/9/80)

WAC 388-73-144 NUTRITION. (1) Food served by each agency shall be planned ((~~in light of~~)) to meet the needs of the persons under care, taking into consideration ((~~their~~)) the persons' ages, developmental levels, individual differences, cultural background, any handicapping condition, and hours of care in the facility. To promote an educational and socializing environment during mealtimes, whenever possible, staff shall sit with the persons and eat the same foods.

(2) The use of raw milk is prohibited. Skim milk and reconstituted nonfat dry milk shall not be used for drinking purposes by children less than two and one-half years of age, except with the written permission of a physician. Dry milk and milk products may be reconstituted in the facility for drinking purposes for children over two and one-half years of age provided the preparation, service, and storage of said milk is in accordance with the requirements of chapter 248-84 WAC relating to potentially hazardous foods.

(3) Facilities licensed to care for seven or more persons shall record all food served. Daily menus, including all snacks required to be served shall be prepared at least one week in advance, and dated ((~~and plainly posted~~)). A schedule of mealtimes shall be established and posted. A menu shall specify a variety of foods to enable a person to consume adequate nutrients. Cycle menus, including snacks, shall provide at least two weeks of variety before repeating. Any substitutions shall be of comparable ((~~food~~)) nutrient value and recorded. ((~~These~~)) The menus shall be kept on file for a minimum of six months for review by the department.

(4) Nutrient concentrates, supplements, and modified diets (therapeutic and allergy diets) shall not be served except with the written instructions of a physician. The licensee shall obtain from the parent, responsible relative or physician ((~~must submit~~)) a written diet listing foods the person cannot have. ((~~This~~)) The list, with the person's name, must be ((~~plainly~~)) posted ((~~and followed by~~)) for staff to follow.

(5) Day care and day treatment - Children in care for five to ((~~ten~~)) nine hours shall be served food ((~~that provides~~)) providing at least one-third of the 1980 recommended dietary allowances set by the national research council. Children in care for more than ((~~ten~~)) nine hours ((~~shall be served food that provides at least one-half of the 1980 recommended dietary allowances~~)) except children in evening care, shall be offered an additional snack. Children ((~~who bring~~)) bringing sack ((~~lunches~~)) meals from home shall be provided additional foods to meet ((~~these~~)) the requirements. Licensees shall consult with parents as to what additional foods should be provided. Menus shall be posted where parents can view them.

(a) All children arriving before 7:00 a.m. ((~~who have~~)) not having received breakfast shall be offered a breakfast ((~~that provides~~)) providing at least one-fourth of the recommended dietary allowances.

(b) All children present shall be offered mid-morning and mid-afternoon snacks. If a breakfast was served to all children, then a mid-morning snack is not required. Children arriving after school shall be offered a snack.

(c) Between-meal snacks shall be provided ((~~that contribute~~)) contributing toward the daily food needs. Snacks shall consist of two or more of the following items, served in age-appropriate serving sizes:

(i) Milk or milk products;

(ii) Fruit and/or vegetables;

(iii) Fruit and/or vegetable juices that are at least fifty percent real juice;

(iv) Whole grain or enriched breads and/or cereal products;

(v) Protein foods (animal or vegetable).

(d) The occasional serving of party foods ((~~which do~~)) not ((~~meet these~~)) meeting the requirements is not prohibited provided the party foods do not substitute for required foods.

(6) Full-time care providers - Food shall be served in accordance with the 1980 recommended dietary allowances of the food and nutrition board, national research council, adjusted for age, sex, physical abilities, and activity of each person.

A minimum of three meals in each twenty-four hour period shall be provided, except ((~~that~~)) when a written request has been made to, and approved in writing by, the department, deviation may be made from this minimum. The time interval between the evening meal and breakfast shall be not more than fourteen hours.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-146 ((~~INFANT~~)) CARE OF YOUNGER CHILDREN. This section is applicable only to day care centers and to mini-day care programs.

(1) Children under one month of age shall not be accepted for day care in mini-day programs and day care centers.

(2) Separate rooms and play areas for children under one year or children ((~~who are~~)) not walking are required for facilities licensed to care for thirteen or more children. Children under one year of age shall be cared for in rooms or areas separate from older children, as approved by the department with not more than ten such children to a room and with handwashing facilities in each such room or convenient thereto.

(3) Diaper-changing places shall be sanitized between use for different children or protected by a disposable covering ((~~which is~~)) discarded after each use. Disposable towels or clean reusable towels ((~~which have~~)) having been laundered between children shall be used for cleaning children. Personnel shall wash ((~~their~~)) hands before and after diapering each child.

(4) Mini-day care programs and day care centers shall use disposable diapers, a commercial diaper service, or reusable diapers supplied by the child's family. Soiled reusable diapers shall be placed without rinsing into separate cleanable covered containers provided with waterproof liners prior to transport to laundry, parent, or acceptable disposal. Diapers shall be removed from the mini-day care centers and day care centers at least daily. Diaper-changing procedures shall be posted at the changing areas.

(5) Toilet training shall be initiated when readiness is indicated by the child and in consultation with the child's parents((~~/~~)) or placement agency.

(6) Feeding of infants - Formula feeding of infants (under one year of age) shall be on a schedule agreed upon by the child's parent(s), guardian, the placement agency, and the licensee.

(a) Feedings prepared on the premises of the facility:

(i) Any formula provided by the parent(s), guardian, placement agency, or licensee shall be in a ready-to-feed strength or require no preparation other than dilution with water at the day care facility.

(ii) If the container in which the feeding was purchased does not include a sanitized bottle and nipple, then transfer of ready-to-feed formula from the bulk container to the bottle and nipple feeding unit must be done in a sanitary manner in the kitchen.

(iii) Bottles filled on the premises of the facility should be refrigerated immediately if not used and contents discarded if not used within twelve hours.

(iv) If bottles and nipples are to be reused by the facility, ((~~they~~)) the bottles and nipples must be sanitized by boiling for five minutes or more just prior to refilling. Terminal (one step) sterilization of bottles, nipples, and formula is acceptable.

(v) When more than one bottle-fed child is in care, bottles shall be labeled with the child's name and date prepared. Milk for children requiring bottles but no longer on formula shall be poured from the original container into sanitized, labeled bottles. Sanitized nipples only shall be used on ((~~these~~)) the bottles.

(b) Feedings brought to the child care facility:

(i) Bottles brought into the facility shall have a label showing the child's name and date the bottle was prepared.

(ii) Bottles shall be refrigerated immediately upon arrival at the facility and contents discarded if not used within twelve hours.

(c) Bottles shall not be propped. ((~~Semi-solid~~)) Semisolid foods shall be provided for infants at between four and five months of age, upon consultation with the parent((~~/~~)) or placement agency and/or with a physician when indicated. Infants too young to sit in high chairs shall be held in a ((~~semi-sitting~~)) semisitting position for all feedings. Infants six months of age or over ((~~who show~~)) showing a preference for holding their own bottles may do so provided an adult remains in the room and within observation range. Bottles shall be taken from the child when he((~~/~~)) or she finishes feeding or when the bottle is empty. See also WAC 388-73-144.

(7) Cribs - Cribs shall be made of wood, metal or approved plastic and have secure latching devices. Cribs purchased for the use of infants under six months of age shall have no more than two and three-eighths inches space between vertical slats. Cribs currently on hand ((~~which do~~)) not ((~~meet~~)) meeting the spacing requirement may be used provided crib bumpers or other effective methods are used to prevent the infant's body from slipping between the slats. Mattresses shall fit snugly to prevent the infant being caught between the mattress and crib side rails. Crib mattresses shall be waterproof and easily sanitized.

(8) Children's activities - Infants shall be provided opportunities for exercise, large and small muscle development, crawling and exploring, sensory stimulation, social interaction, and the development of communication and self-help skills. The facility shall provide suitable toys and equipment for infant care.

(9) Nursing consultation - Facilities caring for five or more infants shall arrange for regular consultation to include at least one monthly on-site visit by a registered nurse trained or experienced in the care of young children. In collaboration with the agency's administrative staff, the nurse shall be responsible for advising the agency on the operation of ((~~its~~)) the infant care program and on the implementation of ((~~its~~)) the child health program. The nurse's name and telephone number shall be posted or otherwise available in the agency.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-304 CAPACITY. (1) No family home for adults shall be licensed for more than four adults.

(2) No foster family home for children shall be licensed for more than four foster children; nor more than a total of six children to include the foster parent's own minor children residing in the home.

(a) No home designated by the department as a "receiving home" shall be licensed for more than six foster children, such number to be reduced by the number of the foster parent's own minor children residing in the home;

(b) No home ((~~that~~)) otherwise ((~~meets these~~)) meeting the standards shall be denied a license for the care of at least one child or single family of children.

(3) No foster family home for expectant mothers will be licensed for more than three expectant mothers.

(4) No foster family home for children shall be licensed for more than two children under two years of age, such number to be reduced by the number of licensee's own children of such age.

(5) No family home shall be licensed for the care of more than two persons suffering mental or physical handicaps of such severity as to require nursing care, and then only if the licensee is qualified by training and/or experience to provide proper care and the person's treatment is under the supervision of a physician.

(6) No foster family home ((~~which functions~~)) functioning as a crisis residential center shall be licensed for the care of more than four children, including the foster parents' own minor children residing on the premises. No more than two children ((~~who require~~)) requiring crisis care may be in care at the same time. All such homes shall be two-parent homes and one or the other of the foster parents shall not be employed outside the home.

(7) A foster family home may, for purposes of respite care, exceed the foster family home licensed capacity for not more than three times in any calendar year and for periods of time up to not more than seventy-two hours by receiving foster children from another licensed foster family: PROVIDED, That prior approval shall be obtained from the placing agency, if any, and if not, the person's or persons' parents or guardian or responsible relative: PROVIDED FURTHER, That no foster family home shall exceed pursuant to subsection (7) of this section, the foster family home licensed capacity by more than twice the number of persons for which the foster family home may be licensed.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-310 FIRE SAFETY. (1) Every room used by persons under care, unless provided with two separate doors or one door leading directly to the outside, shall have a window of sufficient size and free of obstructions to be readily available for emergency escape or rescue.

(2) Every occupied area shall have access to at least one exit ((~~which does~~)) not ((~~pass~~)) passing through rooms or spaces subject to being locked or blocked from the opposite side.

(3) No space shall be used for residential purposes ((~~which is~~)) accessible only by ladder, folding stairs or a trap door.

(4) Every bathroom door lock shall be designed to permit the opening of the locked door from the outside in an emergency.

(5) Every closet door latch shall be such that the door can be opened from the inside.

(6) No stove or heater shall be so located as to block escape in case of malfunctioning and ensuing fire.

(7) Flammable, combustible or poisonous material shall be stored away from exits and in areas not accessible to persons under care.

(8) Open flame devices, heating and cooking appliances, and other similar products capable of igniting clothing shall not be left unattended or used in such a manner which could result in accidental ignition of clothing.

(9) All persons in care shall be instructed in emergency evacuation procedures and drills conducted at regular intervals to test and practice the procedure.

(10) There shall be readily available an approved ((~~five pound or larger all purpose (A.B.C.) type~~)) 2A rated fire extinguisher. (Where local fire authorities require installation of a different type or size of fire extinguisher, the requirement of the local authority shall apply.)

(11) A smoke detector shall be located in proximity to the area(s) where persons under care sleep.

(12) If question arises concerning fire danger, the local fire protection authority shall be consulted.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-504 PERSONNEL. A day treatment program shall have the following staff:

(1) A director responsible for the overall management of the agency's facilities and ((~~its~~)) operation, and a program supervisor responsible for the implementation and supervision of the agency's child care and treatment program. The director and the program supervisor may be one and the same person if he or she is qualified for both positions. One or the other shall normally be on the premises while the children are in care and another competent person left in charge during ((~~their~~)) the director's and/or program supervisor's temporary absence.

(a) The director shall be at least twenty-one years of age and shall have the management and supervisory skills necessary for the proper administration of the agency, including the maintenance of necessary records, the management of the agency's finances and the maintenance of positive relationship with staff, parents, and the community as evidenced by appropriate references and on-the-job performance.

(b) The program supervisor shall be at least twenty-one years of age and shall have a knowledge of child growth and development, the origin and treatment of deviant behavior, techniques of guiding children's behavior and the ability, in conjunction with the director, board, and other staff, to implement programs to meet the needs of the children served. He or she shall have at least a ((~~master's~~)) masters degree in social work, clinical psychology or closely related field.

(2) Psychiatrist - The agency shall receive regular consultation from a child psychiatrist.

(3) Psychologist - The agency shall provide or arrange for the services of a psychologist for the administration of psychological testing and related services if these services are not provided by the accredited school where the child is regularly enrolled.

(4) Teaching staff - The agency shall provide((~~/~~)) or arrange for teaching ((~~staff~~)) by certified teachers qualified by training or experience in remedial education.

(5) Group counselors - Group counselors shall be persons ((~~who are~~)) qualified by training or by experience in the care of disturbed children.

AMENDATORY SECTION (Amending Order 1431, filed 9/10/79)

WAC 388-73-604 DAILY ACTIVITY PROGRAM. Except for juvenile detention facilities the agency shall submit a detailed written

program description for departmental approval outlining the ((~~educational,~~)) recreational((;)) and therapeutic services to be provided to the child and his or her family, and a schedule of typical daily activities for persons in care((~~, and a statement of religious practices, if any~~)).

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-708 REQUIRED PERSONNEL. (1) A director ((~~shall be employed~~)), ((~~who is~~)) at least twenty-one years of age and ((~~who is~~)) a mature person especially equipped by training, experience, and personal qualities to insure an effective program, staff development, and efficient administration shall be employed. ((~~That person~~)) The director must possess an understanding of the program to be administered and have demonstrated such leadership and supervisory ability as will insure harmonious relationships and effective performance of agency personnel.

(2) Consultants ((~~and other specialists~~)). ((~~Specialists~~)) Consultants in mental health, education, religion, and law shall also be available as needed for work with agency staff, as well as with the parent. ((~~Specialists~~)) Consultants used by the agency shall meet the full requirements of professional competence in ((~~their~~)) the consultants' respective fields. ((~~There shall be a written agreement between the agency and each consultant specifying the conditions of consultation.~~))

(3) Residential staff. Residential programs providing twenty-four hour care to expectant mothers or to mothers and their infants shall employ residential staff in sufficient numbers to insure ((~~that~~)) the physical and emotional needs of the residents are met. Residential staff are staff ((~~who are~~)) in charge of supervision of the day-to-day living situation. Such staff may carry out maintenance tasks ((~~which do~~)) not ((~~detract~~)) detracting from ((~~their~~)) the staff's primary function.

(a) Residential staff shall be on duty in a ratio of one such staff to every eight mothers or major fraction thereof. When more than eight mothers are on the premises, at least two adults (including at least one residential care staff) shall be on duty. Additional staff may be required under certain circumstances, as required by the department.

(b) On duty staff may include persons ((~~who sleep~~)) sleeping on the premises but ((~~who~~)) are available to the residents as needed during the nighttime hours. In homes ((~~which care~~)) caring for fewer than ten persons, at least one staff shall be physically present with an additional person available "on call" at all times.

(4) Relief staff. Sufficient relief staff shall be available to allow all staff the equivalent of two days off a week.

AMENDATORY SECTION (Amending Order 1336, filed 9/8/78)

WAC 388-73-714 FAMILY LIFE EDUCATION. All maternity service programs shall provide or arrange for classes in family life ((~~such as~~)). Examples of such services are: Home management and consumer education, child-rearing techniques, and family planning.

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(Personnel Board)
[Filed July 21, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 356-06-010	Definitions.
Amd	WAC 356-06-055	Exempt—Classified service—Movement between.
Amd	WAC 356-06-080	Personnel Board—Powers—Duties.
Amd	WAC 356-22-120	Examinations—Promotional—Evaluations—Regulations.
Amd	WAC 356-26-020	Registers—Appointments—How made.
Amd	WAC 356-26-030	Register designation.
Amd	WAC 356-26-040	Registers—Name removal for cause—Grounds enumerated—Requirements.
Amd	WAC 356-26-060	Certification—General methods.
Rep	WAC 356-30-045	Appointments—Past exempt employees—To classified positions.
Amd	WAC 356-30-050	Appointments—Emergency—How made—Status.
Amd	WAC 356-30-160	Eligibility for promotional examination and certification.
Amd	WAC 356-30-190	Transfer—Within class—Agency—Permitted—Report.
Amd	WAC 356-30-200	Transfer—Between classes—Approval.
Amd	WAC 356-30-230	Demotion—Voluntary.
Amd	WAC 356-30-260	Probationary period—((~~Six months~~)) Provisions—Status of employee.
Amd	WAC 356-30-280	Probationary period—Transfer, intra-agency ((~~re-~~)) appointment to higher class.
Amd	WAC 356-30-300	Performance evaluation—Requirements—Monitoring.
New	WAC 356-30-305	Trial service period—Provision.
Amd	WAC 356-30-330	Reduction-in-force—Rules, regulations—Procedure.
New	WAC 356-34-117	Scheduling of hearings—Time allotted.
New	WAC 356-42-055	Arbitration—Grievance—Procedure.
New	WAC 356-42-083	Investigation of and disposition of unfair labor practice charges.
New	WAC 356-42-084	Answer to complaint—Unfair labor practice.
Amd	WAC 356-42-100	Impasse arbitration.
Rep	WAC 356-46-130	State housing committee—Responsibilities;

that such agency will at 10:00 a.m., Thursday, September 9, 1982, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 41.06.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 7, 1982, and/or orally at 10:00 a.m., Thursday, September 9, 1982, Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA.

Dated: July 21, 1982
By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend WAC 356-06-010.

Title: Definitions, (Emergency Appointment).

Purpose: Defines common words or terms used throughout Title 356 WAC.

Statutory Authority: RCW 41.06.150 (5), (6) and (7).

Summary: Proposed change would allow employees to be placed in an emergency appointment for the purpose of taking all accumulated vacation leave after termination of employment.

Reasons: To relieve an anticipated administrative burden on the agencies if accrued vacation leave is taken by an employee prior to termination of employment due to requirements of ESSB 5007 and the emergency adoption of WAC 356-18-100.

Responsibility for Drafting: Al Gonzales, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-5184; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Social and Health Services, governmental agency.

WAC 356-06-010.
Title: Definitions, (Probationary Period).
Purpose: Defines common words or terms used throughout Title 356 WAC.
Statutory Authority: RCW 41.06.150 (5), (6) and (7).
Summary: Proposal would allow probationary periods to last up to twelve months rather than just six months.
Reasons: This change is necessary to implement the provisions of SHB 1226.
Responsibility for Drafting: Mike Welsh, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 754-1769; Implementation and Enforcement: Department of Personnel.
Proposed by: Department of Personnel, governmental agency.

WAC 356-06-010.
Title: Definitions, (Supervisor).
Purpose: Defines common words or terms used throughout Title 356 WAC.
Statutory Authority: RCW 41.06.150 (5), (6) and (7).
Summary: Proposed change would modify the specified functions an individual must possess in order to meet the definition.
Reasons: Sponsor feels that the present definition of "supervisor" was developed to identify a level of supervision that the Personnel Board believed should be excluded from bargaining units. Sponsor feels the definition, as written, is unsuited for allocation and minimum qualification decisions and should be changed to reflect supervisory duties that are performed on a regular rather than an exception basis.
Responsibility for Drafting: John Calhoun, Personnel Officer, Department of Transportation, Highway Administration Building, MS: KF-01, Olympia, WA, Phone: 753-7337; Implementation: Department of Personnel; and Enforcement: Department of Personnel and the Personnel Appeals Board.
Proposed by: Department of Transportation, governmental agency.
Comments: Modification would reflect supervisory rather than appointing authority function.

Amend WAC 356-06-055.
Title: Exempt—Classified Service—Movement Between.
Purpose: Rule outlines the rights of classified employees appointed to exempt positions and their return rights back to classified service.
Statutory Authority: RCW 41.06.150.
Summary: Proposed changes enforce a four-year limitation on time spent in an exempt appointment with the right to return to the classified service. Proposal also would allow one four-year extension to be approved by the Personnel Board; outlines return rights.
Reasons: These changes are necessary to implement the provisions of SHB 1226.
Responsibility for Drafting: Roger Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.
Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-06-080.
Title: Personnel Board—Powers—Duties.
Purpose: Rule outlines the responsibilities of the Washington State Personnel Board.
Statutory Authority: RCW 41.06.150.
Summary: Proposal defines the type of appeals heard by the Personnel Board as opposed to those heard by the recently established Personnel Appeals Board. Proposal also is of a housekeeping nature to coincide with some rule changes adopted on an emergency basis (effective July 10, 1982).
Reasons: Changes to (1) and (3) were necessary to avoid confusion as to the type of appeals heard by the Personnel Board as opposed to those heard by the Personnel Appeals Board. Changes to (5) (b) and (e) are necessary to implement the provisions of SHB 1226.
Responsibility for Drafting: Roger Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation and Enforcement: Department of Personnel and the Washington State Personnel Board.
Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-22-120.
Title: Examinations—Promotional—Evaluations—Regulations.
Purpose: Rule states the manner in which promotional recruitment will be conducted.
Statutory Authority: RCW 41.06.150.
Summary: Proposed change would allow any employee (governed by Title 356 WAC) to apply for openings on a promotional basis regardless of status.
Reasons: The sponsor feels that it would be more fair to open promotional examinations to all employees working under the Merit System regardless of status rather than limiting the promotional rights to permanent employees only.
Responsibility for Drafting: Mike Welsh, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 754-1769; Implementation and Enforcement: Department of Personnel.
Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-26-020.
Title: Registers—Appointments—How made.
Purpose: Rule states how appointments for filling vacancies shall be made.
Statutory Authority: RCW 41.06.150.
Summary: Proposal coincides with changes being proposed to WAC 356-30-190, 356-30-200 and 356-30-230 which state conditions in which administrative transfers and voluntary demotions may be made.
Reasons: To clarify in the rules conditions in which agencies may administratively transfer or voluntarily demote employees.
Responsibility for Drafting: Roger Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-26-030.
Title: Register Designation.
Purpose: States composition, ranking, and life of registers.
Statutory Authority: RCW 41.06.150.
Summary and Reasons: Changes are necessary to coincide with several other rule amendment proposals listed in this filing which are necessary to implement the provisions of SHB 1226 (adopted on an emergency basis, effective July 10, 1982).
Responsibility for Drafting: Mike Welsh, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 754-1769; Implementation and Enforcement: Department of Personnel.
Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-26-040.
Title: Registers—Name Removal for Cause—Grounds Enumerated—Requirements.
Purpose: States conditions and reasons in which a candidate may be removed from a register.
Statutory Authority: RCW 41.06.150.
Summary: Change would allow a reduction-in-force candidate two waivers before being removed from the register rather than one waiver.
Reasons: Since agencies are no longer required to hire the #1 candidate on the reduction-in-force register, or leave their position vacant, due to the provisions of SHB 1226, sponsor felt that the reduction-in-force candidate should also be allowed more than one option. The number of waivers allowed would then also be the same as that allowed for promotional candidates.
Responsibility for Drafting: Carol Schmitt, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-2374; Implementation and Enforcement: Department of Personnel.
Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-26-060.
Title: Certification—General Methods.
Purpose: Rule states the number of names to be certified per vacant position from the registers.
Statutory Authority: RCW 41.06.150.
Summary: Proposed revision would change the rule of three to the rule of five.
Reasons: This proposal is necessary to implement the provisions of SHB 1226.
Responsibility for Drafting: Carol Schmitt, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-2374; Implementation and Enforcement: Department of Personnel.
Proposed by: Department of Personnel, governmental agency.

Repeal WAC 356-30-045.
Title: Appointments—Past Exempt Employees—To Classified Positions.
Purpose: Rule outlines the rights of those exempt employees who previously held permanent status in the classified service to return to the classified service.
Statutory Authority: RCW 41.06.150.
Summary and Reasons: Due to changes necessary to WAC 356-06-055 to implement the provisions of SHB 1226, the sponsor combined the provisions of WAC 356-30-045 with those in WAC 356-06-055 to provide for one rule governing exempt appointments and return rights rather than two rules in two separate chapters; change will avoid confusion in locating rule(s) concerning exempt employees.
Responsibility for Drafting: Roger Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.
Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-30-050.
Title: Appointments—Emergency—How Made—Status.
Purpose: States how emergency appointments shall be made and the status of incumbents in an emergency appointment.
Statutory Authority: RCW 41.06.150.
Summary: Change would allow an employee to be placed in an emergency appointment for the purpose of taking all accumulated vacation leave after termination of employment.
Reasons: To relieve an anticipated administrative burden on the agencies if accrued vacation leave is taken by an employee prior to termination of employment due to requirements of ESSB 5007 and the emergency adoption of WAC 356-18-100.
Responsibility for Drafting: Al Gonzales, Department of Social and Health Services, Office Building #2, MS: OB-14, Olympia, WA, Phone: 753-5184; Implementation: All state agencies; and Enforcement: Department of Personnel.
Proposed by: Department of Social and Health Services, governmental agency.

Amend WAC 356-30-160.
Title: Eligibility for Promotional Examination and Certification.
Purpose: States basis in which employees may apply on a promotional basis.
Statutory Authority: RCW 41.06.150.
Summary: Change would allow probationary period employees to be certified from registers after serving at least six months of a probationary period.
Reasons: Proposed change would allow equal promotional rights for all probationary employees regardless of the length of their probationary period; SHB 1226 allows for probationary periods of up to twelve months.
Responsibility for Drafting: Mike Welsh, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 754-1769; Implementation and Enforcement: Department of Personnel.
Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-30-190.

Title: Transfer—Within Class—Agency—Permitted—Report.

Purpose: Allows agencies to make intra-agency transfers of permanent employees, within a class.

Statutory Authority: RCW 41.06.150.

Summary: Revision would not allow administrative transfers in view of available reduction-in-force candidates.

Reasons: The Personnel Appeals Board concluded in Declaratory Ruling No. 82-1 that reduction-in-force candidates were to be considered before administrative transfers or voluntary demotions could take place for filling of vacant positions.

Responsibility for Drafting: Roger Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-30-200.

Title: Transfer—Between Classes—Approval.

Purpose: States how transfers between classes may be made.

Statutory Authority: RCW 41.06.150.

Summary: Revision would not allow administrative transfers in view of available reduction-in-force candidates.

Reasons: The Personnel Appeals Board concluded in Declaratory Ruling No. 82-1 that reduction-in-force candidates were to be considered before administrative transfers or voluntary demotions could take place for filling of vacant positions.

Responsibility for Drafting: Roger Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-30-230.

Title: Demotion—Voluntary.

Purpose: Outlines circumstances in which permanent employees may voluntarily demote.

Statutory Authority: RCW 41.06.150.

Summary: Revision would not allow administrative voluntary demotions in view of available reduction-in-force candidates.

Reasons: The Personnel Appeals Board concluded in Declaratory Ruling No. 82-1 that reduction-in-force candidates were to be considered before administrative transfers or voluntary demotions could take place for filling of vacant positions.

Responsibility for Drafting: Roger Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-30-260.

Title: Probationary Period—((~~Six-Months~~)) Provisions—Status of Employee.

Purpose: States status and probationary period of employees appointed from open competitive and reemployment registers.

Statutory Authority: RCW 41.06.150.

Summary: Proposed revision would allow probationary periods of 6 to 12 months; also, outlines criteria to be considered by the Personnel Board when agencies request probationary periods of longer than six months.

Reasons: Proposed change is necessary to implement the provisions of SHB 1226.

Responsibility for Drafting: Mike Welsh, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 754-1769; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-30-280.

Title: Probationary Period—Transfer, Intra-Agency ((~~Re-~~)) Appointment to Higher Class.

Purpose: States conditions and status of employees reappointed to a higher class or transferred while serving a probationary period.

Statutory Authority: RCW 41.06.150.

Summary: Proposed change would allow employees to be promoted after serving six months in a probationary period; also, provides employees who have been appointed to a higher level class while serving in a probationary period to gain status in the lower level class while serving the trial service in the higher level (probationary period and trial service period would overlap).

Reasons: Proposed change is necessary to implement the provisions of SHB 1226.

Responsibility for Drafting: Mike Welsh, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 754-1769; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-30-300.

Title: Performance Evaluation—Requirements—Monitoring.

Purpose: States when and how often performance evaluations shall be performed on employees.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposed change is necessary to implement the provisions of SHB 1226.

Responsibility for Drafting: Mike Welsh, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 754-1769; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

New WAC 356-30-305.

Title: Trial Service Period—Provision.

Statutory Authority: RCW 41.06.150.

Summary: Proposal provides a rule to state the provisions of trial service periods.

Reasons: Due to SHB 1226, allowing probationary periods of six to twelve months, a rule is necessary to clarify length of trial service periods.

Responsibility for Drafting: Mike Welsh, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 754-1769; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-30-330.

Title: Reduction-in-Force—Rules, Regulations—Procedure.

Purpose: Outlines procedures for reduction-in-force.

Statutory Authority: RCW 41.06.150.

Summary: Proposal revises manner in which seniority is determined; allows for performance evaluation to be final tie breaking factor.

Reasons: To implement the provisions of SHB 1226, it is necessary to include employee performance as a factor in determining seniority.

Responsibility for Drafting: Roger Sanford, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

New WAC 356-34-117.

Title: Scheduling of Hearings—Time Allotted.

Statutory Authority: RCW 41.06.120, 41.06.150, 41-.06.340 and 41.56.140 through 41.56.190.

Summary: Requires the Personnel Board's hearings coordinator to schedule a hearing after conferring with the parties about available dates and length of hearing. Requires parties, once a hearing is scheduled, to timely notify the Personnel Board's hearings coordinator of any need for change.

Reasons: Too frequently, hearings are set and then have to be rescheduled, or they take longer than the time allotted. This proposal should reduce the instances of that happening.

Responsibility for Drafting of Proposal #1: Richard A. Heath, Assistant Attorney General, Temple of Justice, MS: AV-21, Olympia, WA, Phone: 753-2578; Proposal #2: John Calhoun, Personnel Officer, Department of Transportation, Highway Administration Building, MS: KF-01, Olympia, WA, Phone: 753-7337; Implementation: Department of Personnel; and Enforcement: State Personnel Board.

Proposed by: State Personnel Board, governmental unit.

New WAC 356-42-055.

Title: Arbitration—Grievance—Procedure.

Statutory Authority: RCW 41.06.150.

Summary: Outlines the procedure for filing and hearing grievance arbitration requests before the Personnel Board.

Reasons: Establishes an orderly method of proceeding to hear the grievance arbitration.

Responsibility for Drafting of Proposal #1: Richard A. Heath, Assistant Attorney General, Temple of Justice, MS: AV-21, Olympia, WA, Phone: 753-2578; Proposal #2: John Calhoun, Personnel Officer, Department of Transportation, Highway Administration Building, MS: KF-01, Olympia, WA, Phone: 753-7337; Implementation: Department of Personnel; and Enforcement: State Personnel Board.

Proposed by: State Personnel Board, governmental unit.

New WAC 356-42-083.

Title: Investigation of and Disposition of Unfair Labor Practice Charges.

Statutory Authority: RCW 41.06.340 and 41.56.140 through 41.56.190.

Summary: This proposal would expand the existing WAC 356-42-080(3); requires the Department of Personnel to investigate the charge and either dismiss it or file a complaint; provides for amendment of the charge before a complaint is filed if charge is not complete; provides that the Department of Personnel will serve the complaint.

Reasons: To assure that if a complaint is filed, that it contains sufficient information to put the answering party on notice of the basis for the complaint.

Responsibility for Drafting: Richard A. Heath, Assistant Attorney General, Temple of Justice, MS: AV-21, Olympia, WA, Phone: 753-2578; Implementation: Department of Personnel; and Enforcement: State Personnel Board.

Proposed by: State Personnel Board, governmental unit.

New WAC 356-42-084.

Title: Answer to Complaint—Unfair Labor Practice.

Statutory Authority: RCW 41.06.340 and 41.56.140 through 41.56.190.

Summary: Proposal requires the charged party to answer the complaint within 20 days; requires the answer to admit, deny or explain the facts alleged; provides that failure to answer constitutes an admission for purposes of the hearing.

Reasons: To put both parties and the Personnel Board on notice of the matters which are in dispute. This procedure should shorten hearings and focus the parties on the matters for which they will have to present evidence.

Responsibility for Drafting of Proposal #1: Richard A. Heath, Assistant Attorney General, Temple of Justice, MS: AV-21, Olympia, WA, Phone: 753-2578; Proposal #2: John Calhoun, Personnel Officer, Department of Transportation, Highway Administration Building, MS: KF-01, Olympia, WA, Phone: 753-7337; Implementation: Department of Personnel; and Enforcement: State Personnel Board.

Proposed by: State Personnel Board, governmental unit.

Amend WAC 356-42-100.

Title: Impasse Arbitration.

Purpose: To provide for arbitration by the Personnel Board of impasses in collective bargaining negotiations between employing agencies and exclusive bargaining representatives and to require each party to file a statement of position.

Statutory Authority: RCW 41.06.150.

Summary: Proposal adds the word "impasse" to the title; changes appointing authority to employing agency; requires parties to arbitration to file statement of position with the Personnel Board before a hearing is held.

Reasons: To allow the Personnel Board to have an understanding of what the arbitration will be about prior to the hearing.

Responsibility for Drafting: Richard A. Heath, Assistant Attorney General, Temple of Justice, MS: AV-21, Olympia, WA, Phone: 753-2578; Implementation: Department of Personnel; and Enforcement: State Personnel Board.

Proposed by: State Personnel Board, governmental unit.

Repeal WAC 356-46-130.

Title: State Housing Committee—Responsibilities.

Purpose: Outlines the responsibilities of the State Housing Committee, an advisory group to the State Personnel Board on matters pertaining mainly to the rental and utility rates charged to state employees required to live in agency-supplied housing.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: There is no specific statutory requirement to develop and maintain a standardized method for such determinations. At the request of several concerned legislators, the Personnel Board established the State Housing Committee which, in turn, developed the "Rental and Utility Rate Guidelines" adopted by the Personnel Board effective July 1, 1977. Reductions-in-force within the Department of Personnel has reduced staff support capabilities for this function. The Department of Personnel and the Personnel Board believe that perhaps a state agency such as the Office of Financial Management is better equipped to offer staff support. Repeal of WAC 356-46-130 will remove these responsibilities from the Department of Personnel and the Personnel Board.

Responsibility for Drafting: Robert Makula, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-4741.

Proposed by: Department of Personnel, governmental agency.

AMENDATORY SECTION (Amending Order 169, filed 4/12/82)

WAC 356-06-010 DEFINITIONS. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT - An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL - Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or, (2) work providing direct assistance to executive or administrative personnel.

AGENCY - An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL - Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER - A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION - The assignment of a position to a job classification.

ANNIVERSARY DATE - Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY - A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT - The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE - The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD - The state personnel board.

BUMPING - The replacement of an incumbent by another employee subject to reduction-in-force, who has greater seniority.

CAREER PLANNING - A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION - Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS - Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE - All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION - The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME - Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE - All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION - The date of election is the date the Director of Personnel certifies the results of the election.

DEMOTION - A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS - The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR - The director of the department of personnel.

DISABILITY - An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL - The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE - An authorized leave of absence for educational purposes.

ELEVATION - Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE - An applicant whose name is on a register.

EMERGENCY APPOINTMENT - An appointment, for emergency reasons, or for the purpose of affording a person the opportunity to take accrued vacation leave after termination of employment, not to exceed 60 calendar days.

EMPLOYEE - Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION - Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) - Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel

who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the Merit System Rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the Merit System Rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060(2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for six to 12 months as determined under the provisions of WAC 356-30-260.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the Director of Personnel as "Project Employment", that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular Civil Service employees, cannot be facilitated through the regular Civil Service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of an ((~~permanent~~)) employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION-IN-FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction-in-force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION IN SALARY – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the reemployment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SEASONAL EMPLOYMENT – Work that is cyclic in nature beginning and ending at approximately the same time every year and lasting for no more than nine months.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the State Personnel Board. Service in positions brought under the jurisdiction of the State Personnel Board by statute is counted as though it had previously been under the jurisdiction of the State Personnel Board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force will be credited for that period of time the employee is eligible to be placed on the RIF register. Leaves without pay granted to reduce the effect of an agency reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-30-045 and 356-30-330. Time spent under the jurisdiction of the Higher Education Personnel Board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR – Any ((~~individual having substantial~~)) employee assigned responsibility ((~~on behalf of~~)) by management ((~~regularly~~)) to participate in ((~~the performance of~~)) all ((~~or most of~~)) the following functions with respect to their subordinate employees: ((~~Employ, promote, transfer, suspend, discharge or adjudicate grievances of other employees, if in connection with the foregoing, the exercise of such responsibility is not~~)) (1) selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of ((~~independent~~)) individual judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT – Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT – Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION – Separation from employment for reasons beyond the control of the employee.

TRAINING – An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER – The change of an employee from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD – A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the Director of Personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: PROVIDED, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of $500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unremarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE – A series of workshifts and work days within the workweek.

WORKSHIFT – Scheduled working hours within the workday.

WORKWEEK – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE – A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

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 82, filed 9/26/75)

WAC 356-06-055 EXEMPT—CLASSIFIED SERVICE—MOVEMENT BETWEEN. (1) ((~~Any classified employee having civil service status in a position may take an appointment in an exempt position with the right to return to his/her regular position, or to a like position at the conclusion of such appointment.~~)) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the Personnel Board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin as of that date. Such employee must apply to return to classified service within 30 calendar days of:

(a) Termination of employment in such exempt position, or

(b) Termination of employment in any other exempt position in which the employee subsequently serves provided there was no break in his/her service with the State of more than 30 calendar days.

(2) Any classified employee who holds a position in the classified service which is subsequently exempted and who previously held permanent status in another classified position shall have a right to return to the highest classified position in which the employee previously held permanent status or to a similar position. Such employee must apply to return to classified service within 30 calendar days of:

(a) Termination of employment in such exempt position, or

(b) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the State of more than 30 calendar days.

(3) Employees exercising return rights within the time specified, as provided in WAC 356-06-055, shall return:

(a) At the time of separation or application, whichever is later.

(b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.

(c) With the same status they last held at the time they left the classified service.

(d) With their seniority credited with the full time of their absence from the classified service and with no break in service.

(4) An employee's continuation in a position that has been exempted shall constitute the acceptance of an exempt appointment. The employee who accepts an appointment in this manner shall have the right of return as specified in the first paragraph of this Rule.

((~~(3)~~))(5) Present or past employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section or sections WAC 356-30-045 or WAC 356-30-330.

((~~(4)~~))(6) Employees under the jurisdiction of the State Institutions of Higher Education who are otherwise exempt from the right by WAC 356-06-020, and have been or are going to be separated because of reduction-in-force action shall be offered the opportunity to accept any vacant classified positions under the jurisdiction of the State Personnel Board provided:

(a) The employees are qualified as determined by the Director, or designee, and;

(b) No other employees under the jurisdiction of the State Personnel Board are eligible to be certified from the RIF registers, or transferred, or promoted into vacancies, and;

(c) The employees have greater seniority than other such qualified employees under the jurisdiction of the Higher Education Personnel Board involved in reduction-in-force action, and;

(d) The employees are being offered the opportunity according to the Department of Personnel procedure established for that purpose.

(7) Employees may replace incumbents currently in the positions to which they are returning. The replaced incumbents are entitled to the rights and options of the reduction-in-force procedures of their agency.

Employees in the classified service whose positions have been exempted from the Civil Service Law in accordance with RCW 41.06.070 (21) or (22) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

(a) Meet the minimum qualifications.

(b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction-in-force option or certifications from the Reduction-in-Force Register.

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

AMENDATORY SECTION (Amending Order 119, filed 4/14/78)

WAC 356-06-080 PERSONNEL BOARD—POWERS—DUTIES. It shall be the responsibility of the Personnel Board to:

(1) Establish general policies for the administration of Merit System examinations and ((~~the~~)) hearings ((~~of personnel appeals~~)) as outlined in sub-paragraph (3) of this rule.

(2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(3) Hear ((~~personnel appeals~~)) arbitrations, unfair labor practice charges, and non-statutory appeals which include application rejections, examination scores, and name removal from the registers.

(4) Promote public understanding of the purposes, policies, and practices of the Merit System.

(5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the State Civil Service Law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions with the number of names equal to ((~~two~~)) four more names than there are vacancies to be filled. The names shall represent applicants ranked highest on eligibility lists.

(c) Examinations for all positions in the competitive and non-competitive service.

(d) Appointments.

(e) Probationary periods of ((~~six~~)) 6 to 12 months and rejections therein.

(f) Transfers.

(g) Sick and vacation leaves.

(h) Hours of work.

(i) Layoffs, when necessary, and subsequent reemployment, both according to seniority.

(j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.

(k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position.

(l) Allocation and reallocation of positions within the classification plan.

(m) Adoption and revision of a State salary schedule to reflect not less than the prevailing rates in Washington State private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the Director of the Office of Financial Management in accordance with the provisions of RCW 43.88.

(n) Training programs, including in-service,' promotional and supervisory.

(o) Regular increments within the series of steps for each pay range, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service.

(p) Compliance with existing veterans preference statutes.

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 120, filed 5/12/78)

WAC 356-22-120 EXAMINATIONS—PROMOTIONAL—EVALUATIONS—REGULATIONS. (1) Inter- and intra-agency promotional examinations shall be announced as the Director determines the need and shall be open to ((~~permanent and trial service~~)) current employees and employees who have been separated by reduction-in-force within the last year who meet the minimum requirements of the position. Promotional examinations shall consist of any combination of written, performance or oral test, or rating of training and experience.

(2) The announcement of the promotional examination shall specify the desirable or minimum requirements, the parts of the examination and the method of rating. Announcements shall be prominently posted by all appropriate agencies to ensure that the information is reasonably available to all.

(3) For a class used by only one agency, a promotional evaluation may be used in promotional scores if the class is in workweek group E and all competing employees are employed by the same agency at the time of the examination.

(4) When any of the conditions in (3) above are not met, a promotional evaluation may be used in promotional scores provided that the Director determines such promotional evaluations are practical and necessary to improve the effectiveness of the examination.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-26-020 REGISTERS—APPOINTMENTS—HOW MADE. (1) When a vacancy occurs, the appointing authority may appoint any person referred from the register maintained for that class of position after making reference to lists of employees who have been officially notified they are scheduled for reduction-in-force except as provided in chapter 356-30, regarding appointments.

(2) Requests for appointments from unranked registers will be made on the prescribed form and forwarded to the Director of Personnel together with a completed official application. The Director of Personnel shall ascertain that the appointment was made from the appropriate register and will notify the agency of approval or disapproval of appointment.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-26-030 REGISTER DESIGNATION. (1) Agency reduction-in-force.

(a) Composition.

(i) The departmental reduction-in-force register will consist of appropriate classes and the names of all employees who have permanent status and have been notified they are scheduled for reduction-in-force; or held permanent status prior to separation due to a reduction-in-force; or who have accepted a voluntary demotion in a class in lieu of a reduction-in-force; or were in a trial service period with another department and separated due to reduction-in-force; or who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the Director of Personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the State Personnel Board at the time.

(b) Method of Ranking.

(i) This register will be ranked according to seniority.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for three years.

(d) Special Provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas in which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(2) Service-wide reduction-in-force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction-in-force register.

(b) Method of Ranking.

(i) This register will be ranked according to seniority.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) Employees appointed from this register will assume the same status they held prior to the reduction-in-force. Persons on this register will indicate the geographic areas and departments for which they are available. Appointment of persons from this register to seasonal positions will be as provided in WAC 356-30-130.

(3) Dual-Agency Reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of Ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) This register refers to the agency from which promoted and the agency from which reverted. Employees appointed from this register will assume the status they held prior to promotion. Persons on this register will indicate the geographic area in which they are available.

(4) Agency Promotional.

(a) Composition.

(i) This register will be established by appropriate classes and shall include the names of those ((~~permanent~~)) employees, or past permanent employees who have been separated due to reduction-in-force within the last year who have received a passing final grade in the total promotional examination and are eligible to be certified. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of Ranking.

(i) This register shall be ranked according to final score from the highest to the lowest.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special Provisions.

(i) An employee may convert any current open competitive rating to this register ((~~upon achieving permanent status~~)) after six months.

(5) Service-Wide Reversion.

(a) Composition.

(i) This register will contain the names of employees who while serving a trial service period in another agency were either voluntarily or involuntarily reverted to their former class and status.

(b) Method of Ranking.

(i) This register will be ranked according to total unbroken classified service.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) This register refers to all agencies, except the two which are involved with the dual-agency transaction. Persons on this register will indicate the geographic areas and agencies for which they are available.

(6) Transfer.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request to be considered for transfer.

(b) Method of Ranking.

(i) This register will be unranked.

(c) Life of Register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special Provisions.

(i) To use this register, the employee must transfer either within the same class or the same pay range having the same salary range number.

(7) Voluntary Demotion.

(a) Composition.

(i) This register shall contain the names of all permanent employees who have submitted a request for and are eligible under the rules to be considered for a voluntary demotion.

(b) Method of Ranking.

(i) This register shall be unranked. However, employees subject to reduction-in-force shall have priority.

(c) Life of Register.

(i) An eligible's name shall normally remain on this register for one year.

(d) Special Provisions.

(i) Employees appointed from this register to a class not previously held will serve a trial service period. All examination ratings for the class from which demoted shall be nullified; however, the employee may be elevated to the class from which demoted with permanent status without benefit of certification provided permanent status was achieved at the higher level.

(8) Service-Wide Promotional.

(a) Composition.

(i) This register shall contain the names of those permanent employees or past permanent employees who have been separated due to reduction-in-force within the last year who have obtained a passing final grade in the total promotional examination. The names of past permanent employees who were separated due to disability within the last year as provided in WAC 356-35-010 shall also be included on this register provided that they submit to the Director of Personnel a physician's statement that they are physically able to perform the duties of the class for which the register is established and they have received a passing final score as required for other promotional applicants.

(b) Method of Ranking.

(i) This register shall be ranked according to final score, from the highest to the lowest.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for an indefinite period unless replaced by a register established by the use of a substantially new examination.

(d) Special Provisions.

(i) An employee may convert any current open competitive rating to this register ((~~upon achieving permanent status~~)) after six months. Persons on this register will indicate the geographic areas and agencies for which they are available.

(9) Reemployment.

(a) Composition.

(i) This register shall contain the names of all past permanent employees who have submitted a request and an application for reemployment within two years from the date of separation, provided that the names of employees separated for cause while performing similar duties shall not be placed on this register except with the approval of the agency from which they were separated for cause. This register shall also contain the names of those employees who have been in reversion or reduction-in-force status and have been offered and declined employment. The Director of Personnel may extend the time during which an employee may apply for reemployment if the Director of Personnel has determined that a need for eligibles exists in a certain class and/or geographical area.

(b) Method of Ranking.

(i) This register shall be unranked.

(c) Life of Register.

(i) An eligible's name will normally remain on this register for two years.

(d) Special Provisions.

(i) Persons reemployed from this register will serve a probationary period. The former employee may limit or enlarge upon his/her area of availability either by department or geographic area.

(10) Open Competitive.

(a) Composition.

(i) This register will contain the names of all persons who have passed the entrance examination.

(b) Method of Ranking.
(i) This register shall be ranked by the final score.
(c) Life of Register.
(i) An eligible's name will normally remain on this register for one year unless changed by the Director of Personnel.
(d) Special Provisions.
(i) Persons on this register will indicate the geographic areas for which they are available.

AMENDATORY SECTION (Amending Order 157, filed 6/15/81)

WAC 356-26-040 REGISTERS—NAME REMOVAL FOR CAUSE—GROUNDS ENUMERATED—REQUIREMENTS. (1) Upon notifying the Personnel Board of the intended action, 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 future interest in positions in that class.
(d) If a candidate from a reduction-in-force register, a dual agency reversion register, or a promotional ((~~candidate~~)) register 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)~~))(h) 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 of Personnel 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.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-26-060 CERTIFICATION—GENERAL METHODS. Upon receipt of a request for certification, the Director of Personnel shall normally certify to the appointing authority a list of names equal in number to ((~~two~~)) four more than there are vacancies to be filled from the ranked registers except:
(1) ((~~One name will constitute a complete certification when referrals are made from the agency reduction-in-force register, the service-wide reduction-in-force register, or the dual agency reversion register provided such eligible candidate meets a selective certification requirement that was approved by the Department of Personnel based upon special qualifications as intended by the first paragraph in WAC 356-26-130 when the position was established, reallocated or last filled.~~)) When there are names to be certified from the agency reduction-in-force register and/or the service-wide reduction-in-force register and when the number of names is less than equal to four more names than there are vacancies to be filled, the Director of Personnel shall initially certify only the reduction-in-force register's names. The appointing authority may request additional names in ranked register order to satisfy the statutory maximum allowed provided the appointing authority has first indicated, in writing, to the Director of Personnel and the certified candidates why additional names are being requested.
(2) Where all names are certified exclusively from an open competitive register, the Director of Personnel may certify in ranked order up to all of the names from the open competitive register: PROVIDED, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute ((~~three~~)) five names per vacancy to be filled.
(3) When more than one candidate has the same examination rating and when necessary to limit the number of names to four more than the number of vacancies, ((~~three names shall be certified as determined~~)) ties shall be broken by lot upon each instance of certification.
(4) ((~~Additional names may be referred from the unranked registers when completing a certification. When a~~))An unranked register ((~~is~~)) may be used to complete a certification. In such cases, all names appearing on that register shall be certified((~~; however, if a complete certification is possible when an unranked register is used, then the next register shall not be utilized~~)). Subsequent unranked registers shall not be used until the certification is again incomplete.
(5) The Director of Personnel, upon request and after consultation with the employing department and employee representatives, may declare positions, groups of positions or classes of positions as training positions. Such positions may be filled from the next lower level register in the class series as designated by the Director of Personnel with employees being automatically advanced after completion of one year's service in the lower level class.
(6) When the vacancy to be filled is identified as part of an agency's Affirmative Action goals as established by their approved Affirmative Action Plan, the Director of Personnel may, except where there are employees on the reduction-in-force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups under Title VII of the 1964 Civil Rights Act and chapter 49.60 RCW, State Law Against Discrimination, or for Federal Contract Compliance Purposes, veterans and disabled veterans as defined in the Vietnam Era Veteran's Readjustment Act of 1974, Title 41, CFR, Chapter 60, Part 60-250, "Affirmative Action Obligations of Contractors and Subcontractors for Disabled Veterans and Veterans of the Vietnam Era." This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.
Agencies shall request from the Department of Personnel a determination prior to the utilization of this rule as to whether there are members of the protected groups on existing registers. If there are no such members on the registers, active recruitment will be initiated.
(7) The Director of Personnel or ((~~his/her~~)) designee may refer, for the following classes, a sufficient number of names to assure that requesting agencies have not less than ((~~three~~)) five names available to fill the positions:

Messenger Clerk
Receptionist
Clerk 1
Clerk 2
Clerk-Steno 1 Visually Handicapped
Clerk-Steno 2 Visually Handicapped
Clerk-Typist 1
Clerk-Typist 2
Dictating Machine Transcriber
Word Processing Operator 1
Word Processing Operator 2
Clerk-Steno 1
Clerk-Steno 2
PBX Operator
Data Entry Operator 1
Data Entry Operator 2

If such certification contains ((~~three~~)) five or more available promotional candidates, agencies shall appoint from the promotional candidates.
(8) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

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

REPEALER

WAC 356-30-045 APPOINTMENTS—PAST EXEMPT EMPLOYEES—TO CLASSIFIED POSITIONS.

AMENDATORY SECTION (Amending Order 130, filed 7/16/79)

WAC 356-30-050 APPOINTMENTS—EMERGENCY—HOW MADE—STATUS. (1) When an emergency occurs requiring the immediate services of a person or persons, or for the purpose of affording a person the opportunity to take accrued vacation leave after termination of employment as required in WAC 356-18-100(2), the appointing authority may appoint a person without following the normal procedures governing appointment. However, when appointments are made which require the immediate services of a person or persons, the appointment shall be based on the availability and fitness of the applicant without regard to race, religion, sex, age, national origin, political affiliation or other nonjob related considerations. Emergency appointments and their justification shall be reported immediately to the Director of Personnel on the approved form.

(2) An emergency appointment of an individual shall not exceed 60 calendar days.

(3) Service in an emergency appointment shall not constitute a part of the employee's probationary service.

AMENDATORY SECTION (Amending Order 36, filed 1/1/71)

WAC 356-30-160 ELIGIBILITY FOR PROMOTIONAL EXAMINATION AND CERTIFICATION. No probationary employee shall be certified from a promotional register until he has ((~~gained permanent status~~)) served at least six months of a probationary period; however, a probationary employee may be admitted to a promotional examination if the announcement for the position vacancy has an established closing date and if the employee has served four months of his probationary period. Employees who are otherwise qualified will be admitted to promotional examinations if they are within two months of the experience minimum qualifications and are assigned to a position which provides qualifying experience.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-30-190 TRANSFER—WITHIN CLASS—AGENCY—PERMITTED—REPORT. A transfer of a permanent employee from a position within a subdivision or in one organizational subdivision of an agency to a position in the same class in another organizational subdivision of the same agency may be made at any time by the appointing authority concerned provided employees who have been separated due to a reduction-in-force and employees who have been notified they are scheduled for reduction-in-force, first within the layoff unit, and secondly within the department, have been offered the transfers in accordance with their seniority. Such transfers shall be reported to the Director of Personnel. Administrative transfers shall not be made if there is a full referral of reduction-in-force candidates available to the agency. However, transfers within the employee's own layoff unit may be made prior to consulting the reduction-in-force registers.

AMENDATORY SECTION (Amending Order 150, filed 12/12/80)

WAC 356-30-200 TRANSFER—BETWEEN CLASSES—APPROVAL. (1) A transfer of a permanent employee from a position in one class to a position in another class having the same salary range may be made upon approval of the Director of Personnel that the employee has the minimum qualifications for the position to which transfer is proposed. The Director of Personnel may require a qualifying examination.

(2) A permanent employee may also apply promotionally for positions in other class series which by definition are transfers. Employees who transfer under the provisions of this sub-section shall serve a trial service period.

(3) Administrative transfers shall not be made if there is a full referral of reduction-in-force candidates available to the agency.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-30-230 DEMOTION—VOLUNTARY. (1) A permanent employee, or an employee separated within the last year by reduction-in-force, or an employee who has been notified that he/she is scheduled for reduction-in-force may voluntarily take a position, which is by definition a demotion, when the position is in a class which is the same as or a related class for which the person qualified, as determined by the Director of Personnel. When such voluntary demotions are granted as an option to fill vacancies, they shall be done according to seniority and offered first, within the employee's layoff unit, then within the department, and then service-wide. No further examination will be required.

(2) A proposed demotion shall be approved by the Director of Personnel prior to the effective date of the action.

(3) A permanent employee may also qualify or compete for classes of positions in other series which by definition are demotions, by completing an application form and taking the appropriate examination.

(4) Administrative voluntary demotions shall not be made if there is a full referral of reduction-in-force candidates available to the agency.

AMENDATORY SECTION (Amending Order 36, filed 1/1/71)

WAC 356-30-260 PROBATIONARY PERIOD—((~~SIX MONTHS~~)) PROVISIONS—STATUS OF EMPLOYEE. (1) Employees who receive appointments to permanent positions from the open competitive register and the reemployment register shall serve a probationary period of ((~~six months~~)) 6 to 12 months as determined by the Personnel Board. The Personnel Board shall designate a probationary period of six months for all positions in a class unless they determine that job requirements of the class require a longer period (up to 12 months) to provide adequate training and/or evaluation. The Personnel Board shall apply the following criteria when considering requests for probationary periods of longer than six months:

(a) The work of the majority of the positions in the class is of such a nature that performance of the full range of duties cannot be properly evaluated within six months after an appointment.

OR

(b) Work of the class is cyclical in nature and workload cycle cannot be completed within six months after an appointment.

OR

(c) Work is of such a nature that extended formalized training is required prior to the full assumption of duties.

All positions in a class shall have the same probationary period.

(2) All persons at the time of appointment shall be notified in writing by the agency of the length of their probationary period. When the probationary period for a class is increased beyond six months, the increased probationary period shall apply only to persons appointed after the effective date of the change.

(3) ((~~This~~)) The probationary period will provide the appointing authority with the opportunity to observe a new employee's work, to train and aid the new employee in adjustment to his position, and to terminate any employee whose work performance fails to meet the required standards.

(((~~2~~)))(4) Permanent appointment of a probationary employee shall be automatic unless the person is dismissed under provision of WAC 356-30-270.

(((~~3~~)))(5) Veterans and their widows who have not remarried and are in probationary status will be granted seniority preference only within ranks of probationary employees and will not be granted preference within the ranks of the permanent employees until they acquire permanent status.

AMENDATORY SECTION (Amending Order 165, filed 1/18/82)

WAC 356-30-280 PROBATIONARY PERIOD—TRANSFER, INTRA-AGENCY ((~~RE-~~))APPOINTMENT TO HIGHER CLASS. (1) An employee shall not be transferred ((~~or promoted~~)) during the probationary period except as provided in sub-paragraph (3) below((~~; however, an employee certified from the open competitive or reemployment register may be reappointed to a higher class within the employing agency while serving satisfactorily in a probationary period~~)). An employee may be promoted after serving six months in a probationary period and shall begin a trial service period ((~~in the higher class~~)) upon promotion.

(((~~(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) Performance in the higher class is satisfactory.~~

~~(b) The higher and lower classes are in the same or a closely related field.~~))

(2) When an employee is appointed to a higher class while serving in a probationary period, the probationary period and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original probationary period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class. In such cases where the lower class has a longer probationary period than trial service period for the higher class, the probationary period for the lower class shall continue to run under its original terms as long as the employee continues to perform satisfactorily in the higher class.

(3) An employee in a probationary period may be transferred in lieu of reduction-in-force or for training purposes related to the probationary period and will continue to serve out the probationary period.

AMENDATORY SECTION (Amending Order 126, filed 11/15/78)

WAC 356-30-300 PERFORMANCE EVALUATION—REQUIREMENTS—MONITORING. (((~~(1) Agencies will evaluate the performance of their full-time, part-time and tandem subordinate employees at least once:~~

~~(a) During the first four months, when the individual employee is in either probationary or trial service status.~~

~~(b) A year when the individual employee is in permanent status.~~))

(1) Agencies shall evaluate the performance of their employees during their probationary or trial service periods and at least once a year thereafter.

(2) The evaluation will be conducted during the month preceding the employee's anniversary date, except an agency can establish, on a consistent basis, a date which better accommodates a specific work cycle. ((~~The alternate date will not extend the appraisal beyond the limits prescribed in (a) and (b) above.~~))

(3) Agencies will utilize the procedures and evaluation forms prescribed by the Director of Personnel. The procedures shall include provisions whereby individual agencies may, with the approval of the Director of Personnel, supplement the process with special performance factors peculiar to the specific organizational needs.

(4) The procedures and forms shall:

(a) Be designed to aid in communications between supervisors and subordinates and clarify duties and expectations.

(b) Be designed to inform employees of their performance strengths and weaknesses.

(c) Be based on performance toward the goals and objectives of the agency and its sub-units.

(d) Include provisions for the counseling and the development of employees.

(5) The Department of Personnel shall monitor the evaluation of employees for timeliness, effectiveness and standardization.

NEW SECTION

WAC 356-30-305 TRIAL SERVICE PERIOD—PROVISION. (1) Employees who are promoted, demoted, or who are appointed from a promotional register shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

(2) When an employee is appointed to a higher class while serving in a trial service period, the trial service period for the lower class and the new trial service period for the higher class shall overlap provided that the higher and lower classes are in the same or a closely related field. The employee shall complete the terms of the original trial service period and be given permanent status in the lower class. Such employees will also be granted the rights normally accruing to trial service for the remainder of the trial service period in the higher class.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-30-330 REDUCTION-IN-FORCE—RULES, REGULATIONS—PROCEDURE. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction-in-force procedures after fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes.

Incumbents of positions reclaimed by previously exempted employees will have the rights and options of the approved procedures developed as prescribed below when the positions are being reclaimed in accordance with RCW 41.06.070(22), 41.06.100, and WAC 356-30-045.

(2) The agencies shall develop a reduction-in-force procedure which shall include:

(a) The definition of "seniority" as defined in WAC 356-06-010.

(b) Clearly defined layoff limits, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not so small as to unduly restrict the options available to employees with greater seniority.

(c) "Bumping" by employees with greater seniority will be limited to the same layoff unit.

(i) Classifications in which the "bumping" employee previously held permanent status.

(ii) Position at the current salary range of the employee doing the bumping, or lower.

(iii) Employees with the least seniority.

(iv) Competition at one progressively lower classification at a time.

(d) Offers of options in lieu of separation by reduction-in-force by an agency only when such options are in accordance with the agency's procedure which has been approved by the Director of Personnel.

(e) The rights for employees who have been scheduled for reduction-in-force to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the Director of Personnel. This right to be exercised according to the seniority of those desiring the same vacancy.

(f) Rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction-in-force.

(g) The right to actually "bump" only after the employee to be "bumped" has received fifteen calendar days' notice of the scheduled action.

(h) The statement that, "No permanent employee shall lose a position through reduction-in-force without being offered those positions within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, or probationary employees; but only within fifteen calendar days prior to what would be the permanent employee's effective separation."

(i) ((~~That ties in seniority will be broken by first measuring the employees' last continuous time within their current classification, if the tie still exists, by measuring the employees' last continuous time in their current agency, if the tie still exists by measuring the employees' total accumulative service within the state, and if the tie still exists by lot.~~)) For purposes of reduction-in-force (WAC 356-30-330), seniority shall be determined by the definition in WAC 356-06-010; and, if necessary, by measuring the employees' last continuous time within their current classification; and, if still necessary, by measuring the employees' last continuous time in their current agency. When the above seniority determination process results in a tie, the tie will be broken by comparing the employees' last regular annual performance evaluation.

(j) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall file the procedure with the Director of Personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, or seasonal basis without contacting the Department of Personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction-in-force.

(5) When a majority of the positions in a reduction-in-force unit is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers.

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the Director of Personnel.

(6) In order to exercise an option to a position for which selective criteria were approved when the position was established, reallocated or last filled, and when such specialized qualifications as determined by the Director of Personnel or designee to be still essential for successful job performance, an employee must possess the specialized qualifications established for the position.

PROPOSAL #1

NEW SECTION

WAC 356-34-117 SCHEDULING OF HEARINGS—TIME ALLOTTED. (1) In all hearings before the Personnel Board, the Personnel Board's hearings coordinator will set the date of the hearing and the amount of time allotted to each party for the hearing. Prior to setting the matter, the hearings coordinator will consult with all parties as to available dates and length of hearing.

(2) The notice of hearing provided by the hearings coordinator shall designate the amount of time allotted to each party for the hearing. The amount of time allotted shall be determined by the hearings coordinator from a review of the hearing file and consultation with the parties. Any party who believes more time will be required for the hearing must notify the hearings coordinator within one week of the party's receipt of the notice of hearing and request additional time. In the absence of such a timely request, the hearing, except for good cause shown, shall be limited to the amount of time stated in the notice.

PROPOSAL #2

NEW SECTION

WAC 356-34-117 SCHEDULING OF HEARINGS—TIME ALLOTTED. In all hearings before the Personnel Board, the Personnel Board's hearings coordinator will set the date of the hearing and the amount of time allotted to each party for the hearing. Prior to setting the matter, the hearings coordinator will consult with all parties as to available dates and length of hearing.

PROPOSAL #1

NEW SECTION

WAC 356-42-055 ARBITRATION—GRIEVANCE—PROCEDURE. Whenever arbitration of a grievance is requested of the Personnel Board pursuant to an agreement as authorized by WAC 356-42-050 (2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the Personnel Board, or in a writing containing the same information as required on the form. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

(f) The signature, and, if any, the title of the person filing the request for arbitration.

(g) Copies of all correspondence between the parties with respect to the grievance dated prior to submission of the grievance to mediation shall be attached to the request for arbitration.

(2) The Personnel Board's designee shall review the request for arbitration to determine compliance with subsection (1) of this rule. If the Personnel Board's designee determines the request to be incomplete, he or she shall notify the person filing the request of the portions of the request which need to be supplemented or changed to comply with subsection (1). When the Personnel Board's designee is satisfied that the request substantially complies with subsection (1) he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the Personnel Board's designee to serve the request for arbitration on the opposing party is reviewable by the Personnel Board upon motion of the requesting party.

(3) Within twenty (20) days of service of the request for arbitration, the party receiving the same shall answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth of or falsity of any particular alleged fact or contention. The answer shall be filed with the Personnel Board and served on the grievant, or, if represented, on the grievant's representative, all within the time provided. Failure to answer an allegation of fact within the time required, or admission of a fact in the answer, shall constitute a waiver by the answering party of the right to contest the fact in the arbitration proceeding, unless for good cause shown, the Personnel Board provides otherwise. At the discretion of the Personnel Board for good cause shown, the request or the answer may be amended at any time prior to the end of the arbitration hearing.

(4) After receipt of the answer, or if no answer is timely filed, the Personnel Board's designee shall set the matter for arbitration. At least twenty (20) days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.

(5) The grievant shall have the burden of going forward with the evidence.

PROPOSAL #2

NEW SECTION

WAC 356-42-055 ARBITRATION—GRIEVANCE—PROCEDURE. Whenever arbitration of a grievance is requested of the Personnel Board pursuant to an agreement as authorized by WAC 356-42-050 (2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the Personnel Board, or in a writing containing the same information as required on the form. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) A copy of the grievance and a clear and concise statement of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

(f) The signature and, if any, the title of the person filing the request for arbitration.

(g) Copies of all correspondence between the parties with respect to the grievance dated prior to submission of the grievance to mediation shall be attached to the request for arbitration.

(2) The Personnel Board's designee shall review the request for arbitration to determine compliance with subsection (1) of this rule. If the Personnel Board's designee determines the request to be incomplete, he or she shall notify the person filing the request of the portions of the request which need to be supplemented or changed to comply with subsection (1). When the Personnel Board's designee is satisfied that the request substantially complies with subsection (1) he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the Personnel Board's designee to serve the request for arbitration on the opposing party is reviewable by the Personnel Board upon motion of the requesting party.

(3) Within twenty (20) days of service of the request for arbitration, the party receiving the same shall answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth or falsity of any particular alleged fact or

contention. The answer shall be filed with the Personnel Board and served on the grievant, or, if represented, on the grievant's representative, all within the time provided. Admission of a fact in the answer, shall constitute a waiver by the answering party of the right to contest the fact in the arbitration proceeding, unless for good cause shown, the Personnel Board provides otherwise. At the discretion of the Personnel Board for good cause shown, the request or the answer may be amended at any time prior to the end of the arbitration hearing.

(4) After receipt of the answer, or if no answer is timely filed, the Personnel Board's designee shall set the matter for arbitration. At least twenty (20) days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.

(5) The grievant shall have the burden of proof.

NEW SECTION

WAC 356-42-083 INVESTIGATION OF AND DISPOSITION OF UNFAIR LABOR PRACTICE CHARGES. (1) Upon receipt of a properly completed unfair labor practice charge, the Director of Personnel's designee shall conduct an investigation to determine whether or not the charge(s) is frivolous or substantially without merit. If it is found that the charge(s) is not frivolous or is not without substantial merit, a complaint shall be issued. If the charge(s) is found to be frivolous or substantially without merit, the charge(s) shall be dismissed. Dismissal of the charge is appealable to the Personnel Board.

(2) If a charge does not contain all of the information required by WAC 356-42-082 (3), the Director of Personnel or designee shall return the charge to the charging party for inclusion of the required information. If a complaint is issued, it shall be in the same form as the charge.

(3) The Director of Personnel's designee shall mail, or otherwise cause to be served, the complaint to the charged party.

PROPOSAL #1

NEW SECTION

WAC 356-42-084 ANSWER TO COMPLAINT—UNFAIR LABOR PRACTICE. (1) The charged party shall file with the Personnel Board its answer to the complaint issued pursuant to WAC 356-42-083, within twenty (20) days of its receipt by the charged party, or within such longer time as the Personnel Board may allow for good cause shown.

(2) The answer shall specifically admit, deny or explain each of the facts alleged in the complaint. If the charged party is without knowledge sufficient to form a belief as to the truth or falsity of any specific allegation, that fact shall be so stated and shall operate as a denial of that allegation. Failure to answer all or any part of the complaint within the time required shall, except for good cause shown, be deemed an admission of such allegation(s) not answered.

(3) Facts admitted in the answer, either by specific admission or failure to answer as required, except for good cause shown, shall be considered true for purposes of the remainder of the unfair labor practice proceeding, and shall constitute a waiver by the charged party of a hearing as to the facts so admitted.

PROPOSAL #2

NEW SECTION

WAC 356-42-084 ANSWER TO COMPLAINT—UNFAIR LABOR PRACTICE. (1) The charged party shall file with the Personnel Board its answer to the complaint issued pursuant to WAC 356-42-083, within twenty (20) days of its receipt by the charged party, or within such longer time as the Personnel Board may allow for good cause shown.

(2) The answer shall specifically admit, deny or explain each of the facts alleged in the complaint. If the charged party is without knowledge sufficient to form a belief as to the truth of falsity of any specific allegation, that fact shall be so stated and shall operate as a denial of that allegation. Failure to answer all or any part of the complaint within the time required shall, except for good cause shown, be deemed an admission of such allegation(s) not answered.

(3) Facts admitted in the answer, except for good cause shown, shall be considered true for purposes of the remainder of the unfair labor practice proceeding, and shall constitute a waiver by the charged party of a hearing as to the facts so admitted.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71)

WAC 356-42-100 IMPASSE ARBITRATION. If the Director of Personnel is unable to ((~~resolve the dispute~~)) bring the parties to agreement through mediation, the appointing authority or the certified exclusive representative may submit ((~~such~~)) the dispute to the Personnel Board. As soon as practicable after submission of the dispute to arbitration each party shall file with the Personnel Board a summary of:

(1) The matters in dispute;

(2) The position of the party on the matters in dispute; and

(3) Desired contract language.

The Personnel Board shall then schedule and hold a hearing ((~~and~~)). ((~~t~~))The decision of the Personnel Board shall be final and binding.

REPEALER

WAC 356-46-130 STATE HOUSING COMMITTEE—RESPONSIBILITIES.

WSR 82-16-001
ADOPTED RULES
UNIVERSITY OF WASHINGTON
[Order 82-2—Filed July 22, 1982—Eff. October 1, 1982]

Be it resolved by the board of regents of the University of Washington, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to use of university facilities, WAC 478-136-010, 478-136-012, 478-136-015, 478-136-025, 478-136-030, 478-136-040, 478-136-060 and the repeal of WAC 478-136-020 and 478-136-050.

This action is taken pursuant to Notice No. WSR 82-09-039 filed with the code reviser on April 14, 1982. Such rules shall take effect at a later date, such date being October 1, 1982.

This rule is promulgated pursuant to RCW 28B.20.130(1) 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 July 16, 1982.

By Elsa Kircher Cole
Assistant Attorney General

Chapter 478-136 WAC
USE OF UNIVERSITY OF WASHINGTON FACILITIES

WAC

478-136-010	Use of university facilities—General policy.
478-136-012	Definitions.
478-136-015	Administrative responsibilities.
478-136-025	Users.
478-136-030	((~~Users.~~)) Limitations on use.
478-136-040	((~~Administrative control.~~)) Reservation and approval procedures.
478-136-060	Safety and liability.

AMENDATORY SECTION (Amending Order 73-2, filed 1/10/73)

WAC 478-136-010 USE OF UNIVERSITY FACILITIES—GENERAL POLICY. ((~~The University of Washington is an educational institution and maintained by the people of the state. Its campus buildings, properties, and facilities shall be reserved at all times for those activities which are related to its broad educational mission.~~)) The University of Washington is an educational institution provided and maintained by the people of the state in order to carry out its broad mission of teaching, research and public service. The purpose of this policy is to assure that all facilities operated by the University are reserved primarily for educational, cultural or recreational activities related to that mission. Further, the use of each facility may be maximized, so long as the basic function the facility was intended to serve is protected (e.g., instruction, research, public assembly, student activities, recreation, etc.).

NEW SECTION

WAC 478-136-012 DEFINITIONS. (1) "Facilities" includes all structures, grounds, parking lots, waterfront, and airspace.

(2) "Use of facilities" includes the holding of events, the posting and removal of signs, all forms of advertising, commercial activities, and charitable solicitation.

(3) "Approved event" means a use of university facilities which is sponsored by an academic or administrative unit and which has been determined to be appropriate by the Committee on the Use of University Facilities.

NEW SECTION

WAC 478-136-015 ADMINISTRATIVE RESPONSIBILITIES. (1) The Board of Regents delegates to the president of the university the authority to regulate the use of university facilities.

(2) Under this authority, the president has appointed the Committee on the Use of University Facilities to provide for proper review of the use of university facilities; to establish within the framework of this policy, guidelines and procedures governing such use; and to establish policies regarding fees and rental schedules where appropriate. Inquiries concerning the use of university facilities may be directed to the Secretary of the Committee, 400 Administration Building (AI-10), 543-2560.

(3) Sponsorship of an event by an academic or administrative unit of the University implies that professional judgment has been applied to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and that the event is consistent with the teaching, research, and/or public service mission of the university.

(4) Approval of a facilities use request by the Committee on the Use of University Facilities implies the proposed event has been reviewed with regard to the general facilities policy; the direct and indirect costs to the institution; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the campus community, surrounding neighborhoods and the general public.

(5) Individuals who violate the University's use of facilities regulations will be advised of the specific nature of the violation and, if they persist, will be requested to leave University property. Failure to comply with such a request will subject such individuals to arrest under provisions of RCW 9.83.080 (Criminal trespass—Penalty—Defense), City of Seattle 12A.08.040 (Criminal trespass), or other applicable laws.

NEW SECTION

WAC 478-136-025 USERS. (1) Faculty, staff, registered or official student organizations may use university facilities to hold events for faculty, staff and students provided such uses comply with the general policy on the use of university facilities. They do not, however, require either academic or administrative unit sponsorship or approval by the Committee on the Use of University Facilities.

(2) Faculty, staff, registered or official student organizations may use university facilities to hold events to which the general public is invited when the event has academic or administrative unit sponsorship and the approval of the Committee on the Use of University Facilities.

(3) Nonuniversity organizations may use university facilities to hold events which are sponsored by a university academic or administrative unit and approved by the Committee on the Use of University Facilities. The general public may be invited to such events.

(4) Use of facilities by groups for religious purposes is permitted on the same basis as for nonreligious purposes as long as the use by groups for religious purposes does not dominate access to facilities.

AMENDATORY SECTION (Amending Order 73-2, filed 1/10/73)

WAC 478-136-030 ((~~USERS.~~)) LIMITATIONS ON USE. ((~~(1) University facilities may be used by faculty or staff groups, including informal groups, or registered student organizations, for cultural, educational, or recreational activities provided for members of the University community and their families.~~

~~(2) The general public may be invited to those events which are actively sponsored by official University departments or official committees. Departmental sponsorship implies that the judgment of professional educators has been applied to the content of the program, the qualifications of the participants and the manner of presentation; in short, that a University purpose will be served by the event. It does not imply that a department is limited to sponsoring programs centering about that department's academic discipline, nor does it imply that the department agrees with the views of the participant. These events may be with or without cosponsorship by registered student organizations. (Short courses, conferences, seminars, or similar events are presented under this provision when sponsored by the University or its departments.)~~

~~(3) Student use of facilities shall be consistent with the provisions of the Manual of Policies and Procedures for Voluntary Student Organizations.~~

~~(4) Educational institutions, state or federal agencies, charitable or civic organizations whose activities are of a character appropriate to the University may be granted use of facilities consistent with these provisions.~~)) (1) University facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities.

(2) Faculty, staff, registered or official student organizations may use university facilities to present educational forums regarding ballot propositions and/or candidates who have filed for public office as long as the audience is limited to university faculty, staff and students. However, state law (RCW 42.17.130) prohibits "the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition."

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the Committee on the Use of University Facilities.

(4) The distribution of handbills, pamphlets and similar materials is not permitted in those areas of campus to which access by the public is restricted or where such distribution would significantly impinge upon the primary business being carried on. Handbills and similar printed materials may not be left in the Daily distribution boxes or left for distribution anywhere else on campus.

(5) Charitable solicitation is not permitted in those areas of the campus to which access by the public is restricted or where such solicitation would significantly impinge upon the primary business being carried on.

(6) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the Student Union Building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the Student Union Building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Student Union Reservation Office, 104C Student Union Building.

(b) The Committee on the Use of University Facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the Student Union Building or in other outdoor locations. Permission should be requested through the Secretary to the Committee, 400 Administration Building (AI-10), 543-2560, sufficiently in advance of the program to allow timely consideration.

AMENDATORY SECTION (Amending Order 73-2, filed 1/10/73)

WAC 478-136-040 ((~~ADMINISTRATIVE CONTROL.~~)) RESERVATION AND APPROVAL PROCEDURES. ((~~(1) The Board of Regents delegates to the President authority to establish procedures for proper review of the use of University facilities, to establish, within the framework of these policies, regulations governing such use, and to establish rental schedules where appropriate.~~

~~(2) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of violation and, if they persist in the violation, they will be requested to leave the University property. Failure to comply with such a request will subject such individuals to arrest under provisions of RCW 9.83.080 (Criminal trespass——Penalty——Defense) or other applicable laws.~~

~~Members of the University community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate University office or agency for action in accord with established University policies.~~

~~(3) Under authority granted above, the President has appointed a Committee on the Use of University Facilities. Inquiries concerning the use of University facilities may be directed to the Committee Secretary, Room 400, Administration Building, Extension 3-2560.~~

~~(4) The Rainier Vista area south of Drumheller Fountain and the lawn area immediately west of the Student Union Building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment. This equipment will be supplied and operated by the University Audio-Services at no charge to the group sponsoring the event. Utility connections and facilities for mounting loudspeakers will be installed as permanent fixtures in such a way as to control sound direction, establish a fixed speaker's location, facilitate easy setup of the sound system, control the decibel level of the sound, and preserve the esthetic values of the areas.~~

~~Use of the Rainier Vista area and equipment will be routinely available to registered student organizations and faculty or staff groups on a reservation basis. Application to reserve the location must be made at the Office of Student Services at least one working day in advance. Use of the Student Union Building lawn site will be available to registered student organizations and faculty or staff groups on a first-come, first-served basis. Microphone equipment which can be plugged into the amplifying system will be issued upon presentation of a currently valid ASUW or Staff Identification Card at the Student Union Building Reservation Office, 107 Student Union Building. (Note: See Manual of Policies and Procedures for Voluntary Student Organizations.)~~

~~Use of other types of sound equipment and use of other locations or times require the permission of the Committee on the Use of University Facilities. Application describing the event in detail, including amplification equipment to be used, must be submitted to the Committee through the Office of Student Services at~~

~~least one calendar week in advance. Permission will be based upon an assessment of likely disturbance to other University functions or to the surrounding community as specified in WAC 478-136-020(1) of the policy statement. When special equipment is needed for an approved function, it is recommended that the Audio-Visual Services provide technical advice and equipment if available.~~)) (1) To reserve a university facility when neither sponsorship or committee approval is needed (WAC 478-136-025 (1)), contact the office responsible for scheduling the particular facility desired and reserve it for the time and date needed. (There are different scheduling offices for academic classrooms, Kane Hall, the Student Union Building, Hec Edmundson Pavilion, Meany Hall, Lake Wilderness, the residence halls, etc.)

(2) For an event utilizing university facilities where academic or administrative unit sponsorship and the approval of the Committee on the Use of University Facilities is required (see WAC 478-136-030(2) and (3)), the following procedures are applicable. Individuals wishing to reserve a room should:

(a) Contact the office responsible for scheduling the particular facility desired to reserve space tentatively for the time and date needed. The scheduling office will provide a "Request for Use of University Facilities" form.

(b) Contact either an academic or an administrative unit of the university which would be willing to sponsor the event. The department chair, director, or head of the sponsoring unit is required to sign the use of university facilities form.

(c) Return the signed form to the scheduling office. The scheduler must complete the form and forward it to the secretary of the Committee on the Use of University Facilities.

(d) The request will be reviewed by members of the committee or its representative and either approved or disapproved. The applicant will be sent a copy of the use of facilities form, usually within ten days indicating disposition of the request.

NEW SECTION

WAC 478-136-060 SAFETY AND LIABILITY. (1) It is the responsibility of any person or organization requesting the use of university facilities to ensure that the proposed use will be carried out in a manner that assures the safety of all persons concerned. Compliance with applicable fire, health and safety regulations is required.

(2) Permission to a nonuniversity organization or to a registered or official student organization for the use of university facilities is granted with the express understanding and condition that such organization assumes full responsibility for any loss, damage or claims arising out of such use.

When the event involves physical activity, or otherwise will increase the risk of bodily injury above the level inherent in the facilities to be used, proof of appropriate liability insurance coverage with limits of at least $1,000,000 per occurrence must be provided to the University's Office of Risk Management before approval for the requested use will be granted.

WSR 82-16-002
ADOPTED RULES
HIGHER EDUCATION PERSONNEL BOARD
[Order 98—Filed July 22, 1982—Eff. September 1, 1982]

Be it resolved by the Higher Education Personnel Board, acting at Grays Harbor College, Aberdeen, Washington, that it does promulgate and adopt the annexed rules relating to:

Amd	WAC 251-04-020	Definitions.
Amd	WAC 251-04-050	Higher education personnel board.
Amd	WAC 251-04-070	Personnel officers.
Amd	WAC 251-04-040	Exemptions.
Amd	WAC 251-06-010	Classification plan—Preparation.
New	WAC 251-06-090	Probationary period—Duration.
New	WAC 251-10-031	Layoff—Equal layoff seniority.
Amd	WAC 251-10-045	Layoff—Veterans retention preference.
Amd	WAC 251-10-060	Layoff lists—State-wide.
Amd	WAC 251-10-140	Immediate dismissal.
Amd	WAC 251-14-058	Union shop requirements.
Amd	WAC 251-18-240	Certification—Method.
Amd	WAC 251-18-250	Certification—Selective.
Amd	WAC 251-18-260	Certification—Incomplete.
Amd	WAC 251-18-265	Certification—Concurrent.
Amd	WAC 251-18-280	Certification—Selection—Actions required.
Amd	WAC 251-18-320	Appointment—Probationary.
Amd	WAC 251-18-340	Appointment—Permanent status.
Amd	WAC 251-22-200	Leave of absence without pay.

This action is taken pursuant to Notice No. WSR 82-12-057 filed with the code reviser on June 2, 1982. Such rules shall take effect at a later date, such date being September 1, 1982.

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

APPROVED AND ADOPTED July 15, 1982.

By Dennis Carlson
Acting Director

AMENDATORY SECTION (Amending Order 93, filed 2/3/82)

WAC 251-04-020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" – A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least $672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed $1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"AGRICULTURAL EMPLOYEES" – Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur–bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

"ALLOCATION" – The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"APPOINTING AUTHORITY" – A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" – An estimate of the number of women, minorities, and handicapped persons who have the skills and abilities required for employment in a particular job group as determined from an analysis of relevant data.

"BOARD" – The higher education personnel board established under the provisions of the higher education personnel law.

"CERTIFICATION" – The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"CHARGES" – A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

"CLASS" – One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"CLASSIFIED SERVICE" – All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"COLLECTIVE BARGAINING" – The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

"COMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

"CORRECTIVE EMPLOYMENT PROGRAM" – A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

"COUNSELING EXEMPTION" – Individuals in counseling–exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

"DEMOTION" – The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

"DEVELOPMENT" – The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"DIRECTOR" – The personnel director of the higher education personnel board.

"DISMISSAL" – The termination of an individual's employment for just cause as specified in these rules.

"ELIGIBLE" – An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"ELIGIBLE LIST" – A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"EMPLOYEE" – A person working in the classified service at an institution.

"EMPLOYEE ORGANIZATION" – Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251–14–020.

"EMPLOYING OFFICIAL" – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"EXECUTIVE EMPLOYEES" – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must be management of a recognized department or subdivision; and

(2) Must customarily and regularly direct the work of two or more employees; and

(3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and

(4) Must customarily and regularly exercise discretionary powers; and

(5) Must be paid at a rate of at least $672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed $1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"EXECUTIVE HEAD EXEMPTION" – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"EXEMPT POSITION" – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption".)

"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION" – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"FULL-TIME EMPLOYMENT" – Work consisting of forty hours per week.

"GRAPHIC ARTS OR PUBLICATION EXEMPTION" – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"GRIEVANCE" – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

"HANDICAPPED PERSON" – Any person with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

"HEARING EXAMINER" – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"INSTITUTIONS OF HIGHER EDUCATION" – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

"INSTRUCTIONAL YEAR" – The schedule established annually by an institution to identify the period required to meet the educational requirements of a given academic or training program.

"JOB GROUP" – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"JOB CATEGORIES" – Those groupings required in equal employment opportunity reports to federal agencies.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds, curtailment of work, or good faith reorganization for efficiency purposes:

(1) Separation from service to an institution;

(2) Separation from service within a class;

(3) Reduction in the work year; and/or

(4) Reduction in the number of work hours.

"LAYOFF SENIORITY" – The last period of unbroken service in the classified service of the higher education institution. Authorized leave of absence or leave without pay shall not constitute a break in service; however, the time spent on such leave shall not be included in computing seniority except where required by statute and except in the case of positions established on the basis of an instructional year. Permanent employees who are veterans or their unmarried widows/widowers as identified in WAC 251-10-045 shall have added to their unbroken institution service the veteran's active military service to a maximum of five years' credit.

"LAYOFF UNIT" – A clearly identified structure within an institution, which is approved by the director, and within which employment/layoff options are determined in accordance with the reduction in force procedure.

"LEAD" – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

"NONCOMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" – A clearly identified structure, or substructure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"PART-TIME EMPLOYMENT" – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"PERIODIC INCREMENT DATE" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class, as provided in WAC 251-08-090 and 251-08-100.

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment.

"PERSONNEL OFFICER" – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"P.I.D." – Commonly used abbreviation for periodic increment date.

"POSITION" – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"PRINCIPAL ASSISTANT EXEMPTION" – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"PROBATIONARY PERIOD" – The initial six-month((s)) period of employment in a class following appointment from an eligible list of a nonpermanent employee of the institution. However, upon prior approval by the board, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

"PROBATIONARY REAPPOINTMENT" – Appointment of a probationary employee from an eligible list to a position in a different class.

"PROFESSIONAL EMPLOYEES" – Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least $737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed $1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"PROMOTION" – The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"PROVISIONAL APPOINTMENT" – Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"PUBLIC RECORDS" – Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"REALLOCATION" – The assignment of a position by the personnel officer to a different class.

"REASSIGNMENT" – A management initiated movement of a classified employee from one position to another in the same class.

"RELATED BOARDS" – The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"RESEARCH EXEMPTION" – Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"RESIGNATION" – A voluntary termination of employment.

"REVERSION" – The return of a permanent employee from trial service to the most recent class in which permanent status was achieved.

"SUPERVISOR" – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend

such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"SUSPENSION" – An enforced absence without pay for disciplinary purposes.

"TEMPORARY APPOINTMENT" –

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine consecutive calendar days.

"TRAINING" – Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"TRANSFER" – An employee initiated change from one classified position to another in the same class within the institution without a break in service.

"TRIAL SERVICE" – The initial period of employment following promotion, demotion or lateral movement into a class in which the employee has not held permanent status, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(5).

"UNDERUTILIZATION" – Having fewer minorities, women, or handicapped persons in a particular job group than would reasonably be expected by their availability.

"UNION SHOP" – A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" – An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" – Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" – Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-04-050 HIGHER EDUCATION PERSONNEL BOARD. (1) The higher education personnel board is composed of three members appointed by the governor, subject to confirmation by the senate. No member appointed when the legislature was not in session shall continue to be a member of the board after the thirtieth day of the next legislative session unless his/her appointment shall have been approved by the senate. Each odd-numbered year the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be paid fifty dollars for each day in which he/she has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

(3) At its first meeting following the appointment of all its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) In the necessary conduct of its work, the board shall meet monthly unless there is no pending business requiring board action. Meetings shall be held on campuses of the various state institutions of higher education. Meetings may be called by the chairman of the board, or a majority of the members of the board. Hearings may be conducted by a hearing officer duly appointed by the board. An official notice of the calling of a hearing shall be filed with the director and all members of the board shall be notified.

(5) No release of material, or statement of findings shall be made except with the approval of a majority of the board.

(6) In the conduct of hearings or investigations, a member of the board, or the director, or the hearing officer appointed to conduct the hearing, may administer oaths.

(7) It shall be the duty of the board to promulgate rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the board has given twenty calendar days' notice to, and considered proposals from

employee representatives and institutions/related boards affected. In matters involving the various state community colleges, notice shall also be given to the state board for community college education. Complete and current compilations of all rules and regulations of the board in printed, mimeographed, or multigraphed form shall be available from the board without charge.

(8) The higher education personnel board shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis((,)) and procedures to be followed for the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions and reemployment from layoff, with the number of names equal to ((~~two~~)) four more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six to twelve months and rejections therein depending on the job requirements of the class; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment((; ~~both according to seniority~~)); determination of appropriate bargaining units within any institution or related board: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees and the desires of the employees; certification and decertification of exclusive bargaining representatives; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution/related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein ((~~shall~~)) permits or grants to any employee the right to strike or refuse to perform his/her official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plans; adoption and revision of salary schedules and compensation plans as provided in chapter 251-08 WAC; training programs including in-service, promotional, and supervisory; increment or merit increases within the series of steps for each pay grade((; ~~based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service~~)); and veteran's preference as provided by existing statutes.

(9) After consultation with institution heads, employee organizations, and other interested parties, the board shall develop standardized employee performance evaluation procedures and forms which shall be used by institutions of higher education for the appraisal of employee job performance at least annually. These procedures shall include means whereby individual institutions may supplement the standardized evaluation process with special performance factors peculiar to specific organizational needs. This evaluation procedure shall place primary emphasis on recording how well the employee has contributed to efficiency, effectiveness, and economy in fulfilling institution and job objectives. ((~~A standardized procedure shall be instituted not later than July 1, 1978, for all employees.~~)) This section shall expire June 30, 1985. This section shall not apply to management employees after June 30, 1984.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-04-070 PERSONNEL OFFICERS. (1) Each higher education institution/related board shall designate an officer who shall perform duties as personnel officer. The personnel officer shall direct, supervise, and manage administrative and technical personnel activities for the classified service consistent with policies established by the institution/related board and in accordance with the provisions of the higher education personnel act and the rules and regulations approved and promulgated thereunder. Institutions may undertake jointly with one another to appoint a person qualified to perform the duties of personnel officer, provide staff and financial support and may engage consultants to assist in the performance of specific projects.

(2) The state board for community college education shall have general supervision and control over activities undertaken by the various state community colleges.

(3) Rules adopted by the higher education personnel board shall provide for local administration and management by the higher education institutions/related boards, subject to periodic audit and review by the board, of the following:

(a) Appointment, promotion, and transfer of employees.
(b) Dismissal, suspension, or demotion of employees.
(c) Examinations for all positions in the competitive and noncompetitive service.
(d) Probationary periods of six to twelve months and retention and rejections therein.
(e) Sick leaves and vacations.
(f) Hours of work.
(g) Layoffs when necessary and subsequent reemployment.
(h) Allocation and reallocation of positions within the classification plans.
(i) Training programs.
(j) Maintenance of personnel records.

AMENDATORY SECTION (Amending Order 93, filed 2/3/82)

WAC 251-04-040 EXEMPTIONS. The following classifications, positions, and employees of higher education institutions/related boards are hereby exempted from coverage of this chapter.

(1) Members of the governing board of each institution/related board; all presidents, vice presidents and their confidential secretaries, administrative and personal assistants; deans, directors, and chairmen; academic personnel; executive heads of major administrative or academic divisions employed by institutions of higher education; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington.

(2)(a) Students employed under separately funded student assistance work programs, or who are employed in a position directly related to the major field of study to provide training opportunity; or who are elected or appointed to student body offices or student organization positions such as student officers or student news staff members.

(b) Persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule.

(c) Nonclassified employees filling positions identified in subsections (1)(a) and (3) of the definition of "temporary appointment" in WAC 251-04-020.

(d) Part-time professional consultants retained on an independent part-time or temporary basis such as physicians, architects, or other professional consultants employed on an independent contractual relationship for advisory purposes and who do not perform administrative or supervisory duties.

(3) The director, his confidential secretary, assistant directors, and professional education employees of the state board for community college education.

(4) The personnel director of the higher education personnel board and his confidential secretary.

(5) The governing board of each institution/related board may also exempt from this chapter, subject to the employee's right of appeal to the higher education personnel board, classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training, and principal assistants to executive heads of major administrative or academic divisions, as determined by the higher education personnel board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trades services may be exempted by the higher education personnel board under this provision.

(6) Any employee who believes that any classification should or should not be exempt, or any employee because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080, et seq.

(7) ((~~Any employee having a classified service status in a position may take a temporary appointment in an exempt position, with the right to return to the regular position, or to a like position, at the conclusion of such temporary appointment.~~)) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary, within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982 then the four-year period shall begin on July 10, 1982. Application for return to classified service must be made not later than thirty calendar days following the conclusion of the exempt appointment.

(8) When action is taken to convert an exempt position to classified status, the effect upon the incumbent of such position shall be as provided in WAC 251-18-420.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-06-010 CLASSIFICATION PLAN—PREPARATION. The director shall prepare and may revise for board approval a comprehensive classification plan for all positions after investigation and in consultation with personnel officers, employee representatives, and other interested parties, and after analysis of the duties and responsibilities of positions within each class including relevant supporting data. When complete, the plan will include, for each class, a specification including an appropriate title, a description of duties and responsibilities, and the minimum requirements of training, experience and other qualifications, and identification of the classes which require a probationary period of more than six months.

NEW SECTION

WAC 251-06-090 PROBATIONARY PERIOD—DURATION. (1) The probationary period for all classes in the HEPB classification plan will be six months, unless the board approves a longer probationary period for the class.

(2) The director will prepare and revise for board adoption on a class-by-class basis any probationary periods which exceed six months. Procedures for requesting extended probationary periods will be developed by the director.

(3) Classes with longer probationary periods will be identified in the HEPB classification plan.

(4) When the probationary period for a class is approved for longer than six months, the longer period shall apply only to eligibles appointed after the effective date of the board's action.

NEW SECTION

WAC 251-10-031 LAYOFF—EQUAL LAYOFF SENIORITY. (1) The decision on which employees to lay off shall be based on layoff seniority as defined in WAC 251-04-020, except that when layoff seniority is equal, performance shall be used as the determining factor and employees having the highest performance evaluation ratings based on the last regular annual evaluation shall be retained in preference to those having lower evaluation ratings.

(2) The director shall establish standards and procedures to be used for computing the numerical average of an employee's performance evaluation ratings assigned by his/her supervisor.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-10-045 LAYOFF—VETERANS RETENTION PREFERENCE. (1) For the purpose of this section veteran means any permanent employee who has one or more years in active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given.

(2) Veterans as defined in subsection (1) of this section shall have added to their unbroken service in an institution of higher education, their total active military service, not to exceed five years. The combined total of unbroken institutional employment and active military service will constitute the veterans' layoff seniority.

(3) The unmarried widow/widower of an eligible veteran ((~~shall be~~)) is entitled to veterans retention benefits as outlined in subsections (1) and (2) of this section regardless of the veteran's length of active military service.

(4) For the purpose of this rule "veteran" ((~~shall~~)) does not include any person who as a veteran retired with twenty or more years' active military service and has military retirement pay in excess of five hundred dollars per month.

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

WAC 251-10-060 LAYOFF LISTS—STATE-WIDE. (1) A permanent employee of any institution of higher education, related board, or state agency who is on layoff status or is scheduled for layoff shall, upon his/her request, be placed on the state-wide layoff list(s) at any higher education institutions or related boards: PROVIDED, That:

(a) The employee must demonstrate the ability to meet the minimum qualifications and pass the qualifying examination; and

(b) The list must be for:

(i) Class(es) in which he/she has held permanent status; or

(ii) Lower class(es) in the same class series; or for

(iii) Equivalent classes under the jurisdiction of the state department of personnel; and

(c) The option must be exercised by the affected employee within thirty calendar days of the effective date of layoff.

(2) Employees shall be ranked by their total layoff seniority as measured by their last period of unbroken service in the classified service of the state. The list shall consist of two categories and certification within each category shall be in order of:

(a) Employees of higher education institutions/related boards;

(b) Employees of other state agencies.

(3) The duration of eligibility on this list shall be one year from the date of placement on the list.

(4) Referral from this list shall be on a rule of ((~~three~~)) five.

(5) Employees appointed from this list shall be required to serve a probationary period of six months. Termination during the probationary period shall not affect the employees' status on state-wide layoff lists upon which they previously have been placed.

(6) Employees appointed from this list shall be credited with unused sick leave accrued at the time of layoff. Annual leave shall be computed as provided in WAC 251-22-060.

(7) The institution will provide each employee scheduled for layoff with a copy of this rule and the comparable state department of personnel rule and a listing of institutions, related boards, or offices of the state department of personnel which they may contact. It shall be the responsibility of the employee to contact the institution/related board, or the state department of personnel if he/she has an interest in being placed on the respective state-wide layoff list(s).

(8) Certification from the state-wide layoff list shall be as provided in WAC 251-18-240.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-10-140 IMMEDIATE DISMISSAL. When the appointing authority determines that a permanent employee is to be dismissed for cause as provided in WAC 251-10-110 and the circumstances are such that retention of the employee in an active duty status may result in damage to state property or may be injurious to the employee, fellow workers, or the client public, the employee may be dismissed immediately. The employee must be notified in writing as provided in WAC 251-10-120, but the fifteen calendar days notice requirement does not apply. The notification must state the cause for the dismissal and in addition the necessity for the immediacy of the action. Provisions must be made to permit affected employees to use all accumulated annual leave as provided in WAC 251-22-091.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-058 UNION SHOP REQUIREMENTS. (1) When a majority of employees within a bargaining unit determine by election to require as a condition of employment membership in the employee organization designated as the exclusive bargaining representative, all employees included in that bargaining unit are required to become members of such employee organization within thirty calendar days of the beginning of their employment within the bargaining unit or within thirty calendar days of the date of the union shop representative election, whichever is later.

(2) Membership in the employee organization ((~~shall be~~)) is satisfied by the payment of monthly or other periodic dues and ((~~shall~~)) does not require payment of initiation, reinstatement, or any other fees or fines, and ((~~shall~~)) includes full and complete membership rights.

(3) Employees who wish the right of nonassociation with an employee organization must base their reasons on bona fide religious tenets or teachings of a church or religious body of which they are members. Such requests must be presented to the personnel office on the campus of the concerned institution. The appointing authority or designee and the union shop representative must be in agreement that the requests are based on such bona fide reasons. If agreement cannot be reached within a reasonable time, either party may submit the issues in dispute to the director or designee. Should the request for nonassociation be denied by the appointing authority or designee, the employee may submit the issue to the director or designee. The decision of the director regarding nonassociation shall be final.

(4) Employees who are granted the nonassociation right must pay a union shop representation fee to the employee organization. Such fee is equivalent to the regular dues of the organization minus any monthly premiums for union sponsored insurance programs.

(5) When an employee has qualified for nonassociation with an employee organization on religious grounds, the employee may designate which of the programs of the employee organization are in harmony with the employee's conscience and may then designate that the union shop representation fee shall go to such programs.

(6) The employee who qualifies for the nonassociation clause shall not be a member of the employee organization, but ((~~shall be~~)) is entitled to the same representation rights as a member of the employee organization.

(7) A condition of employment for an employee employed in a bargaining unit where an employee organization is the exclusive union shop representative, is membership in that employee organization or the regular payment of a union shop representation fee to such organization. Failure of an employee to become a member of the employee organization or make payment of the union shop representation fee within thirty calendar days following the beginning of employment within the bargaining unit or thirty calendar days after the date of the union shop representative election, whichever is later, ((~~shall~~)) constitutes cause for dismissal per the provisions of WAC 251-10-170.

(8) The union shop representative shall inform the appointing authority, in writing, of those employees who have not complied with WAC 251-14-058.

(9) The requirement to be a member of an employee organization or the payment of a union shop representation fee as a condition of employment will be nullified when the employee organization which is the union shop representative is decertified per WAC 251-14-050 or 251-14-054.

(10) The appointing authority or designee shall notify affected employees of existing union shop provisions prior to their hire or transfer into a bargaining unit where there is a requirement to be a member of a designated employee organization and/or to pay a union shop representation fee as a condition of employment.

(11) Payroll deductions for employee organization dues and/or union shop representation fees may be provided by the institution upon written authorization from the employee.

AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-240 CERTIFICATION—METHOD. (1) Upon receipt of a personnel requisition, the personnel officer shall provide to the employing official a certification of names in writing. Certification from eligible lists will be made in the manner and in the strict order of priority provided in subsections (3) and (4) of this section.

(2) ((~~In the case of certification made from an institution-wide layoff list, the personnel officer shall certify the eligible with the greatest layoff seniority. If there are no eligibles on the institution-wide layoff list for the class,~~)) The personnel officer shall certify to the employing official ((~~two~~)) four more names than there are vacancies to be filled by the certification in strict order of standing on the eligible list(s)((~~, except that if there are no existing promotional eligible lists at the time of certification, and there are eligibles on the special employment program layoff lists, the certification will be limited to the senior eligible on the list~~)).

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. Except as provided in subsection (4) of this section eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

(a) Institution-wide Layoff List
(b) Organizational Unit Promotion List
(c) Institution-wide Promotion List
(d) Special Employment Program Layoff List
(e) State-wide Layoff List
(f) Open Competitive or Noncompetitive List.

(4) If the position for which certification is being made meets the HEPB definitions of administrative, executive, or professional employees and there are ((~~no~~)) insufficient eligibles on the institution-wide layoff list for the class, the personnel officer may elect to combine eligible lists provided in subsection (3)(b) through (f) of this section per the provisions of WAC 251-18-181. Certification from this combined eligible list shall be on

the basis of ((two)) four more names than there are vacancies to be filled by the certification((, even if the lists contain persons from the special employment program layoff list)).

AMENDATORY SECTION (Amending Order 84, filed 7/2/80)

WAC 251-18-250 CERTIFICATION—SELECTIVE. (1) The personnel officer may declare a selective certification of eligibles to fill a vacancy under the following conditions:

(a) When there is a requirement for specialized and/or distinctive technical or professional qualifications essential to fill the work requirements of a particular position;

(b) When the institution/related board is utilizing a corrective employment program to increase the representation of employees by race, sex or handicap per provisions of WAC 251-18-390, Corrective Employment Programs.

(2) Recruiting bulletins issued to establish lists of eligibles from which selective certification may be made must include the special qualifications and/or indicate that selective certification in accord with corrective employment program regulations may be utilized.

(3) The eligibles selectively certified shall be in strict order of their standing on the appropriate lists from among those meeting the approved selective criteria. When selective certification for corrective employment purposes as provided in subsection (1)(b) of this section does not result in a complete certification of ((two)) four more names than there are vacancies to be filled, the personnel officer may complete the certification by adding the necessary number of names from the top of the appropriate eligible list as provided in WAC 251-18-240(3).

(4) The appointment of employees hired or promoted through selective certification will be reported monthly to the director.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-18-260 CERTIFICATION—INCOMPLETE. When the number of names available for filling any vacancy is fewer than ((three)) five, the employing official may make an appointment from the certification or decline to do so.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-265 CERTIFICATION—CONCURRENT. When more than one department submits a request for certification for a class concurrently, the top ((three)) five names on the appropriate employment list will be certified to each department for consideration and selection.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-280 CERTIFICATION—SELECTION—ACTIONS REQUIRED. (1) Following certification of eligibles and upon completion of the resulting interviews, the personnel officer shall record one of the following dispositions of the employing official for each name certified:

(a) Eligible was interviewed and considered but not appointed;

(b) Eligible waived consideration for the position;

(c) Eligible could not be contacted, provided he/she had been given at least two working days to respond to notice of certification;

(d) Eligible failed to appear for the interview; or

(e) Eligible was appointed to the position.

(2) When the number of certified eligibles available is reduced to less than ((two)) four more than there are positions to be filled, upon request from the employing official the personnel officer may provide a replacement name for each eligible who has waived consideration, been determined to be unavailable, or did not appear for the scheduled interview.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-18-320 APPOINTMENT—PROBATIONARY. (1) Probationary appointment shall be made only upon appointment of eligibles from the:

(a) Open-Competitive or Noncompetitive List.

(b) Institution-Wide Layoff List – when the employee was in probationary status at the time of layoff.

(c) State-wide Layoff List.

(d) Combined eligible list as provided in WAC 251-18-181 and 251-18-240(4) when the person appointed is not a permanent employee of the institution.

(2) The probationary period will continue for ((a period of six months)) the length of time as determined under WAC 251-06-090, unless interrupted as provided in these rules. All positions in a class shall require the same probationary period. In the event an employee is on leave without pay for more than ten work days during the probationary period, the completion date of the probationary period shall be extended by an amount of time equal to the period of leave without pay.

(3) Qualified probationary employees may be reappointed during the probationary period to other classes. Upon such reappointment the following shall apply:

(a) The employee shall begin a probationary period in the new class;

(b) The salary in the new class shall be established as provided in WAC 251-08-080;

(c) The former periodic increment date shall be abolished and a new periodic increment date established in the same manner as provided in WAC 251-08-100(2).

AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-340 APPOINTMENT—PERMANENT STATUS. Permanent status appointments shall be made under the following conditions:

(1) Upon successful completion of a ((~~six month~~)) probationary period or trial service period.

(2) Demotion, either voluntary or involuntary, when made to a class in which the employee has held permanent status during the current period of employment at the institution.

(3) Transfer within a class.

(4) Certification from a layoff list for a class in which the employee had permanent status at the time of layoff or lower classes in the same class series for which the employee is qualified.

(5) Conversion, per the provisions of WAC 251-18-420, of the incumbent of an exempt position which is converted to classified status, provided the incumbent has been employed for at least six months in the exempt position.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-22-200 LEAVE OF ABSENCE WITHOUT PAY. (1) Leave of absence without pay may be allowed for any of the following reasons:

(a) Conditions applicable for leave with pay;

(b) Maternity leave;

(c) Educational leave;

(d) Leave for Government service in the public interest;

(e) To accommodate annual work schedules of employees occupying positions established on the basis of an instructional year as specified in WAC 251-18-380.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Annual leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month, except as provided in WAC 251-18-380(2).

(5) A classified employee taking ((~~a temporary~~)) an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of ((~~such temporary~~)) the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the ((~~temporary employment~~)) exempt appointment.

WSR 82-16-003
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
[Memorandum—July 21, 1982]

The State Human Rights Commission at its regularly scheduled meeting on July 15, 1982, voted to call a special meeting of the commission on August 13 and 14, 1982, for the purpose of planning. The commissioners will also act upon staff-recommended findings following their investigation of discrimination complaints.

The commission will meet in Room 1808 of The Warwick Hotel, 4th and Lenora, Seattle, Washington. The meeting will begin at 7:30 p.m. on August 13 and reconvene at 8:30 a.m. on August 14, 1982.

WSR 82-16-004
NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION COMMISSION
[Memorandum, Director—July 22, 1982]

Pursuant to RCW 42.30.075, notice is hereby submitted for publication in the Washington State Register that the location of the meeting of the Washington State Parks and Recreation Commission which is scheduled for September 20, 1982, has been changed from Sun Mountain, Winthrop, Washington to the Des Moines City Council Chambers, 21630 11th South, Des Moines, Washington. The meeting will begin at 9:00 a.m.

WSR 82-16-005
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-86—Filed July 22, 1982]

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 rules.

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 these regulations are needed on an interim basis until the permanent regulations go into effect in August. These regulations allow the use of gill net gear in test areas, provide gear testing access to major ports, assure compliance with biological sampling needs and provide clarity in identification of areas for commercial fishermen.

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 July 22, 1982.

By W. R. Wilkerson
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-20-01000H GENERAL PROVISIONS Notwithstanding the provisions of WAC 220-20-010, effective immediately until further notice (1) It shall be lawful to test commercial fishing gear as follows:

(a) Bellingham Bay - inside northerly of a line from Governors Point to the south tip of Eliza Island to Point Frances in waters 10 fathoms and deeper.

(b) Boundary Bay - north of a line from Birch Point to Point Roberts and south of the international boundary in waters 10 fathoms and deeper during times not under IPSFC control. NOTE: Alden Bank test area has been excluded.

(c) San Juan Channel - within a 1-mile radius of Point Caution during times not under IPSFC control.

(d) Port Angeles - inside and westerly of a line projected from the east tip of Ediz Hook through buoy C "1" to the mainland.

(e) Port Gardner - within a 2-mile radius of the entrance to Everett breakwater in waters 10 fathoms and deeper.

(f) Puget Sound between lines from Meadow Point to Point Monroe and Skiff Point to West Point in waters 50 fathoms and deeper.

(g) East Pass - between lines from Point Robinson true east to the mainland and from Dash Point to Point Piner in waters 50 fathoms and deeper.

(h) Port Townsend - westerly of a line from the Coast Guard station in Port Townsend to Walan Point to Kala Point in waters 10 fathoms and deeper.

(i) All tows or sets are limited to 20 minutes exclusive of setting and retrieving time.

(j) All testing is to be accomplished between 8:00 AM and 4:00 PM.

(k) Codends of trawl nets must be left open, all hooks of set line gear must be unbaited, and no lures or baited hooks shall be used with jig or troll gear.

(l) Any and all incidentally caught fish and shellfish must be returned to the water immediately, and no fish or shellfish are to be retained aboard the vessel at any time during a gear test operation.

(m) It shall be unlawful for any person conducting such gear testing operations to fail to notify the Fisheries Patrol Office in Olympia prior to testing.

(2) It is unlawful for any person or corporation licensed by the Department of Fisheries to fail to comply with the directions of authorized department personnel related to the collection of sampling data or material from food fish or shellfish. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of a salmon or other food fish containing coded-wire tags, including but not limited to, the snouts of those salmon that are marked by having clipped adipose fins.

NEW SECTION

WAC 220-22-03000A PUGET SOUND SALMON MANAGEMENT AND CATCH REPORTING AREAS Notwithstanding the provisions of WAC 220-22-030, effective immediately until further notice (1) Area 7B shall include those waters of Puget Sound easterly of a line projected from the most westerly point of Gooseberry Point on the mainland true south to its intersection with Lummi Island (the Initiative 77 line), thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island, thence to Clark Point on Guemes Island following the shoreline to Southeast Point on Guemes Island, thence to March point on Fidalgo Island, northerly of the Burlington Northern railroad bridges at the north entrances to light near Whiskey Rock on the north shore of Samish Bay.

(2) Area 11 shall include those waters southerly of a true east-west line passing through the Point Vashon light, northerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay and northerly of the Tacoma Narrows Bridge.

(3) Area 11A shall include those waters of Puget Sound southerly of a line from Browns Point to the Asarco smelter stack on the opposite shore of Commencement Bay.

WSR 82-16-006
PROPOSED RULES
HEALTH CARE FACILITIES AUTHORITY
[Filed July 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Health Care Facilities Authority intends to adopt, amend, or repeal rules concerning the amending of WAC 247-02-050 to provide that a majority of the authority members may sign resolutions authorizing the sale of bonds. Currently the chairman and the secretary must sign resolutions. Thus, either or both hold a veto over actions of other authority members. The amendment also clearly sets forth the fact bonds and coupons must bear the facsimile signature of the governor and executive director, as now permitted by law;

that such agency will at 10:30 a.m., Thursday, September 9, 1982, in the Office of the Health Care Facilities Authority, 504 East 14th, Suite 130, Olympia, WA 98504, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 73.37.050[70.37.050].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 7, 1982, and/or orally at 10:30 a.m., Thursday, September 9, 198[1982], Office of the Health Care Facilities Authority, 504 East 14th, Suite 130, Olympia, WA 98504.

Dated: July 23, 1982
By: Gerald L. Sorte
Executive Director

STATEMENT OF PURPOSE

Rule: Chapter 247-02 WAC.

Rule Section(s): WAC 247-02-050.

Statutory Authority: RCW 70.37.050.

Purpose of the Rule(s): Clarify the signing of authority resolutions and required signatures on bonds and coupons.

Summary of the New Rule(s) and/or Amendments: The current rule provides that the chairman and the secretary must sign all authority resolutions. As a consequence, either or both hold an effective veto over actions of the other authority members. The rule changes provide that a majority of the authority members may sign resolutions. The change also clarifies the required signatures on bonds and coupons.

Reasons Which Support the Proposed Action(s): [No information supplied by agency]

Person or Organization Proposing the Rule(s): Government.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule(s): Gerald L. Sorte, 504 East 14th, Suite 130, Olympia, WA, 753-6185.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: [No information supplied by agency]

AMENDATORY SECTION (Amending Order 9, Resolution 81-1, filed 11/25/81)

WAC 247-02-050 OPERATIONS AND PROCEDURES. (1) Uniform Procedure Rules: Practice and procedure in and before the authority are governed by the Uniform Procedural Rules codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, which rules the authority adopts as its own, subject to any additional rules the authority may add from time to time. The authority reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the authority, said determination to be in accordance with the spirit and intent of the law.

(2) Authority meetings: The meetings of the authority shall all be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the chairman or a majority of the members of the authority. At least ten days' notice of all special meetings shall be given by delivering personally or by mail to each member a written notice specifying the time and place of the meeting and a copy of the agenda prepared by the executive director in consultation with the chairman, and by giving such notice to the public as may be required by law. If an emergency is deemed to exist, the chairman may shorten the notice period to not less than twenty-four hours. An executive session may be called by the chairman or by a majority of all members of the authority to consider the appointment, employment or dismissal of an officer or employee, and such other matters as are permitted by RCW 42.30.110.

(3) Quorum: Three members shall constitute a quorum, and the act of a majority of the members present at any meeting, if there is a quorum, shall be deemed the act of the authority except as specified hereafter in WAC 247-02-050(7).

(4) Chairman's voting rights: The chairman shall have the right to vote on all matters before the authority, just as any other authority member.

(5) Minutes of meetings: Minutes shall be kept of the proceedings of the authority.

(6) Rules of order: The authority shall generally follow Robert's Rules of Order, newly revised, in conducting its business meetings.

(7) Form of authority action: The authority may act on the basis of a motion except when authorizing issuance of bonds pursuant to WAC 247-16-070 and when otherwise taking official and formal action with respect to the creation of special funds and the issuance and sale of bonds for a project of a participant, in which case the authority shall act by resolution. Such resolutions shall be adopted upon the affirmative vote of a majority of the members of the authority and shall be signed by ((~~the chairman and the secretary~~)) a majority of the members of the authority. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting. All bonds and coupons shall bear the facsimile signatures of the governor and executive director.

(8) Public participation in the meetings of the authority shall be as follows:

(a) Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the authority shall so notify the executive director in writing at least forty-eight hours prior to the time of the meeting.

(i) Such notification shall contain the name of the person, association, corporation or organization that desires to make a presentation; the address of such person and, if applicable, the address of the entity to be represented in the presentation; and the topic to be presented or discussed.

(ii) Permission to make a presentation to the authority shall be granted by the executive director as authorized by the authority.

(iii) Confirmation of permission to make a presentation to the authority shall be made, if at all possible, by the authority staff prior to the meeting of the authority and shall include the date and time of the meeting and time set for the formal presentation.

(b) The chairman of the authority shall have the discretion to recognize anyone in the audience who indicates in writing at the time of the meeting a desire to speak at such meeting, provided that remarks by any individual person shall be limited to five minutes unless a time extension is granted by the chairman.

WSR 82-16-007
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)

[Filed July 23, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the regulation of securities; securities involving mortgages, trust deeds or property sales contracts, new chapter 460-33A WAC. Changes may be made at the public hearing;

that such agency will at 10:00 a.m., Thursday, September 9, 1982, in Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Thursday, September 16, 1982, in the Securities Division, Department of Licensing, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 21.20.450. WAC 460-33A-010 through 460-33A-110 are promulgated pursuant to RCW 21.20.310(8) and is intended to administratively implement that statute and RCW 21.20.450 which directs

that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 15, 1982, and/or orally at 10:00 a.m., Thursday, September 9, 1982, Conference Room A, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504.

Dated: July 23, 1982
By: John Gonsalez
Director

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing, Securities Division.

General Purpose of Rule: The rule shown below is to implement chapter 21.20 RCW and to detail an optional registration procedure specifically tailored to the offer and sale of real property securities. It is meant to provide a shortened registration procedure for companies already covered by the Securities Act.

Statutory Authority: Chapter 460-33A WAC is promulgated pursuant to RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of the Securities Act.

Summary of the Rules: WAC 460-33A-010 Application, defines the area over which the rules apply providing for modification or waiver by the administrator if good cause is shown; WAC 460-33A-015 Definitions, explains definitions of the specific operative terms found in the rules including "real property mortgage broker" and "real property securities"; WAC 460-33A-020 Optional Registration Procedures for Securities Involving Real Property Securities, explains what is necessary to file in order to register a real property securities offering; WAC 460-33A-025 Contents of the Real Property Securities Statement, is a section requiring a general offering circular, referring to sample forms that the Securities Division will furnish upon request; WAC 460-33A-030 Contents of the Specific Offering Circular, is a section requiring a specific offering circular, referring to sample forms that the Securities Division will furnish upon request; WAC 460-33A-035 Limitations on the Use of Optional Registration Under WAC 460-33A-020, explains that certain types of offerings may not be registered under WAC 460-33A-020 including certain types of notes sold in connection with construction loans, certain principal transactions, certain offerings that subordinate the investors' interest and offerings involving the pooling of more than 10 investors; WAC 460-33A-040 Net Liquid Assets of a Real Property Mortgage Broker, requires that a real property mortgage broker maintain a minimum of twenty-five thousand dollars in net liquid assets; WAC 460-33A-045 Exemption Disqualification, explains what services will disqualify the use of the exemption provided by RCW 21.20.320(5); WAC 460-33A-050 Acceptance and Retention of Funds, requires that no funds be accepted until there is a loan to fund and that those funds shall only be maintained for 60 days unless a written agreement deems otherwise; WAC 460-33A-055 Escrow Account, requires an escrow account be maintained and subject to audit; WAC 460-33A-060 Recordation, requires the real property mortgage broker to record the applicable instrument before funds are released; WAC 460-33A-065 Authorization, requires that any servicing agreement on the promissory note be in writing; WAC 460-33A-070 Assignment, requires the real property mortgage broker, who funds loans and later sells them, to disclose his interest and record the applicable instrument prior to the disbursal of funds; WAC 460-33A-075 Advertising, prohibits false, misleading or deceptive advertising in regard to real property securities and requires that all advertising materials be reviewed by the Securities Division; WAC 460-33A-080 Registration and Examination of Real Property Mortgage Brokers, explains the necessary testing requirements to become registered as a real property mortgage broker; WAC 460-33A-085 Registration and Examination of Real Property Securities Salespersons, explains the necessary testing requirements to become registered as a real property securities dealer; WAC 460-33A-090 Denial, Suspension, Revocation of Registration—Grounds, enumerates the grounds which the administrator may use to deny, suspend or revoke a real property mortgage broker license or real property securities salesperson license to sell real property securities; WAC 460-33A-100 Written Statement, requires that documents containing the required information be given to the investor prior to the sale and that the investor sign the documents; WAC 460-33A-105 Appraisals, requires and appraisal be done on the subject property unless the investor requires otherwise; and WAC 460-33A-110 Annual Reports, requires every real property mortgage broker to file annual financial statements with the Securities Division containing at least the total number of sales and total dollar volume of those sales.

Reason Proposed: These regulations are proposed because of the number of companies starting up in this business and the large amounts of investors' monies lost in our sister states. California investors lost 660 million dollars investing in this industry.

Responsible Department Personnel: In addition to the director of the Department of Licensing, the following agency personnel have responsibility for drafting, implementing and enforcing these rules: Joan Baird, Assistant Director, Professional Licensing, 3rd Floor, Highways-Licenses Building, 234-1369 Scan, 753-1369; and Ralph R. Smith, Administrator Securities Division, 6th Floor, Highways-Licenses Building, 234-6928 Scan, 753-6928.

Proponents and Opponents: These rules are proposed by the Department of Licensing, Securities Division.

Agency Comments: This agency believes the rules to be self explanatory.

Economic Impact Statement: Cost for small business per $100 of sales estimated at 1 cent. All businesses affected by this rule are "small businesses" under RCW 43.31.920(1) and at this time the businesses have similar manpower requirements (from 5 to 10 employees), therefore a comparison with larger businesses of this type cannot be made.

Discussion: There are approximately 7 to 10 small businesses affected by these rules at this time; although, because of financing problems, more are springing up all the time. During my discussions with the existing mortgage brokers several estimated that this legislation would cost them from $20,000 to $25,000 per year. With sales conservatively estimated at $1 million it would, in reality cost less than 1 cent per $100. These regulations do not actually increase the cost to any business not previously covered by the Securities Act, fees for which are set by statute. In reality, these rules provide a short-cut method of registration which should cost less than registration required under RCW 21.20.180 or 21.20.210.

Chapter 460-33A WAC
PROPOSED REGULATIONS CONCERNING SECURITIES INVOLVING MORTGAGES, TRUST DEEDS OR PROPERTY SALES CONTRACTS

NEW SECTION

WAC 460-33A-010 APPLICATION. (1) The rules contained in these regulations apply to registrations of real estate securities involving mortgages, trust deeds or property sales contracts and related instruments. While applications not conforming to the standards contained herein shall be looked upon with disfavor, where good cause is shown certain regulations may be modified or waived by the administrator, if consistent with the spirit of these rules.

(2) The application of these rules in no way effects those issuers to which or to whom the debenture company sections of the Securities Act apply. If applicable, issuers must comply with those statutory sections.

(3) These rules are not meant to affect the statutory exemptions provided for by RCW 21.20.310 or RCW 21.20.320.

NEW SECTION

WAC 460-33A-015 DEFINITIONS. As used in this chapter:

(1) "Net liquid assets" means cash and other non-pledged assets which are convertible into cash within a five date period in the normal course of business.

(2) "Real property mortgage broker" means a person who effects transactions involving real property securities for the person's own account or for the account of others.

(3) "Real property securities registration statement" means a registration that gives a general description of what is involved in the purchase of real property securities and the business of offering the real property securities including a description of the real property mortgage broker.

(4) "Real property securities salespersons" means a person other than a mortgage broker who represents a mortgage broker in effecting purchases or sales of real property securities.

(5) "Real property securities" means either:

(a) The sale of a single promissory note secured directly or collaterally by a lien on real property or a single real property sales contract under an arrangement constituting an investment contract.

(b) Notes and bonds secured by mortgage or trust deeds on real property or on a vendor's interest in a property sales contract or options granting the right to purchase any of the foregoing.

(c) A partial interest in more than one mortgage, trust deed, or property sales contract acquired by an investor along with other investors.

(d) An interest of several investors in a single mortgage, trust deed or single property sales contracts.

(6) "Specific offering circular" means a document describing the specific real property securities offering, which is meant to accompany the general registration statement.

NEW SECTION

WAC 460-33A-020 OPTIONAL REGISTRATION PROCEDURES FOR SECURITIES INVOLVING REAL PROPERTY SECURITIES. (1) An applicant for registration of a real property securities offering may elect to register the offering under this rule in lieu of following the full registration procedure under RCW 21.20.210 or 21.20.180. This option provides for the filing of a registration application accompanied by the following, in addition to payment of the registration fee prescribed in RCW 21.20.340 and, if required under RCW 21.20.330, a consent to service of process meeting the requirements of that section.

(a) One copy of the real property securities registration statement.

(b) One copy of the specific offering circular.

(c) The amount of securities to be offered in this state.

(d) Any adverse order, judgment or decree previously entered in connection with the offering by any other state securities division, any court or the securities and exchange commission.

(e) One copy of the Articles of Incorporation and Bylaws.

(2) The Securities Division will examine the real property securities registration statement for disclosure of material facts involving the purchase of the real property securities, for disclosure of the general description of the business of the real property mortgage broker and for the compliance with applicable rules.

(3) The Securities Division will examine the sample specific offering circular for sample disclosure of material facts concerning specific real property securities offerings. Actual copies of the specific offering circulars given to each offeree need not be filed unless such a request is made by the Administrator.

NEW SECTION

WAC 460-33A-025 CONTENTS OF THE REAL PROPERTY SECURITIES REGISTRATION STATEMENT. This registration shall provide for disclosure of material facts which shall include the sections enumerated in the Securities Divisions sample form for real property securities registration statement for securities involving mortgages, trust deeds or property sales contracts, if applicable, and present a discussion of the related information as set forth in that form.

NEW SECTION

WAC 460-33A-030 CONTENTS OF THE SPECIFIC OFFERING CIRCULAR. The specific offering circular shall provide for disclosure of material facts and shall contain at least the sections enumerated in the Securities Divisions sample form for specific offering circulars for securities involving mortgages, trust deeds or property sale contracts, if applicable, and present a discussion of the related information as set forth in that form.

NEW SECTION

WAC 460-33A-035 LIMITATIONS ON THE USE OF OPTIONAL REGISTRATION UNDER WAC 460-33A-020. (1) The following types of securities cannot be offered or sold under a general registration of securities unless written permission is obtained from the Administrator based upon a showing that the investors are adequately protected:

(a) Construction loans and loans exceeding 90 percent of the property and improvements that are in place. Offerings involving construction loans and loans exceeding 90 percent of the value of the property including existing improvements may not be sold using the real property securities registration statement under WAC 460-33A-020. These have to be registered separately. An offering exceeds 90 percent of the value of the property and existing improvements if the principal amount of the note secured by a mortgage or trust deed or land sale contract together with the unpaid principal amount of any encumberances on the property, plus unpaid interest to date of the transaction, exceeds 90 percent of the reasonable market value of the real property including improvements.

(b) Principal Transaction. Offerings involving the broker, its officers, agents, affiliates, and persons controlling the broker or affiliates may not be sold as part of the optional registration unless the registration with the Administration includes a full description of these transactions. An offering "involves" the persons listed where the person is the owner, the borrower, or has an interest in the proceeds other than fees, commissions, or mark-ups.

(c) Offerings involving documents reserving the right to subordinate the investors position. Offerings involving real property securities which reserves the right to subordinate the position of any investor to any mortgage, trust deed or lien created at or after the sale may not be sold under a generic registration.

(d) Offerings involving pooling or participations involving more than ten investors may not be sold under the optional registration. However,

where only first liens are involved, the registrant may apply for a modification to allow sales up to 25.

(e) A registrant requesting a modification under this section must request it in writing and must provide satisfactory evidence that the interest of the public will be adequately protected.

NEW SECTION

WAC 460-33A-040 NET LIQUID ASSETS OF A REAL PROPERTY MORTGAGE BROKER. (1) All persons meeting the definition of a real property mortgage broker must have minimum net liquid assets of twenty five thousand dollars, to be maintained at all times. Proof of such is required for registration of the real property mortgage broker.

(2) The twenty five thousand dollars must be calculated by adding up the fair market value of all net liquid assets minus all liabilities.

(3) Real estate mortgage brokers failing to meet the above minimum must inform the Securities Division of such failure with seventy-two hours at which time all sale of securities will be suspended.

(4) The Administrator may accept a bond in lieu of (1) above.

NEW SECTION

WAC 460-33A-045 EXEMPTION DISQUALIFICATIONS. (1) Any transaction involving the following elements shall not be deemed a transaction exempted under RCW 21.20.320(5) although they may be supplemental or related to a transaction in a bond or other evidence of indebtedness secured by a real or chattle mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all bonds or other evidences of indebtedness secured thereby, offered and sold as a unit:

(i) Guarantying the note or contract against loss at any time, or

(ii) Guarantying that payments of principal or interest will be paid in conformity with the terms of the note or contract, or

(iii) Assuming any payments necessary to protect the security of the note or contract, or

(iv) Accepting, from time to time, partial payments toward the purchase of the note or contract, or

(v) Guarantying a specific yield or return on the note or contract, or

(vi) Paying with his own funds any interest or premium for a period prior to actual purchase and delivery of the note or contract, or

(vii) Paying with his own funds any money after the note or contract falls into arrears, or

(viii) Repurchasing the note or contract, or

(ix) Accepting the grant of complete discretionary authority in collection of payments, forwarding of payments to other lienholders and investors, resolving delinquency problems, managing the investment or handling of foreclosures and the like for the investors. This does not include servicing provided by the entity such as a financial institution or escrow company or the services strictly limited to the collection and remittance of interest to the investor, or

(x) Promising the investor a market for the resale of the real property securities.

NEW SECTION

WAC 460-33A-050 ACCEPTANCE AND RETENTION OF FUNDS. (1) No person acting as a real property mortgage broker or his agent shall accept any purchase or investment funds in advance of the time necessary to fund the loan transaction.

(2) No person acting as a real property mortgage broker or his agent shall maintain funds for longer than sixty (60) days without disbursing such funds unless there is a separate written agreement to do so; provided that, the interest from funds so retained shall not accrue to the benefit of the real estate mortgage broker or his agent.

NEW SECTION

WAC 460-33A-055 ESCROW ACCOUNT. (1) All funds received from lenders or investors to purchase real property securities shall be deposited in an escrow account maintained for that purpose. All necessary disbursements shall be made from that account.

(2) The escrow agreement shall provide that the funds will not be subject to the real property mortgage broker's creditors.

(3) The account shall be subject to an audit at any reasonable time by the Securities Division.

NEW SECTION

WAC 460-33A-060 RECORDATION. Every person acting as a real property mortgage broker or his agent must record the applicable instrument before any disbursement of funds take place. Such recorded instrument must bear the name of the lienholder or beneficiary and not the name of the real property mortgage broker unless the real property mortgage broker is the actual lender; provided that, such lienholder or beneficiary may by written request specify otherwise.

NEW SECTION

WAC 460-33A-065 AUTHORIZATION. (1) Every person acting as a real property securities dealer who undertakes to service a promissory note secured by a lien on real property or a real property sales contract shall have a written authorization from the lender or holder of the contract setting forth specifically what services will be provided.

NEW SECTION

WAC 460-33A-070 ASSIGNMENT. Every real property mortgage broker or his agent who lends or finances transactions and later offers these real property securities to lenders or investors must disclose his interest in the property or the transaction and must not disburse funds from the escrow account until the applicable instrument has been properly recorded in the name of the new assignee; provided that the lender or investor may by written request specify otherwise.

NEW SECTION

WAC 460-33A-075 ADVERTISING. (1) No person effecting transaction in real property securities shall advertise in any manner any statement or representation, with regard to any real property security, which is false, misleading or deceptive.

(2) Every real property mortgage broker or his agent shall file, five (5) days prior to use, true copies of all advertising materials. If not disallowed by written notice or otherwise within five (5) days from the date filed, the material may be disseminated. No dealer shall use any such material in any way after the Administrator gives written notice that such material contains any statement or omission that is false or misleading.

NEW SECTION

WAC 460-33A-080 REGISTRATION AND EXAMINATION OF REAL PROPERTY MORTGAGE BROKERS. (1) Every person effecting transactions in real property securities, as a real property mortgage broker, unless otherwise exempt, must first obtain a broker dealers license.

(2) Every applicant for registration as a mortgage broker shall pass the Uniform Securities Agent State Law Examination (Series 63) with a score of 70% or better and complete the application form as prescribed by the director.

(3) Every applicant shall provide the Securities Administrator proof of compliance with WAC 460-33A-040. (Net worth requirement)

(4) For registration of a mortgage broker, the fee shall be one hundred fifty dollars for original registration and seventy five dollars for each annual renewal. The licenses shall be effective until December 31 of the year of passage at which time it shall be renewed or delinquent. For any renewal application postmarked after December 31 but before March 1 the late fee shall be twenty five dollars. No renewal applications will be accepted after March 1. Such licensee must submit a new application and filing fee. When an application is denied or withdrawn, the director shall return one-half the fee.

(5) A person may elect to register under these rules in lieu of the full registration procedures under WAC 460-20A only if the applicant deals solely in real property securities as defined herein.

(6) Upon written application and approval, the Administrator may exempt from the testing requirement no more than two officers of the original real property securities offering.

NEW SECTION

WAC 460-33A-085 REGISTRATION AND EXAMINATION OF REAL PROPERTY SECURITIES SALESPERSON. (1) Every person acting as a real property securities salesperson, unless otherwise exempt, must first obtain a salesperson's license and be employed by a real property mortgage broker.

(2) Every applicant for registration as a real property securities dealer, shall pass the Uniform Securities Agent State Law Examination (Series 63) with a score of 70% or better and complete the application form prescribed by the director.

(3) For registration of a real property securities dealer, the fee shall be thirty five dollars for original registration and fifteen dollars for each annual renewal. The licenses shall be effective until December 31 of the year of passage at which time it shall be renewed or delinquent. For any renewal application postmarked after December 31 but before March 1, the late fee shall be ten dollars. No renewal applications will be accepted after March 1. Such licensee must submit a new application and filing fee. When an application is denied or withdrawn, the director shall retain one-half the fee.

(4) A person may elect to register under these rules in lieu of the full registration procedures under WAC 460-20A only if the applicant deals solely in real property securities.

NEW SECTION

WAC 460-33A-090 DENIAL, SUSPENSION, REVOCATION OF REGISTRATION-GROUNDS. The Administrator may by order deny, suspend, or revoke registration of any real property mortgage broker or real property securities salesperson if the administrator finds that the order is in the public interest and that the applicant or registrant or, in the case of the real property mortgage broker, any partner, officer or director;

(1) Has filed an application for registration which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false, or misleading with respect to any material fact;

(2) Has wilfully violated or wilfully failed to comply with any provision of the Securities Act or a predecessor act or any rule or order thereunder;

(3) Has been convicted, within the past five years, of any misdemeanor involving a security or any aspect of the securities business, or any felony involving moral turpitude;

(4) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business;

(5) Is the subject of an order of the director denying, suspending, or revoking registration as a broker-dealer, salesperson, investment adviser, or investment adviser salesperson;

(6) Is the subject of an order entered within the past five years by the securities administrator of any other state or by the federal securities and exchange commission denying or revoking registration as a broker-dealer or salesperson, or the substantial equivalent of those terms as defined in the Securities Act, or is the subject of an order of the federal securities and exchange commission suspending or expelling him or her from a national securities exchange or national securities association registered under the securities exchange act of 1934, or is the subject of a United States post office fraud order;

(7) Has engaged in dishonest or unethical practices in the securities business;

(8) Is insolvent, either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature; or

(9) Has not complied with a condition imposed by the director under WAC 460-33A-080 or WAC 460-33A-085 on the basis of such factors as training, experience, or knowledge of the securities business; or

(10) The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this section.

NEW SECTION

WAC 460-33A-100 WRITTEN STATEMENT. Every person selling a real property security shall require the purchaser of such to personally sign a receipt for the offering circular containing all the applicable information required by WAC 460-33A-025 and 460-33A-030 before the purchaser shall be obligated to fund the transaction. No seller shall permit the purchaser to sign such receipt if any of the required information is omitted. The seller shall retain an executed copy of receipt for four years.

NEW SECTION

WAC 460-33A-105 APPRAISALS. An appraisal of each parcel of real property which relates to a transaction subject to the provisions of this chapter shall be made by the real property mortgage broker or by an independent appraiser unless the purchaser of the obligation to which the parcel relates indicates in writing that he will obtain his own appraisal. An appraisal by the dealer or agent or waiver thereof shall be kept on file for four years.

NEW SECTION

WAC 460-33A-110 ANNUAL REPORTS. (1) Every real property mortgage broker shall file with the Administrator annually, a report containing financial statements prepared in accordance with generally accepted accounting principles, accompanied by an opinion thereon by a certified public accountant or a public accountant, based upon an examination in accordance with generally accepted accounting standards. The report shall include, but not be limited to the receipt and disposition of all funds handled in connection with transactions subject to this article. The report shall be filed with the administrator within 90 days after the close of the period of the report unless, for good cause shown, the administrator in writing, extends the time therefor. The report shall contain the following:

(a) Total number of sales, as principal or agent, subject to this article during the period, and

(b) Total dollar volume of such sales.

(2) When the requirement under subsection (1) would cause undue hardship and where good cause is shown, the Administrator may waive the requirement for audited financials.

WSR 82-16-008
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-87—Filed July 23, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the quota for recreational coho salmon harvest has been met.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 23, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-56-19000K SALTWATER SEASONS AND BAG LIMITS Notwithstanding the provisions of WAC 220-56-190, effective 11:59 P.M. July 25, 1982,

it is unlawful for any fisherman to take, fish for or possess salmon for personal use taken from those waters of the Pacific Ocean south of a line projected true west from the end of Leadbetter Point and west of a line projected true north from Buoy 10 at the mouth of the Columbia River and north of a line projected true west from Buoy 10.

WSR 82-16-009
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-88—Filed July 23, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the treaty share of the harvestable salmon has been taken.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 23, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-073E0B HOH RIVER - CLOSED AREA Effective 12:00 noon, July 26, 1982, it is unlawful for any fisherman, including treaty Indian fisherman, to take, fish for or possess salmon for commercial purposes from the waters of the Hoh River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-073E0A HOH RIVER - CLOSED AREA (82-52)

WSR 82-16-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-89—Filed July 23, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Area 4B, 5, 6, 6A, 6C, 7, 7A and 7D provide the least restrictive regulations that allow protection of adult Canadian chinook. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Areas 6B, 9 and 10 protect the validity of the in season update for Lake Washington sockeye conducted at the Ballard Locks. Restrictions in Area 10C and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Area 6D, 10B, 10D, 12D, 13A, Minter Creek, Skagit River, above Old Faber Ferry Landing, White River, Dungeness River, Hoko River, Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creek provide protection for local chinook stocks. The closures of Area 8 and Skagit River below the Old Faber Ferry Landing are repealed to allow opportunity to harvest summer/fall chinook.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 23, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-207 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. It is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, and 6C - Drift gill net gear restricted to 5-7/8-inch maximum mesh, when open.

Areas 6, 6A, 7, 7A, and 7D - All gill net gear restricted to 5-7/8-inch maximum mesh, when open.

Area 6D - Effective July 22, closed to all commercial fishing.

Area 7C – Closed to all commercial fishing southeasterly of a line projected from the mouth of the Oyster Creek 237 degrees true to a fishing boundary marker on the Samish Island.
Areas 6B, 9 and 10 – Gill nets restricted to 6–1/2–inch minimum mesh and other gear must release all sockeye, when open.
**Area 8 and the Skagit River downstream of Old Faber Ferry Landing – Gill nets restricted to 6–1/2–inch minimum mesh and all other gear must release sockeye, when open.*
Areas 10B and 10D – Closed to all commercial fishing.
Area 10C – Closed to all commercial fishing.
Area 12D – Closed to all commercial fishing.
Area 13A – Closed to all net fishing through July 31, 1982, in that portion north of a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove.
Cedar River – Closed to all commercial fishing.
Minter Creek – Closed to all net fishing through July 31, 1982.
Samish River – Closed to all commercial fishing.
**Skagit River – Closed to all commercial fishing above Old Faber Ferry Landing including all tributaries until further notice.*
White River – Closed to all commercial fishing through July 31, 1982.
**Dungeness River, Hoko River, East and West Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creeks – Closed to all commercial fishing.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220–28–206 Puget Sound Commercial Fishery Restrictions (82–85)

WSR 82-16-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82–90—Filed July 23, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Areas 4B, 5, 6, 6A, 6C, 7, 7A, 7D provide the least restrictive regulations that allow protection of adult Canadian chinook salmon and allow fisheries under IPSFC control. Scheduled fisheries in Areas 7B and 7C outside the Oyster Creek line allow a harvest of chinook salmon. All other Puget Sound areas are closed to all–citizen commercial fishing to prevent overharvest of salmon stocks.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 23, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220–47–702 PUGET SOUND ALL–CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220–47 WAC, effective July 23, 1982, until further notice it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

**Areas 4B, 5, and 6C – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Drift gill nets restricted to 5–7/8–inch maximum mesh, when open.*
Area 6B – Closed.
Area 6D – Closed.
**Areas 6, 6A, 7, 7A, and 7D – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill nets restricted to 5–7/8–inch maximum mesh, when open.*
**Areas 7B and 7C – Closed except gill nets may fish from 7:00 PM to 9:30 AM nightly July 27 through the morning of July 30 with 7–inch minimum mesh. The Fidalgo Bay Preserve and that portion of Area 7C southeasterly of the Oyster Creek line are closed as provided in WAC 220–47–307.*
Areas 8, 8A, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-701 Puget Sound All-Citizen Commercial Salmon Fishery (82-82)

WSR 82-16-012
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 174—Filed July 26, 1982]

Be it resolved by the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt at Tacoma, Washington, as emergency rule of this governing body, the annexed rule relating to establishing 1982 Western Washington Upland Bird Punchcard Season Limit on Pheasants, WAC 232-28-40501.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is this order is an extension of Emergency Order No. 170, filed with the code reviser's office on June 2, 1982, which established a season limit on pheasants in Western Washington, to provide user group awareness and allow the previously established season to occur in an orderly manner. This extension will allow the permanent WAC to be adopted at the August 28-29, 1982, Game Commission meeting to become effective before the "emergency" 90-day period expires.

Such rule is therefore adopted as an emergency rule.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

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

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 9, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-28-40501 ESTABLISH 1982 WESTERN WASHINGTON UPLAND BIRD PUNCHCARD SEASON LIMIT ON PHEASANTS. Notwithstanding the provisions of WAC 232-28-405, the 1982 season bag limit for pheasants in Western Washington shall be twelve pheasants.

WSR 82-16-013
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 187—Filed July 26, 1982]

Be it resolved by the Game Commission, state of Washington, acting at Tacoma, Washington, that it does promulgate and adopt the annexed rules relating to 1982 Upland Migratory Game Bird Seasons, WAC 232-28-105.

This action is taken pursuant to Notice No. WSR 82-12-065 filed with the code reviser on June 2, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

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

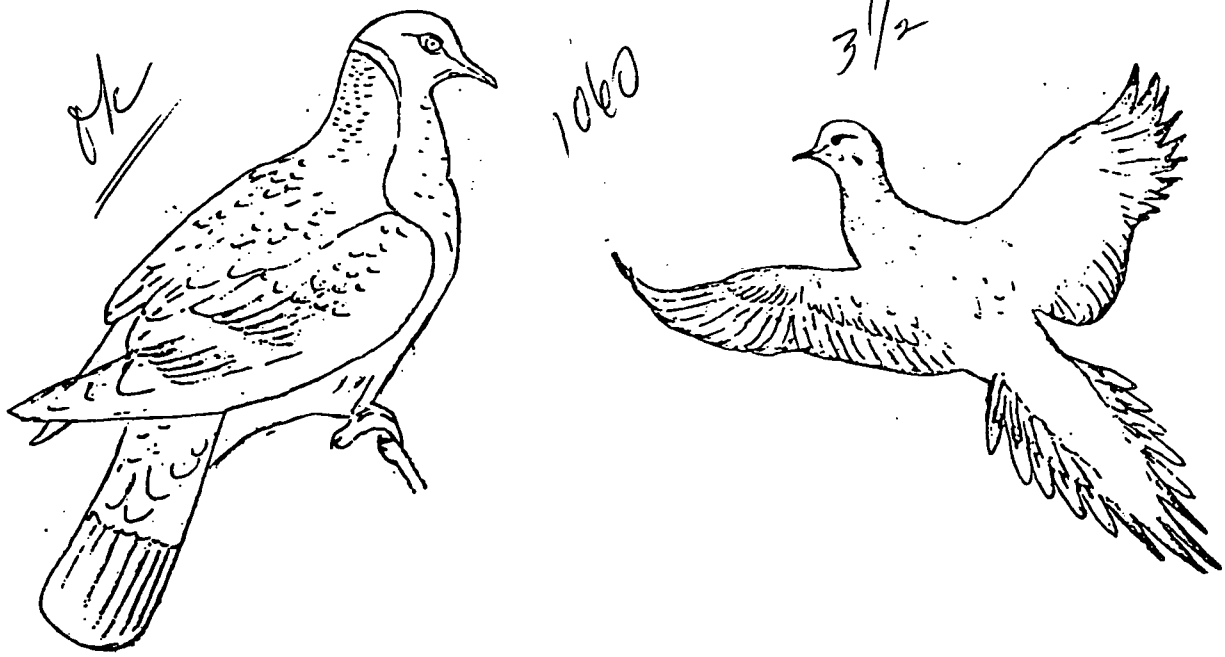
This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 9, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-28-105 1982 UPLAND MIGRATORY GAME BIRD SEASONS



1982 UPLAND MIGRATORY GAME BIRD SEASONS

–Statewide–

MOURNING DOVE:

September 1 – September 15, inclusive
Daily bag limit: 10
Possession limit: 20

BAND-TAILED PIGEON:

September 1 – September 30, inclusive
Daily bag limit: 5
Possession limit: 5

SHOOTING HOURS as follows: (Daylight Saving Time)

DATES INCLUSIVE		Eastern Washington From A.M.	Eastern Washington To P.M.	Western Washington From A.M.	Western Washington To P.M.
Wed. Sept. 1	Sun. Sept. 5	5:50	7:35	6:00	7:45
Mon. Sept. 6	Sun. Sept. 12	5:55	7:25	6:10	7:35
Mon. Sept. 13	Sun. Sept. 19	6:05	7:10	6:15	7:20
Mon. Sept. 20	Sun. Sept. 26	6:15	6:55	6:25	7:05
Mon. Sept. 27	Wed. Sept. 30	6:25	6:40	6:35	6:50

REPEALER

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

WAC 232-28-103 1980 UPLAND MIGRATORY GAME BIRD SEASONS

WSR 82-16-014
ADOPTED RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 188—Filed July 26, 1982]

Be it resolved by the Game Commission, state of

Washington, acting at Tacoma, Washington, that it does promulgate and repeal the annexed rules relating to WAC 232-16-020 Auburn Game Farm, WAC 232-16-090 Colville State Game Farm and WAC 232-16-220 Kennewick Game Farm Reserve.

This action is taken pursuant to Notice No. WSR 82-12-065 filed with the code reviser on June 2, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

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

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 9, 1982.

By Archie U. Mills
Chairman, Game Commission

REPEALER

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

WAC 232-16-020 AUBURN GAME FARM
WAC 232-16-090 COLVILLE STATE GAME FARM
WAC 232-16-220 KENNEWICK GAME FARM RESERVE

WSR 82-16-015
WITHDRAWAL OF PROPOSED RULES
FOREST PRACTICES BOARD
[Filed July 26, 1982]

Due to major revisions in the proposed rule language scheduled for adoption under WSR 82-15-002 filed on July 8, 1982, I wish to cancel the proposed adoption of certain rule changes under Title 222 WAC. Revised wording for this change will be submitted at a later date.

WSR 82-16-016
PROPOSED RULES
COLUMBIA BASIN COLLEGE
[Filed July 26, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Columbia Basin College intends to adopt, amend, or repeal rules concerning public records, practice and procedure, faculty and staff, reduction-in-force for classified staff, student policies and college facilities.

The formal adoption, amendment, or repeal of such rules will take place at 4 p.m., Monday, September 13th, in the Board Room, Columbia Basin College, 2600 North 20th, Pasco, WA 99301.

The authority under which these rules are proposed is RCW 42.17.250(1), 28B.19.120(10)(c) and (h) and 28B.50.140(10) and (13).

Dated: July 1, 1982
By: F. L. Esvelt
Secretary, Board of Trustees

STATEMENT OF PURPOSE

The Following Sections are Adopted: WAC 132S-10-016 through 132S-10-029; 132S-20-015 through 132S-20-320; 132S-30-010 through 132S-30-092; 132S-31-010 through 132S-31-017; 132S-40-005 through 132S-40-125; and 132S-50-010 through 132S-50-280.

The Following Chapters are Repealed: Chapters 132S-04, 132S-08, 132S-10, 132S-11, 132S-12, 132S-13, 132S-16, 132S-17, 132S-18, 132S-19, 132S-20, 132S-25, 132S-27, 132S-29, 132S-52, 132S-108, 132S-116, 132S-122, 132S-124, 132S-125, 132S-136, 132S-137, 132S-138, 132S-139, 132S-140, 132S-142, 132S-152, 132S-165, 132S-168, 132S-170, 132S-172, 132S-173, 132S-175, 132S-180, 132S-185, 132S-187, 132S-190, 132S-195 and 132S-197 WAC.

Statutory Authority: RCW 42.17.250(1), 28B.19.120(10)(c) and (h) and 28B.50.140(10) and (13) grant the authority for the board of trustees of District No. 19 to adopt the foregoing regulations.

Purpose and Reason for Rules: Columbia Basin College is repealing its entire administrative code and readopting portions thereof under a reorganized number system. The purpose is to remove from codification those portions of district policy which it is not necessary to codify under RCW 28B.19.020(2) and to reorganize the remaining chapters and sections in a more orderly and logical fashion. No changes in wording have been made. The original purpose of the rules remains the same.

Summary of Rules: WAC 132S-10-016 through 132S-10-029 define public records and exemptions thereto; identify the public records officer; and set forth the procedures for inspecting such records. WAC 132S-20-015 through 132S-20-320 identify who may appear before the board of trustees in a representative capacity; set forth the time for notice; the method of service of papers; the manner of taking depositions and interrogatories; the procedure for appointment of a hearing officer; the identification of the hearing officer's duties; and the procedures for the hearing itself and rendering of a decision. WAC 132S-30-010 through 132S-30-092 set forth the general responsibilities of the academic employees; the manner of filling vacancies in such positions; the procedures for negotiations between the board and academic employees, a grievance procedure applicable to all staff for alleged discrimination; a grievance procedure for alleged sex discrimination which may be used by students and applicants for employment as well as employees; promotion procedures for academic employees; tenure regulations including evaluations and dismissal procedures; a general grievance procedure for academic employees' complaints; and the college's leave policy. WAC 132S-31-010 through 132S-31-017 set out the

procedures for a reduction-in-force for classified employees and their order of layoff and reemployment rights as per the rules of the Higher Education Personnel Board. WAC 132S-40-005 through 132S-40-125 set forth a code of student conduct; disciplinary action for violations of that code; hearing procedures for hearing violations of the code; appeal procedures; referrals of violations to civilian authorities; withholding degrees, transcripts, and grades from students for financial obligations to the college; appeal procedures from such decisions; release of student information; distribution of printed information by students or employees; and academic probation and the effect of expulsion. WAC 132S-50-010 through 132S-50-280 set forth the rules governing use of college facilities and rental fees therefor; traffic and parking rules on campus property; enforcement of such rules by issuing tickets; the requirement of parking permits for all vehicles; hearing procedures for all parking permit revocations; rules for the control of pets on campus; rules controlling smoking and the possession of weapons on campus.

Institution Personnel Responsible for Rules: These rules were drafted by Jean Dunn, Administrative Assistant, Columbia Basin Community College, 2600 North 20th Avenue, Pasco, WA 99301, Scan 563-1202.

These rules are to be implemented and enforced by Fred Esvelt, President, Columbia Basin Community College, 2600 North 20th Avenue, Pasco, WA 99301, Scan 563-1201.

NEW SECTION

WAC 132S-10-016 PUBLIC RECORDS—PURPOSE AND DEFINITIONS. The purpose of this chapter shall be to ensure compliance by Community College District 19 with the provisions of chapter 1, Laws of 1973 (Initiative 276) Disclosure-Campaign-Finances-Lobbying-Records; and in particular with sections 25-32 of that act, dealing with public records.

(1) PUBLIC RECORDS. "Public records" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) WRITING. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) COMMUNITY COLLEGE DISTRICT 19. Columbia Basin Community College is the community college created by the legislature pursuant to the Community College Act of 1967. Community College District 19 shall hereinafter be referred to as the "college." Where appropriate, the term college also refers to the staff and employees of the Columbia Basin Community College.

NEW SECTION

WAC 132S-10-020 OPERATIONS AND PROCEDURES. The formal procedures for decision-making at the college are determined by the bylaws of the board of trustees at Columbia Basin Community College and rules promulgated in accordance with the requirements of chapter 28B.19 RCW, the Higher Education Administrative Procedure Act (HEAPA). Accordingly, all rules, orders or directives, or regulations of the college which affect the relationship of the general public with the institution, or the relationship of particular segments of the college, such as students, faculty, or other employees, with the college or with each other:

(1) The violation of which subjects the person to a penalty of administrative sanction;

(2) Which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional hearings; or

(3) Which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; are implemented only through the procedures of the HEAPA. In accordance with RCW 28B.19.020(2), the college reserves the right to promulgate as internal rules not created or implemented in accordance with the HEAPA, the following: Rules, regulations, orders, statements, or policies relating primarily to the following: Standards for admissions; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aids, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under this chapter unless otherwise required by law.

Other formal procedures may appear within the policies of Columbia Basin Community College and may relate to such things as matters that must be first considered by the faculty senate or subcommittees thereof or by the associated students of Columbia Basin Community College or subcommittees thereof prior to their consideration by the board of trustees. Requirements regarding such prior considerations by any faculty or student or any other college group also appear in the bylaws of Columbia Basin Community College.

Informal procedures regarding the methods and general course of operations at the college are, for the purposes of these rules, either:

(a) Decisions made by persons authorized by board resolution, the president, vice president, or any designee to make a decision within the scope of responsibility assigned to such person; or

(b) Methods of human persuasion utilized by any member of the college's constituencies or the public to attempt to influence one in power to make decisions within that person's scope of responsibility.

NEW SECTION

WAC 132S-10-021 PUBLIC RECORDS AVAILABLE. All public records of the college are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 132S-10-027.

NEW SECTION

WAC 132S-10-022 PUBLIC RECORDS OFFICER. The college's public records shall be in charge of the public records officer designated by the president. The person so designated shall be located in the administrative office of the college. The public records officer shall be responsible for the following: The implementation of the college's rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

NEW SECTION

WAC 132S-10-023 PUBLIC RECORDS—OFFICE HOURS. Public records shall be available for inspection for copying during the office hours of 9:00 a.m. to noon, Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 132S-10-024 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the college which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the college's administrative staff, if the public records officer is not available at the administrative office in the college during the hours listed above. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The person making the request for public inspection of records shall specify the time of day and date when the person wishes to inspect said records;

(d) The nature of the request;

(e) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(f) If the requested matter is not identifiable by reference to the college's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 132S-10-025 PUBLIC RECORDS—FEES. No fee shall be charged for the inspection of public records. The college shall charge a minimum fee of $.25 per page of copy for providing copies of public records and for use of the college's copy equipment. This charge is the amount necessary to reimburse the college for its actual costs incident to such copying.

NEW SECTION

WAC 132S-10-026 PUBLIC RECORDS—EXEMPTIONS. (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132S-10-024 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the college reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 132S-10-027 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the president of the college. The president shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the board of trustees as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the board of trustees has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

NEW SECTION

WAC 132S-10-028 PUBLIC RECORDS INDEX. (1) INDEX. The college has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) AVAILABILITY. The current index promulgated by the college shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 132S-10-029 REQUEST FOR PUBLIC RECORDS—ADDRESS. All communications with the college including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules; requests for copies of the college's decisions and other matters, shall be addressed as follows: Columbia Basin Community College, c/o Public Records Officer, 2600 North Chase Street, Pasco, Washington.

NEW SECTION

WAC 132S-20-015 PRACTICE AND PROCEDURE—FORMAL HEARING POLICY. In accordance with the authority accorded it per RCW 28B.19.120(10)(c) and (h), the board of trustees hereby promulgates the following rules regarding contested cases involving formal hearings.

NEW SECTION

WAC 132S-20-020 PRACTICE AND PROCEDURE—DEFINITIONS. As used herein, the term "agency" shall mean the board of trustees of Columbia Basin Community College, District No. 19.

NEW SECTION

WAC 132S-20-030 PRACTICE AND PROCEDURE—APPEARANCE AND PRACTICE BEFORE AGENCY. No person may appear in a representative capacity before the agency other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who have applied to the agency and have been duly authorized by the agency to appear in a representative capacity before the agency.

(4) A bonafide officer, partner, or full-time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

NEW SECTION

WAC 132S-20-040 PRACTICE AND PROCEDURE—NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES. In any contested case all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall be signed by the president of Columbia Basin Community College or his designee and shall state the time, place, and issues involved as required by RCW 28B.19.120.

NEW SECTION

WAC 132S-20-050 PRACTICE AND PROCEDURE—SERVICE OF PROCESS—BY WHOM SERVED. The agency shall cause to be served all orders, notices, and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

NEW SECTION

WAC 132S-20-060 PRACTICE AND PROCEDURE—SERVICE OF PROCESS—UPON WHOM SERVED. All papers served by either the agency or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

NEW SECTION

WAC 132S-20-070 PRACTICE AND PROCEDURE—SERVICE OF PROCESS—SERVICE UPON PARTIES. The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive of such papers, and a copy shall be furnished to counsel of record.

NEW SECTION

WAC 132S-20-080 PRACTICE AND PROCEDURE—SERVICE OF PROCESS—METHOD OF SERVICE. Service of papers shall be made personally or, unless otherwise provided by law, by first class, registered, or certified mail or by telegraph.

NEW SECTION

WAC 132S-20-090 PRACTICE AND PROCEDURE—SERVICE OF PROCESS—WHEN SERVICE COMPLETE. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

NEW SECTION

WAC 132S-20-100 PRACTICE AND PROCEDURE—SERVICE OF PROCESS—FILING WITH AGENCY. Papers required to be filed with the agency shall be deemed filed upon actual receipt by the secretary of the agency at Columbia Basin Community College, Pasco, Washington, accompanied by proof of service upon parties required to be served.

NEW SECTION

WAC 132S-20-110 PRACTICE AND PROCEDURE—DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application, or petition. Depositions shall be taken only in accordance with this rule.

NEW SECTION

WAC 132S-20-120 PRACTICE AND PROCEDURE—DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SCOPE. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

NEW SECTION

WAC 132S-20-130 PRACTICE AND PROCEDURE—DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—OFFICER BEFORE WHOM TAKEN. Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the agency or agreed upon by the parties by stipulation in writing filed with the agency. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceedings.

NEW SECTION

WAC 132S-20-140 PRACTICE AND PROCEDURE—DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—AUTHORIZATION. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known; and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the agency may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice and in any manner and when so taken may be used as other depositions.

NEW SECTION

WAC 132S-20-150 PRACTICE AND PROCEDURE—DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—PROTECTION OF PARTIES AND DEPONENTS. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the agency or its designee may make an order that the deposition shall not be taken or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and the officers or counsel, or that after being sealed, the deposition shall be opened only by order of the agency, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the agency; or the agency may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or appress the deponent or party, the agency may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

NEW SECTION

WAC 132S-20-160 PRACTICE AND PROCEDURE—DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—ORAL EXAMINATION AND CROSS EXAMINATION. Examination and cross examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded.

NEW SECTION

WAC 132S-20-170 PRACTICE AND PROCEDURE—DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SIGNING ATTESTATION AND RETURN. (1) When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive

the signing by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefore; and the deposition may then be used as fully as though signed, unless on a motion to suppress the agency holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with the title of the proceeding and marked "Deposition of (here insert the name of the witness)" and shall promptly send it by registered or certified mail to the agency for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefore, the officer shall furnish a copy of the deposition to any party or to the deponent.

NEW SECTION

WAC 132S-20-180 PRACTICE AND PROCEDURE—DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—USE AND EFFECT. Subject to rulings by the agency upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the agency upon its own motion or the motion of any party. Except by agreement of the parties or ruling of the agency, a deposition will be received only in its entirety. A party does not take a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

NEW SECTION

WAC 132S-20-190 PRACTICE AND PROCEDURE—DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—FEES OF OFFICERS AND DEPONENTS. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken.

NEW SECTION

WAC 132S-20-200 PRACTICE AND PROCEDURE—DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES. Where the deposition is taken upon written interrogatories the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter, a party so served may serve cross interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve re-direct interrogatories upon the party who served cross interrogatories.

NEW SECTION

WAC 132S-20-210 PRACTICE AND PROCEDURE—DEPOSITIONS UPON INTERROGATORIES—THE INTERROGATION. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 132S-20-130, the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer, and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

NEW SECTION

WAC 132S-20-220 PRACTICE AND PROCEDURE—DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN. The officer before whom interrogatories are verified or answered shall: Certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer, and the stenographer were present during the taking, and that neither he nor the stenographer to his knowledge, is a party, privy to a party, or interested in the event of the proceedings.

NEW SECTION

WAC 132S-20-230 PRACTICE AND PROCEDURE—DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

NEW SECTION

WAC 132S-20-240 PRACTICE AND PROCEDURE—HEARING OFFICERS. In each instance that a formal hearing is required by institutional policy or chapter 28B.19 RCW, and upon receipt of a request for a formal hearing filed in accordance with chapter 28B.19 RCW, the chairman, vice chairman, or another member of the board of trustees, on the basis of longevity and in the preceding order, may appoint one or more hearing officers, not to exceed three for any one hearing, to preside over, conduct and make proposals for decisions, including findings of fact and conclusions of law, in each instance, and shall afford an opportunity for a formal hearing after not less than ten days notice and provide such individual requesting formal hearing with notice of the hearing in accordance with the provisions of chapter 28B.19 RCW.

NEW SECTION

WAC 132S-20-250 PRACTICE AND PROCEDURE—HEARING PROCEDURES. Each hearing shall be conducted in the manner provided for in these rules and in chapter 28B.19 RCW.

NEW SECTION

WAC 132S-20-260 PRACTICE AND PROCEDURE—DUTIES OF HEARING OFFICERS. (1) All hearing officers appointed in accordance with WAC 132S-20-240 shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board of trustees as set forth in these rules and in chapter 28B.19 RCW: PROVIDED, That hearing officers shall only make proposals for decisions.

(2) The proposals for decisions and findings of fact and conclusions of law shall be forthwith served upon the parties and transmitted to the board of trustees, together with a record of the proceeding. Within ten days of service of such proposal for decisions, any party adversely affected may file exceptions and thereafter all parties may present written argument to the board of trustees, which shall consider the whole record or such portions as may be cited by the parties, and after such review the board shall announce its decision and final action to be taken.

(3) If a hearing officer is designated by the board of trustees of Columbia Basin College to conduct a hearing pursuant to these rules, the board, in its discretion, may allow oral or written argument before making a final adjudication of the matter after it has received the proposal from the hearing officer. The board may limit the length of oral or written argument and impose reasonable limitations regarding the time and place of where arguments may be presented.

NEW SECTION

WAC 132S-20-270 PRACTICE AND PROCEDURE—STIPULATIONS AND ADMISSIONS OF RECORD. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon whom binding. Such a stipulation or admission is binding upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument, or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the agency that such stipulation or admission was made inadvertently or

under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

NEW SECTION

WAC 132S-20-280 PRACTICE AND PROCEDURE—DEFINITION OF ISSUES BEFORE HEARING. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the agency may proceed promptly to conduct the hearings on relevant and material matter only.

NEW SECTION

WAC 132S-20-290 PRACTICE AND PROCEDURE—CONTINUANCES. Any party who desires a continuance, shall immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the agency of said desire, stating in detail the reasons why such continuance is necessary. The agency, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the agency may grant such a continuance and may at any time order a continuance upon its motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the agency may in its discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

NEW SECTION

WAC 132S-20-300 PRACTICE AND PROCEDURE—RULES OF EVIDENCE—ADMISSIBILITY CRITERIA. Subject to the other provisions of these rules, all relevant evidence is admissible which in the opinion of the agency, is the best evidence reasonably obtainable, having due regard for its necessity, availability, and trustworthiness. In passing upon the admissibility of evidence, the agency shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

NEW SECTION

WAC 132S-20-310 PRACTICE AND PROCEDURE—TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The agency may, in its discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

NEW SECTION

WAC 132S-20-320 PRACTICE AND PROCEDURE—FORM AND CONTENT OF DECISIONS IN CONTESTED CASES. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

Chapter 132S-30 WAC
FACULTY AND STAFF

NEW SECTION

WAC 132S-30-010 ACADEMIC EMPLOYEE—INSTRUCTIONAL RESPONSIBILITIES. The primary responsibility of the academic employee is to serve the student primarily through classroom faculty/student contact or by other assistance, i.e., conferencing, etc., as related to the learning process. These responsibility factors are established to ensure an appropriate balance of individual faculty assignments in the total institution.

(1) Guidelines to be used in developing an instructor's responsibility schedule within the work weeks of a quarter will be the responsibility of the division chairman and the academic employees of the division with final approval by the dean of instruction.

(2) Each individual academic employee shall work with his division chairman to develop a weekly responsibility schedule in conformance to the guidelines.

(3) This responsibility schedule shall be for a thirty-hour week, plus a designated lunch period.

(4) Approval of such a responsibility schedule shall be vested with the dean of instruction or his designee no later than the end of the first instructional week of each quarter during the regular academic year.

(5) Accountability to the posted responsibility schedule may be excepted on campus by notifying the appropriate division chairman. Exception to the responsibility schedule for off-campus reasons must be approved by the dean of instruction or his designee.

NEW SECTION

WAC 132S-30-011 ACADEMIC EMPLOYEE—ANNUAL WORKLOAD STANDARDS. The annual workload standards for full-time contracted academic employees shall average as follows:

(1) 15 minimum and 17 maximum classroom contact hours per week, per quarter, for straight lecture mode;

(2) 18 minimum and 22 maximum classroom contact hours per week, per quarter, for lecture/lab mode, e.g., science, art, music, physical education;

(3) 22 minimum and 27 maximum classroom contact hours per week, per quarter, for a predominantly lab mode, e.g., occupational programs, skills labs; and

(4) 35 student contact hours per week, per quarter, for counselors and librarians.

Hourly ranges are designed to reflect both existing programs and provide flexibility to meet future programs needs. Academic employees who have met minimum hours per week per quarter will not be required to teach extended day classes except as provided in WAC 132S-30-014.

NEW SECTION

WAC 132S-30-012 ACADEMIC EMPLOYEE—DEVELOPMENT OF WRITTEN SYLLABI. Each full-time academic employee shall develop written syllabi for each course taught, which shall be updated annually by the end of the second week of each fall quarter. Employees shall make provision for continuity of their instructional assignment, should an instructor be absent for any reason.

NEW SECTION

WAC 132S-30-013 ACADEMIC EMPLOYEE—VERIFICATION OF CLASS ROSTER. Upon receipt of the class roster printout, the academic employee shall verify the class roster with the registrar.

NEW SECTION

WAC 132S-30-014 ACADEMIC EMPLOYEE—EXTENDED DAY DUTY ASSIGNMENTS. Academic employees may be assigned to instructional duties during extended day in order to conform to average quarterly minimum provisions of their responsibility as stated in WAC 132S-30-011. If such assignment exceeds one class per quarter, the assignment must be made only with the consent of the employee.

NEW SECTION

WAC 132S-30-015 SPLIT SHIFT—LIBRARIANS AND GUIDANCE COUNSELORS. Librarians and guidance counselors shall not be assigned a split shift without the consent of the academic employee.

NEW SECTION

WAC 132S-30-016 RECRUITMENT, SCREENING AND SELECTION PROCEDURES. Certificated personnel: When vacancies

occur within the certificated staff of the college, the following procedures are consistently applied. These procedures are a documented part of the hiring practices of the college and have been adopted by formal action of the board of trustees.

When vacancies occur, or when a new position is created, advertisement of the opening is sent to all agencies likely to have prospective candidates. The announcement contains a description of the competencies required, a description of the job to be performed, and information to aid an applicant in applying. The salary range for the position is also included, along with the name and address of the party to be contacted.

All openings shall be advertised for a minimum of thirty days and no position shall close prior to the 30th day except when an emergency exists which requires the college to hire qualified individuals to insure the continuance of educational services.

Emergencies are defined as openings occurring during the ongoing academic year when such openings result from resignations, deaths, or other causes which create an immediate need for teaching continuity.

Applications are channeled to the involved division chairman and associate dean who prioritize the candidates on the basis of their credentials and past experience as these relate to the job description for criteria for selection.

At least three candidates are invited for personal interviews on the campus. Interviews are conducted by the immediate supervisor, as well as the appropriate dean. On the basis of the interview, credentials, and criteria, the immediate supervisor recommends the candidates in rank order of preference. The dean then recommends the candidate to the president of the college who presents the request to employ to the board of trustees, the college appointing authority.

Columbia Basin College does not discriminate on the basis of race, religion, sex or marital status, but selects solely on the basis of qualification to perform the stipulated task.

Classified personnel: The announcement to fill vacancies specifies as a minimum, the title and salary range of the class, the general responsibilities, qualifications, and the time, place, and manner of making application. To allow transfer or promotion of on-campus employees the announcement is posted on the campus bulletin boards for a minimum of seven calendar days. Recruitment to establish lists of employment eligibles from the public is done by public notice (if necessary) or any means necessary to attract an adequate number of qualified applicants. Persons who have applications on file are notified of the date, time and place of the examinations. After the personnel officer has established an eligible list the candidates for the position are interviewed by the position supervisor. The personnel officer then certifies in writing at least three names to the employing official. Following receipt of the list and the interviews resulting therefrom, the employing official returns the list of names certified indicating his action on the certification.

Examinations are developed by utilizing the class specification and a detailed job analysis, to the degree possible, and they may be assembled or unassembled and may include written, oral, physical or performance tests, evaluations of experience and training; or any combinations of these.

Qualifications for each class are listed on the class specifications as approved by the higher education personnel board and are on file in the personnel office.

NEW SECTION

WAC 132S-30-020 EMPLOYER-EMPLOYEE RELATIONS—DEFINITIONS. (1) "Academic employee" means any teacher, counselor, librarian, or department head, who is employed by any community college district, with the exception of the chief administrative officer of, and any administrator in, each community college district.

(2) "Administrator" means any person employed either full or part time by the community college district and performs administrative functions at least fifty percent or more of his assignments and has responsibilities to hire or dismiss or discipline other employees. Policies negotiated by the duly elected academic employees' representatives as provided for in RCW 28B.52.030 shall not apply to administrators.

(3) "Administrative channels" at Columbia Basin Community College shall be the following persons in the following order:

Step 1: Dean of instruction.

Step 2: College president.

NEW SECTION

WAC 132S-30-022 COMMUNICATIONS WITH EMPLOYEES' REPRESENTATIVES. The board of trustees of Washington State Community College District No. 19 recognizes that it is necessary to communicate effectively with its academic employees in the course of exercising its authority, duties, and responsibilities imposed by law.

NEW SECTION

WAC 132S-30-024 EMPLOYER-EMPLOYEE RELATIONS—NEGOTIATIONS PROCEDURE. Prior to the final adoption by the board of trustees of Community College District No. 19 of proposed community college district policies which are required by law to be negotiated, representatives of the duly elected academic employee organization shall have the right, after using the established administrative channels, to meet, confer, and negotiate with the board of trustees or its delegated representative to communicate the considered professional judgment of the academic staff. Nothing in this chapter, however, shall prevent any academic employee from appearing on his own behalf on matters relating to his employment relations with the community college district.

When a policy which is required to be negotiated is proposed for adoption by the board of trustees of Community College District No. 19, the following procedural steps shall be utilized:

(1) The college president shall, no later than twenty calendar days prior to the proposed adoption date, notify in writing the authorized representative of the academic employee organization that such proposed policy is to be considered for adoption.

(2) Within four calendar days after such notification by the college president, the academic employees' representative shall contact the dean of instruction, in writing, of its intent to utilize administrative channels prior to the negotiation process. In the event the dean of instruction is not available, then the employees' representative may directly contact the college president during the same period of time.

(3) After meeting with either the dean of instruction or the college president, the authorized representative of the academic employee organization must request within three calendar days of such meeting that he desires negotiations on the proposed policy. Such notification must be in writing and directed to the college president.

(4) Within one week after such request for negotiations is made, either the board of trustees or its delegated representative shall meet with the representative of the academic employee organization and commence negotiations. In the event the employee's representative refuses to meet with the board's negotiator with this period of time, then such refusal shall be construed as a waiver of any rights to negotiate which academic employees may have by virtue of chapter 28B.52 RCW.

(5) In the event there is no agreement as to the content of the proposed policy within twenty calendar days during negotiations, then either the academic employees' representative or the board of trustees' representative may, but are not required to, exercise any other remedies which may be available pursuant to chapter 28B.52 RCW.

Nothing in these rules and regulations, however, shall preclude the board of trustees of Washington State Community College District No. 19 from adopting in final or emergency form any policy which by law is required to be negotiated.

Failure by the representative of the academic employees organization to follow the procedural steps herein outlined shall be deemed a waiver of the employees' rights to negotiate under chapter 28B.52 RCW.

NEW SECTION

WAC 132S-30-026 EMPLOYER-EMPLOYEE RELATIONS—SEVERABILITY. If any part or provision of these rules or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end any section, sentence, or work is declared to be severable.

NEW SECTION

WAC 132S-30-028 NONDISCRIMINATION. It shall be the policy of Columbia Basin College that the administration of all matters concerning personnel shall be conducted without discrimination with regard to age (within existing policies of retirement), race, creed,

color, national origin, or sex, when the individual shall have met all other criteria for employment or change of employment.

NEW SECTION

WAC 132S-30-030 EQUAL OPPORTUNITY POLICY. Columbia Basin College will direct its employment personnel practices in conformity with the requirements of the statutes of the state of Washington, chapters 49.60 and 41.06 RCW.

Accordingly the college will continue to ensure equal opportunity for all position applicants so that all matters relating to recruiting, hiring, training, promotion, benefits, compensation, and treatment on the job will be free from discriminating practices.

All faculty, civil service, and exempt personnel employment shall conform to the college policies contained in the faculty handbook and higher education personnel rules. It is the obligation of all members of the college community to assist in adhering to the intent of these policies.

NEW SECTION

WAC 132S-30-032 AFFIRMATIVE ACTION RESPONSIBILITY—APPOINTING AUTHORITY OF THE COLLEGE. The appointing authority will enunciate and periodically reaffirm an explicit equal opportunity and equal employment policy in order to establish and maintain a climate of acceptance throughout the college. He will ensure that each dean, director, department chairman and supervisor having responsibility for hiring is fully cognizant of the president's support of the affirmative action program. The president will:

(1) Assign the responsibility for implementation of the affirmative action program to employing officials, deans, directors, or department chairmen who have the primary responsibility for employment decisions.

(2) Appoint a director for affirmative action for the college as required by WAC 172-148-030.

NEW SECTION

WAC 132S-30-034 GRIEVANCE PROCEDURE. Any member of the classified staff, the faculty, or one holding an exempt position who feels that he or she has been discriminated against may file a written complaint containing the specified charges of discrimination with the appropriate affirmative action director (dual "directors"). It is especially urged, however, that all such complaints should be brought to the attention of the supervisor or other person charged with an act of discrimination within one month after such act or actions occurred. The complaint must be first reviewed with the complainant's immediate supervisor, department chairman, or next immediate administrative superior, if the person of such authority is the person against whom the complaint is filed. If the complaint filed with such person of higher authority is not resolved to the satisfaction of the complainant within ten business days after filing the complaint to the appropriate affirmative action director.

(1) Upon receipt of such complaint by the affirmative action director, the director will then conduct an informal hearing as that term is defined in the Higher Education Administrative Procedure Act of 1971 or tenure policy as detailed in the faculty handbook, and will make a determination as to whether he will submit a written recommendation of corrective action on behalf of the complainant to the appropriate employing official.

(2) If the director determines that corrective action has not been implemented by the appropriate employing official within ten days after transmitting his recommendation to the appropriate employing official, the director may transmit his recommendation to the appointing authority of the college.

NEW SECTION

WAC 132S-30-036 GRIEVANCE PROCEDURES—SEX DISCRIMINATION. Any applicant for admission, enrolled student, applicant for employment or employee of Columbia Basin College who believes he/she has been discriminated against on the basis of sex may lodge a formal institutional grievance by utilizing the following steps:

(1) Step 1. Informal meeting. Requesting an informal meeting with the individual believed to have committed the discriminatory act and attempt to informally resolve the concern.

(2) Step 2. Title IX official hearing. If not satisfied by the results of the informal meeting, the complainant may request in writing, stipulating the specific grievance(s), a meeting with the college Title IX officer. Within thirty days of receiving the written request, the Title IX officer will have arranged a meeting and reported the findings, in writing, to both the complainant and the person to whom the complaint is directed. It shall be at the discretion of the complainant to determine whether the Title IX officer will meet with each party separately or in a single meeting.

If the complainant requests a single meeting, that meeting shall be attended by the complainant, the person to whom the complaint is directed and the Title IX officer who will chair the meeting.

(3) Step 3. Presidential appeal. If the complaint is not resolved as a result of the hearing conducted by the Title IX officer, either the complainant or the person to whom the complaint is directed may request an appeal to the college president in writing within ten days after receiving the written results of Title IX official hearing. Within fifteen days after receiving the written request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(a) The college president or designee, the Title IX officer, the complainant and the person to whom the complaint is directed shall attend the presidential appeal hearing. The college president or presidential designee shall preside.

(b) Either the complainant or person to whom the complaint is directed may have witnesses present at the discretion of the person presiding.

(c) The written findings of the presidential appeal will be considered final. No further intra-institutional appeal exists.

If desired, inquiries or appeals beyond the institutional level may be directed to:

Regional Director
Office of Civil Rights, HEW
or
The Equal Opportunity Commission
or
Human Rights Commission

NEW SECTION

WAC 132S-30-038 REFERRALS OF COMPLAINTS—AFFIRMATIVE ACTION. Discrimination complaints which cannot be resolved within the college may be submitted by the complaining party to an appropriate state or federal agency such as one of the following:

(1) State human rights commission. This agency investigates, hears, and acts upon individual employment complaints and other grievances as empowered by chapter 49.60 RCW, the state law against discrimination.

(2) Wage and hour division, department of labor. This office investigates complaints concerning equal pay for equal work and other grievances concerning work hours and compensation. The division is authorized to enforce the Fair Labor Standards Act.

(3) Contract compliance agencies (state and federal). Compliance officers having jurisdiction over state and federally funded projects also receive and act upon complaints of discrimination.

(4) Higher education personnel board. Employees of the classified staff may appeal regarding application of the higher education personnel law and rules, including complaints of discrimination.

NEW SECTION

WAC 132S-30-040 CONTRACT COMPLIANCE REVIEW OFFICIALS. The board of trustees shall be the contract compliance review board responsible for monitoring surveillance over and compliance with equal employment provisions of state and federal contracts affecting the college.

NEW SECTION

WAC 132S-30-042 FACULTY PROMOTION—GENERALLY. Academic employees at Columbia Basin College shall be provided the opportunity to be promoted from one salary range to a higher range. This opportunity is made available to those academic employees who have demonstrated a commitment to professional instruction beyond that which is expected for incremental salary schedule advancement.

The minimum requirements for each salary range are expressed in the salary schedule. All academic employees who meet the minimum requirements are eligible for promotion and shall be considered for possible recommendation annually.

NEW SECTION

WAC 132S-30-044 FACULTY PROMOTION—SELECTION PROCESS. The selection process for candidates for promotion shall follow a procedure as outlined below:

(1) Applicants who are eligible for promotion must have evidenced professional characteristics of an above average performance. Specific criteria, as a basis for judgment are as follows:

(a) Instructional effectiveness;

(b) Active participation in division affairs;

(c) Positive involvement in college affairs, including instructional and extracurricular activities;

(d) Professional improvement as demonstrated by recent work at the graduate level or appropriate updated field experience;

(e) Community involvement.

(2) In addition to the above specific criteria, each division is encouraged to develop criteria which may be determined as appropriate or unique to the performance of its members.

NEW SECTION

WAC 132S-30-046 FACULTY PROMOTION—SCREENING PROCESS. The screening process shall be initiated at the division level no later than March 1 of each calendar year.

(1) The division chairman verifies the academic employee's eligibility for promotion.

(2) Members of the division will hold a meeting for the purpose of screening all employees eligible for promotion, using criteria as expressed in this policy, or as developed additionally by the specific division.

(3) The division will submit the names of its recommended candidates to the dean of instruction for consideration. Each division will limit the number of names recommended to approximately twenty percent of the faculty in the division.

The dean of instruction shall, upon receipt of recommended candidates from the divisions, work with the instructional council with the responsibility to screen the list to a maximum of approximately ten percent of the faculty. Division chairmen shall be considered separately, on teaching performance in some ratio, but in addition to employee's ten percent. This list shall be submitted to the president by March 25 of each calendar year.

NEW SECTION

WAC 132S-30-048 FACULTY PROMOTION—FINAL LIST OF CANDIDATES. The president, following budgetary constraints, shall develop the final list of candidates to be recommended to the board of trustees for final action. The final list shall be restricted to names as recommended in WAC 132S-30-046, final paragraph. The board of trustees, at its discretion, may add or delete names when considering the final list of faculty to be promoted.

NEW SECTION

WAC 132S-30-050 TENURE REGULATIONS—PURPOSE. The board of trustees of Community College District No. 19 hereby establishes a rule on faculty tenure. The purpose of this tenure policy shall be to protect faculty employment rights and faculty involvement in the protection of those rights at Columbia Basin Community College and subsequent community colleges hereafter established within Community College District No. 19. In order to insure the professional objectives of a community college staff, the board hereby adopts the following procedures for administering faculty tenure.

NEW SECTION

WAC 132S-30-052 TENURE REGULATIONS—DEFINITIONS. As used in this chapter 132S-30 WAC, the following terms and definitions shall mean:

(1) "Appointing authority" shall mean the board of trustees of Community College District No. 19.

(2) "Review committee" shall mean a committee of faculty peers and administrative staff.

(3) "Regular college year" shall mean a faculty appointment inclusive of consecutive fall, winter and spring quarters.

(4) "President" shall mean the president of Columbia Basin Community College, or in such president's absence, the acting president.

(5) "Part time" shall mean an appointment for which the appointee's presence at the college for the entire professional day during the entire regular college year is not required.

(6) "College" shall mean Columbia Basin Community College and any subsequent community college hereafter established within Community College District No. 19.

(7) "Full time" shall mean an appointment which requires the appointee's presence at the college for a professional day during the regular college year, as designated in the appointee's employment contract.

(8) The definition of "tenure", "faculty appointment", "probationary faculty appointment", "probationer", and "administrative appointment", shall be the same as are contained within RCW 28B.50.851 as now law or hereafter amended.

NEW SECTION

WAC 132S-30-054 TENURE REGULATIONS—COMPOSITION OF REVIEW COMMITTEE. (1) A review committee shall be established, such a committee to include representation from the transfer division and the occupational division.

(2) The review committee shall be composed of five persons, three of whom shall consist of tenured or faculty probationary appointees representing both divisions chosen by the faculty and the faculty department heads acting in a body prior to October 15 of each regular college year. Additionally, the review committee shall consist of one administrative appointee chosen by the president prior to October 15 of each regular college year and a student representative who shall be a full time student, chosen by the student association of the college prior to October 15 of each regular college year. The review committee shall choose its own chairman and shall meet at the call of the chairman when the need for such meeting arises.

(3) The duration of each appointment to the review committee shall be for a period of two calendar years beginning on the 15th day of October of the year of appointment: PROVIDED, That of the initial appointees to the review committee, one faculty appointee shall be chosen for a one year term.

If a vacancy exists upon the review committee prior to the expiration of any such appointment, an administrative or faculty member or student as appropriate, shall be chosen pursuant to subsection (2) of this section to fill the unexpired term of the absent member of such review committee.

NEW SECTION

WAC 132S-30-056 TENURE REGULATIONS—DUTIES OF REVIEW COMMITTEES. (1) The president shall on October 15th of each regular college year assign each full time probationary faculty appointee to the review committee for such committee's evaluation and required recommendations.

(2) The review committee shall establish its method of evaluating performance of each full time probationary faculty appointee in considering whether the probationary appointee possesses personal characteristics and the necessary professional competence to be granted tenure, placing primary importance upon the probationers effectiveness in his appointment.

NEW SECTION

WAC 132S-30-058 TENURE REGULATIONS—REQUIRED REVIEW COMMITTEE ACTION. (1) The review committee shall be required to conduct an evaluation of each full time probationary faculty appointee assigned to the review committee by the president and render the following reports to the probationary faculty appointee and through the president to the appointing authority at the following times during the regular college year:

(a) A written evaluation of each full time probationary faculty appointee's performance and the subsequent submission of such written evaluation of the performance directed to the said probationer and president on December 20th and March 15th of each regular college year that said probationer is not a tenured faculty appointee. The review committee which renders such written evaluation of the appointee's performance shall obtain such appointee's written

acknowledgement of receipt of the written performance evaluation each time such evaluation is rendered.

(b) A written recommendation concerning the employment or nonemployment of each full time probationary faculty appointee for the ensuing regular college year directed to the appointing authority through the president prior to February 15th of each regular college year.

(c) A written recommendation directed through the president, to the appointing authority recommending the approving authority award or not award tenure, such written recommendations to be submitted at times deemed appropriate by the review committee: PROVIDED, That during such full time probationary faculty appointee's third regular college year of appointment, the review committee shall prior to March 15th of such regular college year make such a recommendation as to the award or nonaward of tenure. The failure of the review committee to make the written recommendation as to the award or nonaward of tenure by March 15th of the regular college year for each full time probationary faculty appointee who is then serving his third consecutive year of full time appointment shall be deemed a recommendation that tenure not be awarded to such appointee.

(2) The appointing authority shall only be required to give reasonable consideration to an award of tenure recommendation of the review committee but shall not be required to give any consideration to the review committee recommendation required by subsection (1)(b) of this section.

NEW SECTION

WAC 132S-30-060 TENURE REGULATIONS—DISMISSAL FOR CAUSE. Dismissal for sufficient cause during the regular college year shall, in addition to the enumerated ground contained in RCW 28B.50.862, include but not be limited to:

(1) Any unlawful act of violence;

(2) Any unlawful act resulting in destruction of community college property;

(3) Interruption of the orderly conduct of the educational process;

(4) Incompetency;

(5) Failure to perform a professional assignment;

(6) Any other act specified by the president which the review committee determines constitutes unprofessional conduct of a faculty member.

NEW SECTION

WAC 132S-30-062 TENURE REGULATIONS—DISMISSAL FOR SUFFICIENT CAUSE. In all instances which involve dismissal for sufficient cause as distinguished from nonrenewal for sufficient cause as specified in WAC 132S-30-064.

(1) The dean of instruction shall investigate all matters regarding dismissal for cause as enumerated in WAC 132S-30-060 of a tenured faculty member or probationary faculty member prior to the expiration of such probationary faculty appointee's employment term. If the dean of instruction has cause to believe that a faculty member should be dismissed for cause, he shall so advise the president and if the president deems a sufficient cause exists, shall discuss the matter with the individual faculty member involved. If a resignation is not forthcoming, and the president deems that circumstances and facts warrant dismissal, the president may begin dismissal proceedings.

(2) The president shall begin dismissal proceedings by specifying the conduct which constitutes dismissal for sufficient cause and refer the charge to the review committee.

(3) The review committee shall after receiving the written charge from the president establish a date for a review hearing committee giving the faculty member so charged reasonable notice of such hearing, and inform in writing the faculty member so charged of the time, date and place of such hearing.

(4) The review committee hearing shall:

(a) Include testimony from all interested parties, including but not limited to other faculty members and students;

(b) Afford the faculty member whose case is being reviewed the right of cross examination and the opportunity to present evidence on his behalf; and

(c) Include a record of all proceedings before such committee.

(5) The review committee following the expiration of such dismissal proceeding shall prepare recommendation as to the appropriate action to be taken by the appointing authority.

NEW SECTION

WAC 132S-30-064 TENURE REGULATIONS—NONRENEWAL OF TENURED FACULTY CONTRACTS. (1) The appointing authority shall be deemed to have authority not to renew the contract of any tenured faculty appointee for sufficient cause which for purpose of WAC 132S-30-064 shall include budget reasons, change of instructional program, or lack of students participating in a particular instructional program, if:

(a) Notice of such nonrenewal is tendered to the individual faculty appointee prior to the last day of winter quarter of any regular college year. Three weeks prior to tendering such notice the president shall refer the matter of nonrenewal to the review committee with appropriate documentation specifying the grounds for the intended nonrenewal of a tenured faculty appointee's contract.

(b) The review committee to which the matter is referred shall then conduct proceedings pursuant to WAC 132S-30-062(3) and (4) and at the conclusion of such proceedings make an appropriate recommendation to the appointing authority: PROVIDED, If the review committee to which a proceeding is referred pursuant to this subsection fails to make a recommendation through the president to the appointing authority prior to the last day of winter quarter, such a failure shall be deemed a recommendation that sufficient cause as defined in subsection (1) of this section exists for the nonrenewal of the specific tenured faculty appointee's contract for the ensuing regular college year.

(2) After the college president has determined that the contract of a tenured faculty appointee shall not be renewed for the ensuing regular college year, but prior to referring the matter to the review committee for proceedings and the recommendations of such review committee, the college president shall:

(a) Determine whether fiscal problems can be eliminated by the nonrenewal of a probationary faculty appointee's contract for the ensuing regular college year, and if such procedure would not provide a feasible solution;

(b) Determine whether the individual tenured faculty appointee is qualified for another faculty position within Community College District 19; or

(c) If such tenured faculty member is not qualified for another position, the college president shall use his best efforts in attempting to procure similar employment for such faculty member in another community college district within the state of Washington.

(3) If an individual tenured faculty appointee's contract is not renewed for the reasons previously stated in this rule, and a change of circumstances has caused the reestablishment of such former teaching position the president shall then offer such appointment to the tenured faculty member whose contract was not previously renewed.

NEW SECTION

WAC 132S-30-066 TENURE REGULATIONS—REVIEW COMMITTEE RECOMMENDATIONS. (1) A tenured or probationary faculty appointee who is dismissed for sufficient cause during the regular college year after a proceeding before the review committee shall be entitled to receive a hearing if a request for a hearing is directed by the faculty appointee to the appointing authority within ten days following the receipt of a notice of dismissal.

(2) A tenured faculty member whose contract is not renewed for the ensuing regular college year after a proceeding before the review committee shall be entitled to receive a hearing if a request for a hearing is directed to the appointing authority by the tenured faculty appointee within ten days following receipt of a notice of nonrenewal.

(3) The appointing authority shall give reasonable consideration to any review committee recommendations formulated pursuant to WAC 132S-30-062 and 132S-30-064 but such recommendations shall not be binding upon the appointing authority.

NEW SECTION

WAC 132S-30-068 TENURE REGULATIONS—TENURE CONSIDERATION. (1) A probationary faculty appointee shall acquire tenure by operation of law if service with the college exceeds three consecutive regular college years of full-time academic employment.

(2) The positions are deemed by the appointing authority to constitute administrative (exempt) appointments, which positions are deemed nontenurable.

(3) An individual who shall serve as a teacher, counselor, librarian or other comparable position shall be eligible for an award of tenure to the extent such an individual has had or does have status as a teacher, counselor or librarian.

(4) Tenure may be awarded to an individual probationary faculty appointee at any time by the appointing authority after giving reasonable consideration to a specific recommendation from the review committee which recommendation can be made at any time during a probationary faculty appointee's service.

NEW SECTION

WAC 132S-30-070 GRIEVANCE PROCEDURE—GENERALLY. Columbia Basin College will operate under the following procedures involving a grievance by an individual staff member:

(1) Complaints or grievances by a faculty member shall be taken to his division chairman or supervisor.

(2) Inability to settle the difference with his immediate supervisor shall be cause for presenting it to the dean of instruction for further adjudication by the administration.

(3) Dissatisfaction at this point will permit the professional rights and responsibilities committee to become involved in the dispute. Further interaction of the grievance shall be handled through the professional rights and responsibilities committee acting on behalf of the board.

(4) Should an agreement not be reached between the professional rights and responsibilities committee and the college president, the items of disagreement shall be presented in written form as a part of the formal request to meet with the board of trustees within ten days of the date of the request, all as more specifically outlined in the negotiations agreement as provided in the statutes of the state of Washington.

NEW SECTION

WAC 132S-30-072 ACADEMIC EMPLOYEE GRIEVANCE—POLICY. It is the policy of Columbia Basin College to provide an orderly process by/through which an individual employee, or group of employees, may seek a decision relative to a perceived condition which adversely affects his employment under any policy contained in the faculty handbook. Columbia Basin College operated under the following grievance procedure to ensure that all parties have an active voice in the academic affairs of the college. The central intent of this grievance procedure is to ensure that adequate lines of communication are followed through established administrative channels in order that grievances be adequately considered at all levels.

NEW SECTION

WAC 132S-30-074 ACADEMIC EMPLOYEE GRIEVANCE—DEFINITIONS. GRIEVANT. An academic employee, or group of academic employees, holding a valid contract with Columbia Basin Community College District No. 19.

GRIEVANCE. A written statement setting forth, in specific terms, the nature of a disagreement arising out of an interpretation of written policies as applied by the employer.

EMPLOYER. The board of trustees of Columbia Basin Community College District No. 19, or its administration.

NEW SECTION

WAC 132S-30-076 ACADEMIC EMPLOYEE GRIEVANCE—PROCEDURES. All grievances must be filed with the immediate supervisory position, and if the grievance is not resolved at this point, shall follow established administrative channels to the office of the president.

(1) The aggrieved shall write the exact nature of the grievance listing times, dates and parties to the grievance where appropriate, the aggrieved shall further stipulate the course of action desired to rectify the grievance.

(2) The aggrieved party shall consult with his division chairman to determine if the situation in question can be alleviated at the divisional level. If it cannot or if differences of opinion occur, the division chairman shall forward the grievance, along with a written document detailing any action taken, to the dean of instruction, in the case of instructional personnel, or to the dean of students in the case of student service personnel. Such forwarding shall take place within five days of the filing of the grievance.

(3) The dean shall consult with the grievant and such other personnel as he shall deem necessary and shall prepare a written recommendation. A copy of the recommendation relative to the grievance shall be forwarded to the grievant, the division chairman, and the president of the college.

(4) If the grievant experiences dissatisfaction with the written recommendation of the dean, he shall notify the president of the college within ten days and request adjudication of the grievance. Such request for adjudication shall be accompanied by a reason or reasons for continued dissatisfaction.

(5) The president shall call any parties he deems necessary to aid him in adjudicating the grievance and shall render a decision within five days of notification of request for adjudication.

NEW SECTION

WAC 132S-30-078 ACADEMIC EMPLOYEE GRIEVANCE—APPEAL. If the grievant is not satisfied with the decision rendered by any of the supervisory or administrative levels, he may appeal in writing to the board of trustees. Such an appeal will be placed on the agenda of the earliest possible regular board meeting scheduled subsequent to the decision of the president. The decision of the board shall be final and binding.

NEW SECTION

WAC 132S-30-080 LEAVES OF ABSENCE—INTRODUCTION. It shall be the policy of Columbia Basin College to grant leaves of absence to full-time academic, administrative, and exempt employees of the college for specific reasons.

NEW SECTION

WAC 132S-30-082 APPLICATIONS AND ACCOUNTING FOR ABSENCES AND BENEFITS, OBLIGATIONS, AND REIMBURSEMENT. All applications and accounting for absences will be the mutual responsibility of the individual employee and the administration, the processing of which will follow administrative channels to ensure maximum accountability and accurate personal record keeping.

This general policy shall apply to all leaves of absence for periods of one day or more. In no instance shall a leave of absence be granted for a period in excess of one calendar year except for military service during a period of national emergency. Leave of absence for a period of less than one day shall be granted at the discretion of the chief administrative officer.

Application for leave of absence shall be made on an appropriate form provided by the college. Applications shall require approval one week in advance of the anticipated absence. Exceptions to this requirement shall be absences which are impossible to anticipate such as bereavement or personal illness or injury. In such cases, the employee shall notify the appropriate supervisor at least one hour prior to his or her first working assignment.

All employee benefits shall continue during the period of leave except as specifically restricted by regulations implementing this policy.

Employees on leave of absence may be required to meet certain obligations relating to their leave status as specifically provided by regulations implementing this policy.

The college shall reimburse employees on leave of absence for all travel and related living expenses only when such travel and expenses are at the convenience of the college and approved by the chief administrative officer.

NEW SECTION

WAC 132S-30-084 TYPES OF LEAVES. (1) Bereavement leaves. A bereavement leave, not to exceed five days with pay, will be allowed all academic, administrative, and exempt employees for each death in the immediate family. "Immediate family" means the mother, mother substitute, mother-in-law, father, father substitute, father-in-law, son-in-law, daughter-in-law, grandchildren, spouse, son, daughter, brother or sister of the employee, or any relative living in the immediate household of the employee.

(2) Educational leaves. The purpose of a professional leave shall be to improve the professional skills of the faculty member through study, research, and creative work.

The institution will receive direct benefit of such an experience through the increased effectiveness of those persons participating in a professional leave program.

Selection for professional leave shall be based on the worthiness of the project or plan as submitted by the faculty member. It is intended that each institution conduct a rigorous and thorough selection procedure in awarding of professional leave.

Projects or plans should be evaluated according to their value to the institution based on the following criteria:

(a) Value of project or plan in relationship to teaching responsibilities;

(b) Ability of applicant to achieve goals of project or plan as based on past experience and academic background;

(c) Need for new or additional knowledge in subject field to be studied;

(d) Quality of replacement personnel designated to take the responsibility of the applicant;

(e) Evidence of support (in the form of recommendations and/or financial) from other institutions, foundations, or persons concerned with the proposed plan or project.

All other criteria, rules and regulations governing educational leave shall be in conformity with the professional leave guidelines as developed by the council on higher education as amended May 5, 1972.

(3) Maternity leave. Maternity leave will be granted to a pregnant employee, married or unmarried, if the leave is requested in advance by the employee. The employee shall inform her immediate supervisor, in advance, and in writing, of her intention to take leave and the approximate time she expects to return to work. Within thirty calendar days after termination of her pregnancy, the employee shall inform her immediate supervisor of the specific date she expects to return to work. The leave shall begin no sooner than one hundred twenty calendar days before the expected date of delivery, and shall continue no later than sixty calendar days after the actual termination of the pregnancy. However, the one hundred twenty day pretermination period will be extended to a longer period if a physician's statement indicates a different period is necessary to protect the health of the employee or the unborn child. The post-termination period of sixty days may be extended for a period not to exceed the extent of the current contract year if a physician's statement indicates that complications resulting from the pregnancy or its termination necessitate a longer period of time in order to protect the health of the employee. In the event that the employee's supervisor or the community college administration in good faith questions the statement of the employee's physician, the employee may be required to obtain a statement of verification from a different physician. The verifying physician shall be selected by the community college administration and the costs for an examination and statement shall be paid for by the community college.

An employee who temporarily vacates a position due to pregnancy is on official leave status. The vacated position can be filled temporarily, but cannot be filled permanently.

(4) Military leaves. Pursuant to state statutes, an employee who leaves a position in the school system to serve in the armed forces upon being honorably released from active duty shall resume the contract status held prior to entering the military service, subject to passing a medical examination certifying that the individual is competent to perform the functions of said contract.

(5) Personal leaves. A personal leave is considered a leave of absence from duty by an employee of the college, for which written request has been made and formal approval granted by the president.

All personal leaves of absence are without pay with the exception of personal catastrophe to a maximum of three days per year, nonaccumulative.

The exception to the above conditions would be when an employee is summoned to appear in court as a witness or a defendant when notified to attend a hearing. A faculty member who is called for jury duty may do so without loss of pay. The college shall guarantee the salary difference between the juror's pay and that which would be received.

(6) Personal illness or injury leaves. This leave is to be considered in the form of an insurance which will protect the employee from loss of pay or employment status in the event of temporary illness or injury. The employee is responsible to provide, for recording purposes, a determination of the condition which caused the absence. A written excuse from a licensed physician may be required for verification of the absence.

Twelve days per calendar year, accumulative to a maximum of one hundred eighty days for each full-time employee is allowed for absences due to personal illness or injury. No salary deduction shall be made for such absences taken within the number of total days accrued by the employee for such purposes.

All employee benefits shall continue during the period of leave except as specifically restricted by regulations implementing this policy. The institution shall not continue such entitlements, including salary, beyond the total number of days accrued for an employee's personal illness or injury.

(7) Professional leaves. Professional leaves of absence without deduction of pay and with reimbursement of certain expenses may be granted to attend professional meetings upon request to the president. When necessary, the college shall provide a substitute academic employee to perform the duties of the academic employee who has been granted leave to attend a professional meeting. When a substitute cannot be obtained or other activity arranged, the class may be canceled upon the approval of the division chairman.

(8) Other leaves. Any day on which a certificated employee, while absent, is engaged in an activity under the direction of the board of trustees shall not be regarded as an absence provided such business has been cleared through the president's office. For example:

(a) Visitation to other schools;

(b) Speaking engagements involving education;

(c) Research or preparation involved in presenting professional projects;

(d) Instructionally related field trips;

(e) College related activity supervision.

NEW SECTION

WAC 132S-30-086 VACATION LEAVE—ADMINISTRATIVE AND EXEMPT PERSONNEL. Annual vacation leave policies for administrative and exempt personnel are covered by state statute. Community colleges are authorized to prescribe such rules and regulations as they may deem necessary governing vacation leaves for administrative and exempt personnel.

NEW SECTION

WAC 132S-30-088 PROCEDURES. The basic procedures regarding annual vacation leave for administrative and exempt employees are:

(1) Each administrative and exempt employee of Columbia Basin College on a two hundred thirty day contract shall be entitled, under the contract of employment to Columbia Basin College, to:

(a) Designated state holidays; and

(b) Not less than nineteen days of vacation leave at full pay.

(2) Each administrative and exempt employee of Columbia Basin College, contracted for a minimum of two hundred thirty days, shall be entitled, under his/her contract of employment with Columbia Basin College, to accrue unused vacation and holiday leave not to exceed thirty working days. All vacation leave shall be taken at the time convenient to the employing office, department, or institution. If such employee request for vacation leave is deferred for reason of the convenience of the employer and a statement of the necessity therefore is filed by such employer, then the aforesaid maximum thirty working days of accrued, unused vacation leave shall be extended for each month said leave is so deferred.

(3) Administrative and exempt employees referred to in WAC 132S-30-086 whose employment is terminated by death, reduction in force, resignation, dismissal, or by retirement, and who have accrued vacation leave as specified in (2) above, shall be paid therefore under their contract of employment, or by their estate if they are deceased, or the employee, in case of voluntary resignation, has provided adequate notice of termination.

NEW SECTION

WAC 132S-30-090 SUMMARY SUSPENSION. The president, or in his absence, any officer of the college designated by the president for this purpose, may impose on any student, member of the faculty, or member of the administrative staff an interim suspension, whenever there is reasonable cause to believe that such person has committed and may reasonably be expected thereafter to continue to commit violent or disruptive acts which disrupt the orderly process of the college. The notice of such suspension shall state the nature, terms and conditions of such suspension and shall include such restrictions on use of campus facilities as the president or his designee deems in the best interest of the college.

Any person so placed on interim suspension shall be given prompt notice of charges and shall be given the opportunity to show cause at a preliminary hearing why such interim suspension should not continue

until a formal hearing is held or for a period of not more than twenty calendar days, whichever first occurs. To obtain such preliminary hearing, the person shall submit a written request therefor within four calendar days from the date interim suspension was imposed. Such written request shall state the address to which the notice of hearing is to be sent.

(1) Students requesting a preliminary hearing shall appear before the hearing panel denominated in WAC 132S-40-060, adopted rule relating to campus conduct.

(2) Faculty members and administrative staff members requesting a preliminary hearing shall appear before the review committee denominated in chapter 132S-30 WAC, adopted rule relating to faculty tenure.

NEW SECTION

WAC 132S-30-092 HEARING. (1) The appropriate body conducting the preliminary hearing shall grant such a preliminary hearing not later than four calendar days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing of such person. A preliminary hearing shall consider only whether there is reasonable cause to believe that such person may reasonably be expected thereafter to commit violent or disruptive acts which disrupt the orderly process of the college.

(2) Interim suspension may be removed by the president, upon recommendation of the appropriate preliminary hearing body, whenever the president has reason to believe that the reasons for imposition of summary suspension no longer exist.

Chapter 132S-31 WAC
REDUCTION IN FORCE FOR CLASSIFIED STAFF—CIVIL SERVICE EMPLOYEES

NEW SECTION

WAC 132S-31-010 PURPOSE OF RULES. Pursuant to the direction of the higher education personnel board of the state of Washington, the board of trustees for Washington State Community College District No. 19 hereby establishes the procedures for reduction in force and the layoff of classified employees when such reductions or layoffs are required by lack of funds or curtailment of programs.

NEW SECTION

WAC 132S-31-011 DEFINITIONS. As used in chapter 132S-31 WAC, the following words and phrases are defined:

(1) "Appointing authority" shall mean the president of Columbia Basin College.

(2) All other terms and phrases which describe any legal status a classified employee may have under the layoff procedures herein adopted shall have the meaning defined in WAC 251-04-020, chapter 251-10 WAC as promulgated by the Washington state higher education personnel board.

NEW SECTION

WAC 132S-31-012 INITIAL PROCEDURES FOR REDUCTION IN FORCE. (1) When a reduction in force is required due to lack of funds or curtailment of programs, the appointing authority shall determine the number of positions, by classification, which shall be abolished.

(2) The order of layoff and optional retention rights of classified employees shall be determined on an institutional-wide basis. The entire classified staff of Columbia Basin College shall be considered as one layoff unit.

NEW SECTION

WAC 132S-31-013 INITIAL ORDER OF LAYOFF. The initial order of layoff shall be according to the appointment status of employees in the classifications of positions to be eliminated.

(1) Probationary, temporary and hourly employees shall be laid off before permanent status employees in the same classification.

(2) Emergency, temporary or intermittent employees shall be laid off before probationary and provisional status employees in the same classification. The order of layoff for probationary or provisional employees shall be inverse to their length of service. The employee having the least amount of such service shall be separated first and the employee having the greatest amount of service shall be separated last. Length of service shall include all periods of probationary, trial service and permanent status employment in the classification and other classifications except as broken by termination of employment.

(3) Service shall not be considered broken during military or approved leaves of absence.

NEW SECTION

WAC 132S-31-014 OPTIONS IN LIEU OF LAYOFF. (1) Options shall be offered in lieu of layoff to employees in accordance with the provisions of WAC 251-10-030.

(2) Permanent status employees, according to seniority, shall be offered employment options in classifications in which the employee has held permanent status; lower classification in same class series for which the employee is qualified provided that the employee being replaced is the least senior in that classification and has less layoff seniority than the employee replacing him.

(3) No permanent status employee shall be separated through layoff without being offered those positions in classes for which he meets the minimum requirements and passes the qualifying examination currently being held by temporary, provisional or probationary employees provided that all layoff option rights have been exhausted as provided in WAC 251-10-030(4).

(4) Eligible veterans and their unmarried widows shall be provided veterans preference.

NEW SECTION

WAC 132S-31-015 PROCEDURES FOR ESTABLISHING ORDER OF LAYOFF AND NOTICE OF REQUIREMENTS. (1) The appointing authority shall inform the personnel officer of the number of positions to be abolished, in writing.

(2) The personnel officer shall:

(a) Determine the employees to be laid off, determine their option rights, and notify the appointing authority in writing;

(b) Promptly discuss options with the employees concerned, who in turn, shall inform him in writing as quickly as possible but within three working days, whether they wish to exercise their option rights;

(c) Promptly notify the appointing authority as to whether or not the employees have elected to use their option rights, and shall send a written notice of the reduction in force action to each employee to be laid off at least fifteen calendar days prior to the effective date of the layoff;

(d) Advise each employee of his right to appeal his layoff per WAC 251-12-080.

NEW SECTION

WAC 132S-31-016 DISTRIBUTION OF LAYOFF NOTICE. Copies of all notices shall be distributed as follows:

(1) The original to the employee;

(2) One copy to the supervisor's department files;

(3) One copy to the personnel office.

NEW SECTION

WAC 132S-31-017 REEMPLOYMENT RIGHTS OF LAID OFF EMPLOYEES. (1) Reduction in force lists are established by classification and maintained by the personnel officer. The name of an employee who has been laid off will appear on those employment lists for all classes in which he has held permanent status or in which he has held a probationary appointment or a trial service appointment; his name will also appear on those lists for all lower classifications in the same class series for which he is qualified.

(2) The personnel officer may extend or reestablish employment lists as long as these actions do not jeopardize the reemployment of any employee separated by a reduction in force. Employees separated by reason of reduction in force shall have their names maintained on applicable eligible lists for a period of not less than two years from the date of their termination. Prior to the expiration date of the eligibility, he shall be notified of the expiration date and given the opportunity to extend his eligibility for one additional year by written request to the personnel officer.

Chapter 132S-40 WAC
STUDENT POLICIES

NEW SECTION

WAC 132S-40-005 CODE OF CONDUCT, STUDENT—DEFINITION. As used in chapter 132S-40 WAC, the following words and phrases are defined:

(1) "Board" shall mean the board of trustees of Community College District No. 19, state of Washington.

(2) "College" shall mean Columbia Basin Community College or any additional community college hereafter established within Community College District No. 19, state of Washington.

(3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010(15) as now law or hereafter amended.

(4) "Drugs" shall mean and include any narcotic drug and shall include any dangerous drug.

(5) "College facilities" shall mean and include any or all real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

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

(7) "Disciplinary action" shall mean and include the expulsion, suspension or reprimand of any student by the college president pursuant to WAC 132S-40-075 for the violation of any designated rule or regulation of the rules of student conduct for which a student is subject to disciplinary action.

(8) "Student" shall mean and include any person who is regularly enrolled at the college.

(9) "President" shall mean the president appointed by the board of trustees or in such president's absence, the acting president.

(10) "Rules of student conduct" shall mean the rules contained within chapter 132S-40 WAC as now exist or which may be hereafter amended, the violation of which subject a student to disciplinary action.

(11) "Hearing panel" shall mean the hearing panel as denominated in WAC 132S-40-060.

NEW SECTION

WAC 132S-40-010 LIQUOR. The possession, consumption, or being demonstrably under the influence of any form of liquor by any student on college facilities or at college related activities shall be cause for disciplinary action.

NEW SECTION

WAC 132S-40-015 DRUGS. Any student who shall use, possess or sell any drug as defined in WAC 132S-40-005 on college facilities or at college related activities shall be subject to disciplinary action except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For purposes of this regulation, "sell" shall include the statutory meaning defined in RCW 69.04.005.

NEW SECTION

WAC 132S-40-020 LARCENY. Any student who shall commit larceny of the property of another upon college facilities shall, in addition to possible criminal penalties, be subject to disciplinary action.

NEW SECTION

WAC 132S-40-025 ASSAULT. Any student who shall assault another upon college facilities, shall, in addition to possible criminal penalties, be subject to disciplinary action.

NEW SECTION

WAC 132S-40-030 FORGERY. Any student who engages in acts of forgery upon college facilities shall, in addition to possible criminal penalties, be subject to disciplinary action.

NEW SECTION

WAC 132S-40-035 MISDEMEANOR AND/OR FELONY. Any student who commits any other act on college facilities which act is punishable as a gross misdemeanor or a felony under the laws of the state of Washington and which act is not a violation of any other provision of the rules of student conduct, shall be subject to disciplinary action.

NEW SECTION

WAC 132S-40-040 CHEATING. (1) Any student who, for the purpose of fulfilling or partially fulfilling any assignment or task required as part of the student's program of instruction at the college, shall knowingly tender any work product that the student fraudulently represents as the student's work product, shall be deemed to have cheated. Cheating shall be cause for disciplinary action.

(2) Any student who aids or abets the accomplishment of cheating as defined in subsection (1) above, shall also be subject to disciplinary action.

NEW SECTION

WAC 132S-40-045 DAMAGING PROPERTY. Any student who shall wilfully attempt to damage or destroy or who in fact does wilfully damage or destroy any property owned, controlled or operated by the college shall be subject to disciplinary action.

NEW SECTION

WAC 132S-40-046 TRESPASS. (1) The president of the college, or, in such president's absence, the acting president, is authorized in the instance of any event that the president deems to be disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college, then the president acting through the dean of students or such other person designated by the president, shall have the power and authority to:

(a) Prohibit the entry of, or withdraw the license or privilege of any person or persons or any group of persons to enter onto or remain upon all or any portion of a college facility which is owned and/or operated by the college;

(b) Give notice against trespass by any manner specified in section 1(2), chapter 7, Laws of 1969 to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility, which college facility is owned and/or operated by the college; or

(c) Order any person, persons or group of persons to leave or vacate all or any portion of a college facility which is owned and/or operated by the college.

(2) Any student who shall disobey a lawful order given by the president or his designee pursuant to the requirements of subsection (1) of this section, shall in addition to violating criminal law also be subject to disciplinary action.

NEW SECTION

WAC 132S-40-050 DELEGATION OF DISCIPLINARY AUTHORITY. The board, acting pursuant to RCW 28B.50.140(14), do by written order delegate to the president of the college authority to administer the disciplinary action prescribed in WAC 132S-40-075. All disciplinary actions in which there is a recommendation that a student be suspended or expelled, shall be acted upon by the president. The president shall have no authority to delegate this decision.

NEW SECTION

WAC 132S-40-055 DISCIPLINARY ACTION. (1) The dean of students shall be the primary person responsible for the initiation of disciplinary action for conduct which is prohibited pursuant to the rules of student conduct and for the violation of other college rules except for those rules which are the responsibility of the divisions and instructors hereafter enumerated:

(a) The division chairman, and the faculty of each division, shall be responsible for the administration of discipline, for the infraction of any rule relating to such student's academic program;

(b) The instructor of each course shall be responsible for the maintenance of order and proper student conduct in a classroom. Such instructor shall be authorized to take any summary steps as may be necessary to preserve order and to maintain effective cooperation of the class in fulfilling the objective of the course; and

(c) The classroom instructor may, for a serious violation of classroom decorum or order, refer such violation to the chairman of the division involved and such chairman, through the dean of instruction may request the dean of students to initiate disciplinary action.

(2) Any student accused of violating any provision of the rules of student conduct will be called for an initial conference with the dean of students or his designated representative, and will be informed of what provision or provisions of the rules of student conduct he is charged with violating, and what appears to be the maximum penalties which might result from consideration of the disciplinary proceeding.

(3) After considering the evidence in the case and interviewing the student or students accused of violating the rules of student conduct, the dean of students or his designated representative may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counselling and advice may be appropriate;

(c) Impose minor sanctions directly (warning or reprimand);

(d) If major sanctions are deemed necessary, the dean of students may recommend that the president impose disciplinary action pursuant to WAC 132S-40-075 after a hearing before the hearing panel as denominated in WAC 132S-40-060 unless the student waives the right to a hearing in writing, in which case the president shall interview the student and consider all evidence including the examination of any witnesses and impose disciplinary action pursuant to WAC 132S-40-075.

NEW SECTION

WAC 132S-40-060 HEARING PANEL. (1) If disciplinary action is initiated by the dean of students and the student does not waive his right to a hearing in writing, the said dean of students shall appoint a hearing panel of three persons to be composed of a member of the administrative staff, a faculty member chosen from a list of three faculty members nominated by the faculty senate, and a regularly enrolled student chosen from a list of three students nominated by the associated student body president. The hearing panel so chosen will designate the chairman of the hearing panel who shall be a voting member of such hearing panel.

(2) The hearing panel shall conduct such hearing within twenty-five days after appointment and shall give the student charged with violation of the rules of student conduct a minimum of twenty days notice as specified within WAC 132S-40-065.

NEW SECTION

WAC 132S-40-065 HEARING PANEL PROCEDURES. (1) The hearing panel will hear, de novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the dean of students.

(2) The student has a right to a fair and impartial hearing before the hearing panel on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the hearing panel from making its findings of fact, conclusions and recommendations as provided in WAC 132S-40-070. Failure by the student to cooperate may be taken into consideration by the committee in recommending to the president the appropriate disciplinary action.

(3) The student shall be given written notice of the time and place of the hearing before the hearing panel by personal service or registered mail. Said notice shall contain:

(a) A statement of the time, place and nature of the disciplinary proceeding; and

(b) A statement of the charges against him including reference to the particular sections of the rules of student conduct involved.

(4) At the hearing, the student shall be entitled to hear and examine the evidence against him and be informed of the identity of its source; he shall be entitled to present evidence in his own behalf and cross examine witnesses testifying against him as to factual matters.

(5) If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as his counsel, he must tender three days notice thereof to the dean of students.

(6) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean of students; said designee may then present the college's case against the student accused of violating the rules of student conduct, provided that in those cases in which the student elects to be represented by a licensed attorney, the dean of students may request the college to be represented by an assistant attorney general.

(7) An adequate summary of all the evidence and facts presented to the hearing panel during the course of the proceedings will be taken. A copy thereof shall be available at the office of the dean of students.

NEW SECTION

WAC 132S-40-070 HEARING PANEL DECISION. (1) Upon conclusion of the disciplinary hearing, the hearing panel shall consider all the evidence therein presented, enter appropriate findings of fact and conclusions of law and decide by majority vote whether to recommend to the president either of the following actions:

(a) That the college terminate the proceedings and exonerate the student or students; or

(b) That the president impose any of the disciplinary actions as provided in WAC 132S-40-075.

(2) The student will be provided with a copy of the committee's findings of fact and conclusions as to whether the student did violate any rules of student conduct, and such student shall also be provided with a copy of the recommendations of disciplinary action.

NEW SECTION

WAC 132S-40-075 IMPOSITION OF DISCIPLINE. (1) The college president shall review all actions for which the hearing panel has recommended disciplinary action and determine whether or not disciplinary action shall be imposed against the said student. The college president shall have no authority to impose any disciplinary action on a student unless disciplinary action has been recommended by the hearing panel against such student or unless the student has waived his right to a hearing before such hearing panel: PROVIDED, That nothing contained within this section shall prohibit the college president from imposing disciplinary action against such student which disciplinary action exceeds the recommendations of the hearing panel.

(2) In determining whether or not to impose disciplinary action against a student, the president shall review the summary of the evidence and facts presented to the hearing panel and the hearing panel's findings and conclusions and recommendations, and the college president shall then determine whether or not to impose disciplinary action in any form.

(3) If the college president determines to impose disciplinary action for a violation of the rules of conduct for which disciplinary action has been recommended by the hearing panel unless such student waives his right to such hearing, the college president shall have authority to:

(a) Expel such student permanently from the college;

(b) Suspend the right of such student to attend the college for a maximum of three consecutive academic quarters; or

(c) Reprimand such student in writing and forward a copy of such reprimand to the guardian or parents of such student.

NEW SECTION

WAC 132S-40-080 STUDENT APPEAL. Any student feeling aggrieved by the findings or conclusions of the hearing panel or the order of the college president imposing disciplinary action may appeal the same in writing by directing an appeal to the chairman of the board within fifteen days following receipt of the order of the president imposing disciplinary action. The board may, at their discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary action imposed.

NEW SECTION

WAC 132S-40-085 CIVILIAN PROSECUTION. The board acting through the college president may refer any violations of the rules of student conduct which involve violations of federal or state law to civilian authorities for disposition.

NEW SECTION

WAC 132S-40-090 DISPOSITION OF FINANCIAL OBLIGATIONS OF STUDENTS. The conferring of degrees, issuance of academic transcripts and grade reports may be withheld by Columbia Basin Community College for failure of a student to meet his or her financial obligations owed to the college. Such fees, charges, debts, fines, or other financial obligations shall include but are not limited to the following:

(1) Bookstore debts;

(2) Parking fines;
(3) Library fines;
(4) "Not Sufficient Funds" checks;
(5) Damages to college property;
(6) Failure to return borrowed, leased, or rented college property;
(7) Unreturned keys;
(8) Personal telephone tolls charged to a college number.

NEW SECTION

WAC 132S-40-095 STUDENTS—FINANCIAL OBLIGATION—APPEAL PROCEDURE. (1) Every student has the right to appeal a decision of any college department or division to assess a fee, fine, charge, debt, or other financial obligation for a determination of the validity and legitimacy of that charge. The appeal must be in writing and directed to the division or department head assessing the financial obligation. Notice of the appeal shall be given within ten days after notice of right to appeal is received. Following such notice, the student shall be allowed an informal hearing with the head or appointed representative of the department or division assessing the obligation. The decision of such hearing shall be final: PROVIDED, That in the event such financial obligation shall prove to be of a magnitude requiring the assessed student to terminate his or her relationship with Columbia Basin Community College, the student shall have a right to a formal hearing as provided in RCW 28B.19.120.

(2) If the student has not satisfied his financial obligation to the college within ten days after his right to a hearing has expired, the college may take the action provided in WAC 132S-40-090 after providing the financially obligated student with notice of the intended action, whenever such notice is possible.

NEW SECTION

WAC 132S-40-100 STUDENT DATA—INTRODUCTION. When a student enters Columbia Basin College and submits the required personal data for academic and personnel records there is an implicit assumption of trust placed in the college as custodian of these data. The college also believes that a similar relationship should be maintained relative to subsequent data generated during the student's enrollment - academic performance, activities, personal interviews, and disciplinary proceedings.

NEW SECTION

WAC 132S-40-105 STUDENT INFORMATION WHICH MAY BE RELEASED. Information of a "public" nature will be furnished, that is, information which has appeared at one time or another in publications that are available to the general public or are a matter of public record.

Political membership or information is not recorded in student records. Information relative to an identifiable individual's race or national origin may be provided to college personnel who have a bona fide interest in such information in the course of his duties.

Information regarding the academic achievement of students being considered for college-associated honors, or scholarships may be furnished the committees responsible for making the awards.

NEW SECTION

WAC 132S-40-110 STUDENT INFORMATION—WHO MAY REQUEST AND RECEIVE SUCH INFORMATION. At the written request of the student concerned, Columbia Basin College will respond to inquiries originating from prospective employers - public or private. The college respects the right of its students to determine prospective employers to whom they wish the college to furnish nonpublic personal information.

The college will send individually identified written reports to other educational institutions only with the consent of the student involved. When requested by another institution or when deemed necessary by the college, unidentified information may be sent when such information is to be used for curriculum study, accreditation, or studies which may be of benefit to future students.

Faculty members may request objective information contained in permanent academic records when needed in discharge of their official duties.

The college recognizes the legitimate interest of parents and guardians to consult with the professional staff about the academic and personal well-being of their sons and daughters. However, parents of Columbia Basin College students will not be furnished grade reports or transcripts without the permission of the student. In like manner, the spouse of a married student, regardless of the student's age, will be given such information only with the consent of the student.

NEW SECTION

WAC 132S-40-115 STUDENT ACCESS TO RECORDS. A student may view the contents of his personnel records with the professional staff. If a student feels the information in his record is inadequate or inaccurate, he may petition to the dean of student services to file corrections for inclusion in the record. If the correction is other than for routine information, the dean of student services will convene a hearing panel to consider the requested change within thirty days.

NEW SECTION

WAC 132S-40-125 PROBATION, SUSPENSION AND EXPULSION. Students who fail to achieve a grade point average of 2.00 are to be placed on probation. Students on probation for two or more consecutive quarters are subject to suspension.

Students who transfer to Columbia Basin College while on academic probation or suspension will be permitted to enter on probationary status only.

A student who is expelled loses his rights and privileges as a student and forfeits all fees which he has paid to the college. Expulsion may be effected only through action by the board of trustees.

Suspension is defined as a situation whereby a student is temporarily not allowed to attend classes.

Expulsion is defined as a situation where a student is removed from the rolls of the college and is no longer allowed to attend classes for the duration of that period for which he is enrolled.

Chapter 132S-50 WAC
COLLEGE FACILITIES

NEW SECTION

WAC 132S-50-010 PURPOSE. Columbia Basin College exists as a facility which must provide for the needs of a community as expressed in the geographical boundaries of Benton and Franklin counties. Beyond its initial charge of education and training of people, there rests an additional responsibility to provide maximum use of its physical facilities for institutional and community use. It shall be the policy of Columbia Basin College to offer its physical facilities for group use on a priority basis as follows:

(1) Instructional activities;
(2) Student activities;
(3) Community activities.

Each group must abide by rules and regulations of use which shall be determined by the administration. Instructional and student groups must make an application in advance of the intended date of use to avoid scheduling conflicts. Community groups must make application thirty days prior to the intended date of use.

NEW SECTION

WAC 132S-50-020 REGULATIONS REGARDING USE OF COLLEGE FACILITIES. The specific use of school facilities shall be governed by the regulations consistent with the intent of the policy. These regulations shall be as follows:

(1) Requests for facility use must be submitted by means of a facility use form to the business office of Columbia Basin College.

(2) A paid Columbia Basin College employee must be assigned to the building during the scheduled time the facility is to be used.

(3) The administration reserves the right to deny or cancel any application for use when such use, or meeting, may in any way be prejudicial to the best interest of the school or for which satisfactory sponsorship is not provided. Review of such action may be carried to the board of trustees.

(4) Applications for college facility use which may be considered a major policy decision not fully covered by this existing policy statement may be referred directly to the administration for disposition.

(5) Rental charges shall be levied per twenty-four hour setting on the following basis:

(a) Instructional use - wherein facility is used for instructionally related activities, either by the college or by another post secondary institution ..... NO CHARGE
(b) Student use - where the use has been scheduled through the student activities office and is primarily for an activity

that directs itself toward the benefit of Columbia Basin College ASB card holders ..... NO CHARGE

(c) Community activities – all other uses which are noninstructional and nonstudent sponsored:

Category I – use which results in a community benefit and is usually arranged for by a non-profit civic organization ..... CHARGE TO BE DETERMINED BY THE BUSINESS OFFICE TO COVER EXPENSES

Category II – use by community group for a private or profit return ..... THE SCHEDULE FOR SUCH RENTALS SHALL BE AS FOLLOWS:

(i)	Little theater	$125.00
(ii)	Little theater (with specialized equipment)	$150.00
(iii)	Gym	$ 75.00
(iv)	Lounge	$ 75.00
(v)	Lecture room	$ 30.00
(vi)	Classroom	$ 15.00

NEW SECTION

WAC 132S-50-024 COMMERCIAL ACTIVITIES. Columbia Basin Community College facilities will not be used for commercial solicitation, advertising, or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic or career oriented community or the display or demonstration of technical or research equipment, and when such commercial activities related to educational objectives and are conducted under the sponsorship or at the request of a college department or of the dean of student services or his designee; provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic.

NEW SECTION

WAC 132S-50-025 COMMERCIAL ACTIVITIES DEFINED. For the purposes of this chapter, the term "commercial activities" does not include handbills, leaflets, or newspapers distributed free of charge by any student or students or by members of recognized student organizations or by college personnel that are distributed in a manner that does not unreasonably interfere with the ingress and egress of persons or the free flow of vehicular or pedestrian traffic, nor does it include commercial items sold through the college bookstore or any other facility at the direction of the business manager.

NEW SECTION

WAC 132S-50-026 PENALTIES FOR VIOLATIONS OF COMMERCIAL ACTIVITIES REGULATIONS. Nonstudent persons violating WAC 132S-10-070 may be referred to civil authorities for appropriate prosecutions, including violations of the law of criminal trespass.

NEW SECTION

WAC 132S-50-027 DISTRIBUTION OF MATERIALS. (1) Handbills, leaflets, newspapers and similar related matter may be sold or distributed free of charge by any student or students or by members of recognized student organizations or by college employees on or in college facilities at locations specifically designated by the director of activities; provided such distribution or sale does not interfere with the ingress and egress of persons, or interfere with the free flow of vehicle or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall be required to register with the director of activities prior to the distribution of any handbill, leaflet, newspaper or related matter. Nonstudents shall not be allowed to sell handbills, leaflets, newspapers or related matter.

(4) Permission for the posting or display of handbills, leaflets, newspapers, posters and similar related matter on college facilities must be granted by the dean of students or in such dean's absence by the director of student activities. Permission for such posting or display will be given only if such material is:

(a) Written and presented in good taste;

(b) Designed to attract attention rather than incite emotion; and

(c) Consistent and factual in content.

NEW SECTION

WAC 132S-50-030 TRAFFIC AND PARKING—INTRODUCTION. The rules and regulations provided in this chapter have been established by the board of trustees of Columbia Basin Community College acting on behalf of Columbia Basin Community College to govern pedestrian traffic and vehicular traffic and parking upon all state lands devoted to the educational, recreational and research activities of Columbia Basin Community College pursuant to the authority granted them by RCW 28B.50.140(10).

NEW SECTION

WAC 132S-50-040 TRAFFIC AND PARKING—DEFINITIONS. The words used in this chapter shall have the meaning given in this section, unless the context clearly indicates otherwise.

(1) "Board" shall mean the board of trustees of Community College District No. 19, state of Washington.

(2) "Campus" shall mean any or all real property owned, operated, or maintained by Community College District No. 19, state of Washington.

(3) "College" shall mean Columbia Basin Community College.

(4) "Faculty members" shall mean any employee of Community College District No. 19 who is certified to teach in a community college in the state of Washington.

(5) "Campus patrolman" shall mean an employee of the college, or a law enforcement student, who is responsible to the dean of student services for campus security.

(6) "Staff" shall mean the classified employees of Washington State Community College District No. 19.

(7) "Vehicle" shall mean an automobile, truck, motor driven cycle, scooter, or any vehicle empowered by a motor.

(8) "Visitors" shall mean any person or persons, excluding students as defined above, who come upon the campus as guests and any person or persons who lawfully visit the campus for the purposes which are in keeping with the college's role as an institution of higher learning in the state of Washington.

(9) "Permanent permits" shall mean permits which are valid for a school term and shall be obtained from the cashier's office at the fee set by the board of trustees.

(10) "School term" shall mean, unless otherwise designated, the time period commencing with the fall quarter of a community college teaching year and extending through the immediately subsequent winter and spring quarters. It shall not include, however, summer school sessions.

(11) "Temporary permits" shall mean permits which are valid for a specific period of time designated on the permit.

NEW SECTION

WAC 132S-50-050 TRAFFIC AND PARKING—PURPOSES OF REGULATIONS. The purposes of the rules and regulations established by this chapter are:

(1) To control parking on college owned parking lots;

(2) To protect and control pedestrian and vehicular traffic;

(3) To assure access at all times for emergency equipment;

(4) To minimize traffic disturbance during class hours;

(5) To expedite Columbia Basin Community College business, protect state property and to provide maximum safety and convenience.

NEW SECTION

WAC 132S-50-055 TRAFFIC AND PARKING—APPLICABLE RULES AND REGULATIONS. The traffic and parking regulations which are applicable upon state lands devoted to the educational, recreational and research activities of Columbia Basin Community College are as follows:

(1) The motor vehicle and other traffic laws of the state of Washington;

(2) The traffic code of the city of Pasco; and

(3) Special regulations set forth in this chapter.

NEW SECTION

WAC 132S-50-060 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED. Upon special occasions causing additional heavy traffic, during emergencies, or during construction of campus facilities, the dean of student services or his appointed designee, is authorized to impose additional traffic and

parking regulations or modify the existing rules and regulations for the achievement of the general objectives provided in WAC 132S-50-050.

NEW SECTION

WAC 132S-50-065 EXCEPTIONS FROM TRAFFIC AND PARKING RESTRICTIONS. These rules and regulations shall not apply to city, county, or state-owned emergency vehicles.

NEW SECTION

WAC 132S-50-070 TRAFFIC AND PARKING—ENFORCEMENT. (1) Enforcement of the parking rules and regulations will begin the first day of the first week of full classes of the fall quarter and will continue until the end of spring quarter. These rules and regulations will not be enforced during summer quarter, Saturdays, Sundays, and official college holidays.

(2) The dean of student services, or his designee, shall be responsible for the enforcement of the rules and regulations contained in this chapter. The dean of student services is hereby authorized to delegate this responsibility to the campus patrolman or other designated subordinates.

NEW SECTION

WAC 132S-50-075 ISSUANCE OF TRAFFIC TICKETS. Upon the violations of any of the rules and regulations contained in this chapter, the dean of student services, his designee or subordinates, may issue a summons or traffic ticket setting forth the date, the approximate time, permit number, license information, infraction, officer, and schedule of fines. Such summons or traffic tickets may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator.

NEW SECTION

WAC 132S-50-080 TRAFFIC AND PARKING—FINES AND PENALTIES. The dean of student services or his designee, is authorized to impose the following fines and penalties for the violation of the rules and regulations contained in this chapter:

(1) Except as provided under subsection (2) of this section, fines will be levied for all violations of the regulations contained in this chapter.

(2) Vehicles which are parked on any campus within Community College District No. 19 and which are in violation of any of the regulations contained in this chapter, may be impounded or detained by use of mechanical devices at the discretion of the dean of student services. If a vehicle is impounded, it may be taken to such place for storage as the dean of student services, or his designee, selects. The expenses of such impounding and storage shall be charged to the owner or operator of the vehicle and paid by him prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(3) At the discretion of the dean of student services, an accumulation of traffic violations by a student will be cause for disciplinary action, and the dean of student services shall initiate disciplinary proceedings against such student.

(4) A schedule of fines shall be set and reviewed annually by a committee of students appointed by the dean of students. This schedule shall be published in the student handbook, summary of parking regulations, and traffic summons form.

NEW SECTION

WAC 132S-50-085 AUTHORIZATION FOR ISSUANCE OF PARKING PERMITS. The dean of student services or his appointed designee, is authorized to issue parking permits to faculty members and staff members of the college pursuant to the following regulations:

(1) Faculty and staff members may be issued parking permits upon the registration of their vehicles at the beginning of fall quarter; provided that new faculty and staff members employed during the regular academic year may be issued parking permits upon the registration of their vehicles at the time they begin their employment at the college.

(2) The dean of student services or his designee, may issue temporary and special parking permits when such permits are necessary to enhance the business or operation of the college.

NEW SECTION

WAC 132S-50-090 VALID PARKING PERMIT. A valid parking permit is:

(1) An unexpired parking permit registered and properly displayed;

(2) A temporary parking permit authorized by the dean of student services or his designee, and properly displayed;

(3) A special parking permit authorized by the dean of student services or his designee, and properly displayed;

(4) A visitor's permit authorized by the dean of student services or his designee, and properly displayed; or

(5) A shop permit authorized by a vocational-technical instructor and properly displayed.

NEW SECTION

WAC 132S-50-095 DISPLAY OF PARKING PERMIT. All permanent parking permits shall be permanently affixed to the vehicle upon issuance of the permits and according to the directions given at the time of issuance. Temporary, special, visitors, or shop permits shall be placed in a visible position on the dash board of the automobile.

(1) Expired permits shall be removed before the new permits are attached.

(2) Permits not displayed pursuant to the provisions of this section shall not be valid.

NEW SECTION

WAC 132S-50-100 TRANSFER OF PARKING PERMITS. Parking permits are not transferable. If a vehicle is sold or traded, a new permit will be issued to the permit holder at no additional cost if the permit holder does the following:

(1) Records permit number;

(2) Removes permit from vehicle which has been traded or sold.

NEW SECTION

WAC 132S-50-110 PARKING PERMIT REVOCATION. Parking permits are the property of the college and may be recalled by the dean of student services for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists;

(2) When a permit is used by an unregistered vehicle or by an unauthorized individual;

(3) Falsification on a parking permit application;

(4) Continued violations of parking regulations; or

(5) Counterfeiting or altering a parking permit.

NEW SECTION

WAC 132S-50-115 PARKING PERMIT REVOCATION—HEARING PROVIDED. Cancellation or revocation of any parking permit because of any of the causes stated in WAC 132S-50-110(2) through (5) may be appealed to the dean of student services, who shall then refer the matter to a hearing before a special hearing officer designated by the dean of student services. The hearing shall conform to the due process requirements of the Columbia Basin Community College student code and the decision of the hearing officer shall be final. The same appeal procedure as above shall be utilized in the case where the revoked permit has been held by an administrator or faculty member.

NEW SECTION

WAC 132S-50-120 ALLOCATION OF PARKING SPACE. The parking space available on campus shall be designated and allocated by the dean of student services or his designee, in such a manner as will best effectuate the objectives of the rules and regulations in this chapter.

(1) Faculty and staff spaces will be so designated for their use; provided, physically handicapped students and others designated by the dean of student services or his appointed designee may be granted special permits to park in close proximity to the classroom used by such students.

(2) Parking spaces will be designated for use of visitors on campus.

NEW SECTION

WAC 132S-50-125 PARKING WITHIN DESIGNATED SPACES. (1) All vehicles shall follow traffic arrows and other markings established for the purpose of directing traffic on campus.

(2) In areas marked for diagonal parking, vehicles shall be parked at a forty-five degree angle, facing in.

(3) In areas marked for parallel or right-angle parking, space or stall markings will be observed.

(4) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

(5) No vehicle shall be parked on the campus except in those areas set aside and designated pursuant to WAC 132S-50-120.

NEW SECTION

WAC 132S-50-130 DAY PARKING. The rules and regulations pertaining to the use of certain parking permits in specific areas as contained in WAC 132S-50-125 shall be in force during the hours from 7:00 a.m. to 6:00 p.m.

NEW SECTION

WAC 132S-50-135 NIGHT PARKING. Night students and faculty members may park in any of the spaces or stalls designated in WAC 132S-50-125 except visitors areas, on a first come, first served basis between the hours of 6:00 p.m. and 11:00 p.m.

NEW SECTION

WAC 132S-50-140 REGULATORY SIGNS AND DIRECTIONS. The dean of student services or his appointed designee, is authorized to erect signs, barricades and other structures and to paint marks or other directions upon the entry ways and streets on campus and upon the various parking lots owned or operated by the college. Such signs, barricades, structures, markings, and directions, shall be so made and placed as in the opinion of the dean of student services, or his designee, will best effectuate the rules and regulations contained in this chapter. Drivers of vehicles shall observe and obey the signs, barricades, structures, markings and directions erected pursuant to this section. Drivers shall also comply with the directions given them by the campus patrolman in the control and regulation of traffic.

NEW SECTION

WAC 132S-50-145 SPEED LIMIT. No vehicle shall be operated on the campuses at a speed in excess of twenty miles per hour in parking lots; or such lower speed as is reasonable and prudent in the circumstances. No vehicle of any type shall at any time use the campus parking lots for testing, racing, or other unauthorized activities.

NEW SECTION

WAC 132S-50-150 PEDESTRIAN'S RIGHT OF WAY. (1) The operator of a vehicle shall yield the right of way, slowing down or stopping, if need be to so yield to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Every pedestrian crossing at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles.

(4) Where a sidewalk is provided, pedestrian shall proceed upon such a sidewalk.

NEW SECTION

WAC 132S-50-155 TWO-WHEELED MOTOR BIKES OR BICYCLES. (1) All two-wheeled vehicles empowered by a motor shall park in a space designated for motorcycles only.

(2) No motorcycle or motorscooter may be operated on sidewalks, walkways, lawns, or other property not set aside for such purposes on the Columbia Basin Community College campus.

NEW SECTION

WAC 132S-50-160 REPORT OF ACCIDENTS. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total of claimed damage to either or both vehicles exceeding one hundred dollars shall immediately report such accident to the dean of student services and shall within twenty-four hours after such accident, file a state of Washington motor vehicle accident report.

NEW SECTION

WAC 132S-50-165 LIABILITY OF COLLEGE. The college assumes no liability under any circumstances for vehicles parked on campus.

NEW SECTION

WAC 132S-50-170 DELEGATION OF AUTHORITY. The authority and powers conferred upon the dean of student services by these regulations shall be subject to delegation by him to his appointed designees.

NEW SECTION

WAC 132S-50-175 SEVERABILITY. If any provision of this chapter shall be adjudged by a court of record to be unconstitutional, the remaining provisions of this chapter shall continue in effect.

NEW SECTION

WAC 132S-50-180 PETS DEFINITION. For the purposes of this section the word "pets" shall mean any domestic or other animal.

NEW SECTION

WAC 132S-50-185 PET CONTROL. In order to assure the health and safety of all persons on properties owned or controlled by Columbia Basin Community College, the following rules and regulations regarding pet control are hereby promulgated: No person will be permitted to bring any pet upon properties owned or controlled by Columbia Basin Community College unless such pet is under the immediate control of such person; provided, however, under no circumstances will pets be permitted to enter into buildings owned or controlled by Columbia Basin Community College, except seeing eye dogs under the immediate control of a blind individual.

NEW SECTION

WAC 132S-50-190 PENALTIES FOR VIOLATIONS OF PET CONTROL REGULATIONS. Persons violating WAC 132S-50-185 may be referred to authorities of the city of Pasco for appropriate prosecution under the animal control code of the city of Pasco, which is expressly applicable to all portions of the Columbia Basin Community College properties contained within the city of Pasco; employees of Columbia Basin Community College office of campus security shall have express authority to refer such violations of the Pasco city animal control code to appropriate city officials.

NEW SECTION

WAC 132S-50-195 SMOKING REGULATIONS FOR CAMPUS BUILDINGS. Smoking of tobacco substances are subject to the provisions of this chapter, insofar as it designates where such smoking is permitted or prohibited.

(1) Smoking is permitted in the following areas:

(a) Office (at the discretion of the assigned occupants);

(b) Meeting rooms (at the option of the group);

(c) Lounges;

(d) Public lavatories;

(e) Designated corridors.

(2) The president of Columbia Basin Community College or his designee may prohibit smoking in the following areas:

(a) Classrooms during scheduled classes;

(b) Laboratories;

(c) Library;

(d) Auditoriums;

(e) Storerooms;

(f) Places deemed fire hazard areas by the city of Pasco Fire Department.

(3) The responsibility of fire prevention is the smoker's.

NEW SECTION

WAC 132S-50-280 REGULATIONS GOVERNING FIREARMS AND WEAPONS ON OR IN COLLEGE FACILITIES. (1) It shall be the policy of this college that possession of weapons apparently capable of producing bodily harm and/or property damage is prohibited on or in college facilities or college-leased facilities.

(2) Explosives are prohibited on or in college facilities or leased college facilities.

(3) Carrying of firearms on or in college facilities or college-leased facilities is prohibited except and unless the firearm is registered with the campus security department for a specified period of time.

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

(5) Violations of these rules may be grounds for immediate suspension pending a hearing in accordance with WAC 132S-40-075.

REPEALER

Chapter 132S-04 of the Washington Administrative Code is repealed as follows:

WAC 132S-04-010 ADMISSION CRITERIA FOR NON-HIGH SCHOOL GRADUATES.

REPEALER

Chapter 132S-08 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-08-010 PURPOSE.
(2) WAC 132S-08-020 DEFINITIONS.
(3) WAC 132S-08-035 COMPOSITION OF REVIEW COMMITTEE.
(4) WAC 132S-08-040 DUTIES OF REVIEW COMMITTEES.
(5) WAC 132S-08-050 REQUIRED REVIEW COMMITTEE ACTION.
(6) WAC 132S-08-060 DISMISSAL FOR CAUSE.
(7) WAC 132S-08-070 DISMISSAL FOR SUFFICIENT CAUSE.
(8) WAC 132S-08-080 NONRENEWAL OF TENURED FACULTY CONTRACTS.
(9) WAC 132S-08-090 REVIEW COMMITTEE RECOMMENDATIONS.
(10) WAC 132S-08-100 TENURE CONSIDERATION.
(11) WAC 132S-08-110 EFFECTIVE DATE.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132S-10-015 RESPONSIBILITY.

REPEALER

Chapter 132S-11 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-11-010 PURPOSE OF RULES.
(2) WAC 132S-11-020 DEFINITIONS.
(3) WAC 132S-11-030 INITIAL PROCEDURES FOR REDUCTION IN FORCE.
(4) WAC 132S-11-040 INITIAL ORDER OF LAYOFF.
(5) WAC 132S-11-050 OPTIONS IN LIEU OF LAYOFF.
(6) WAC 132S-11-060 PROCEDURES FOR ESTABLISHING ORDER OF LAYOFF AND NOTICE OF REQUIREMENTS.
(7) WAC 132S-11-070 DISTRIBUTION OF LAYOFF NOTICE.
(8) WAC 132S-11-080 REEMPLOYMENT RIGHTS OF LAID OFF EMPLOYEES.

REPEALER

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

(1) WAC 132S-12-010 DEFINITION.
(2) WAC 132S-12-020 LIQUOR.
(3) WAC 132S-12-030 DRUGS.
(4) WAC 132S-12-040 ASSEMBLY RIGHTS.
(5) WAC 132S-12-050 CRIMINAL VIOLATIONS.
(6) WAC 132S-12-055 REGULATIONS GOVERNING FIREARMS AND WEAPONS ON OR IN COLLEGE FACILITIES.
(7) WAC 132S-12-060 CHEATING.
(8) WAC 132S-12-070 COMMERCIAL ACTIVITIES.
(9) WAC 132S-12-080 OUTSIDE SPEAKERS.
(10) WAC 132S-12-090 TRESPASS.
(11) WAC 132S-12-100 DISTRIBUTION OF MATERIALS.
(12) WAC 132S-12-110 DELEGATION OF DISCIPLINARY AUTHORITY.
(13) WAC 132S-12-120 DISCIPLINARY ACTION.
(14) WAC 132S-12-130 HEARING PANEL.
(15) WAC 132S-12-140 HEARING PANEL PROCEDURES.
(16) WAC 132S-12-150 HEARING PANEL DECISION.
(17) WAC 132S-12-160 IMPOSITION OF DISCIPLINE.
(18) WAC 132S-12-170 STUDENT APPEAL.
(19) WAC 132S-12-180 DAMAGING PROPERTY.
(20) WAC 132S-12-190 CIVILIAN PROSECUTION.
(21) WAC 132S-12-200 EXCLUSIVENESS.
(22) WAC 132S-12-210 SEVERABILITY.
(23) WAC 132S-12-220 EFFECTIVE DATE.

REPEALER

Chapter 132S-14 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-14-010 SUMMARY SUSPENSION.
(2) WAC 132S-14-020 HEARING.

REPEALER

Chapter 132S-16 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-16-010 RENTAL OF FACILITIES.
(2) WAC 132S-16-020 LOCATION OF ACTIVITIES.
(3) WAC 132S-16-030 CONTROL OF TRANSCRIPT AND GRADES.
(4) WAC 132S-16-050 TUITION AND FEES.
(5) WAC 132S-16-052 FEE WAIVERS FOR EDUCATIONALLY DISADVANTAGED.
(6) WAC 132S-16-060 INTERNAL POLICY.
(7) WAC 132S-16-070 TRAVEL REQUESTS.
(8) WAC 132S-16-081 PURPOSE.
(9) WAC 132S-16-082 TRANSPORTATION OFFICER.
(10) WAC 132S-16-083 POLICY STATEMENT.
(11) WAC 132S-16-0831 FUNDING.
(12) WAC 132S-16-084 POLICY ENFORCEMENT.
(13) WAC 132S-16-090 PAYROLL OFFICE.
(14) WAC 132S-16-100 RECRUITING PERSONNEL.
(15) WAC 132S-16-110 SELECTION OF PERSONNEL.
(16) WAC 132S-16-120 EMPLOYMENT.
(17) WAC 132S-16-130 NONDISCRIMINATION.
(18) WAC 132S-16-131 EQUAL OPPORTUNITY POLICY.
(19) WAC 132S-16-132 RECRUITMENT, SCREENING AND SELECTION PROCEDURES.
(20) WAC 132S-16-133 GRIEVANCE PROCEDURE.
(21) WAC 132S-16-134 REFERRALS OF COMPLAINTS.
(22) WAC 132S-16-135 AFFIRMATIVE ACTION RESPONSIBILITY—APPOINTING AUTHORITY OF THE COLLEGE.
(23) WAC 132S-16-136 CONTRACT COMPLIANCE REVIEW OFFICIALS.
(24) WAC 132S-16-140 CONTRACTS.
(25) WAC 132S-16-150 SALARY SCHEDULE.
(26) WAC 132S-16-160 ORIENTATION.
(27) WAC 132S-16-170 LEAVES OF ABSENCE.
(28) WAC 132S-16-180 FRINGE BENEFITS.
(29) WAC 132S-16-190 ASSIGNMENT OR PLACEMENT.
(30) WAC 132S-16-200 CHANGE OF STATUS.
(31) WAC 132S-16-210 DISMISSAL PROCEDURES.
(32) WAC 132S-16-220 EXCHANGE TEACHING.
(33) WAC 132S-16-230 GRIEVANCE PROCEDURE.
(34) WAC 132S-16-240 PROMOTION.
(35) WAC 132S-16-250 SUBSTITUTE TEACHING.

(36) WAC 132S-16-260 TRANSFER AT THE REQUEST OF THE FACULTY MEMBER.
(37) WAC 132S-16-270 RESIGNATION.
(38) WAC 132S-16-280 PROFESSIONAL GROWTH.
(39) WAC 132S-16-290 EVALUATION.
(40) WAC 132S-16-300 ETHICS AND CONDUCT.
(41) WAC 132S-16-310 IN-SERVICE WORK.
(42) WAC 132S-16-320 MEETINGS.
(43) WAC 132S-16-330 ORGANIZATIONS, MEMBERSHIP.
(44) WAC 132S-16-340 SUPERVISION.
(45) WAC 132S-16-350 OPEN DOOR POLICY, STUDENT.
(46) WAC 132S-16-360 COLLEGE MAY DENY ADMISSION.
(47) WAC 132S-16-370 ELIGIBILITY FOR ADMISSION.
(48) WAC 132S-16-380 MAXIMUM LOAD.
(49) WAC 132S-16-390 OUT-OF-STATE STUDENTS.
(50) WAC 132S-16-400 REGULAR ATTENDANCE.
(51) WAC 132S-16-410 FOREIGN STUDENTS.
(52) WAC 132S-16-420 PHYSICAL EXAMINATION.
(53) WAC 132S-16-430 PARKING FEES.
(54) WAC 132S-16-440 SUPERIOR ACHIEVEMENT.
(55) WAC 132S-16-445 STUDENT HOUSING.
(56) WAC 132S-16-450 PROBATION, SUSPENSION AND EXPULSION.
(57) WAC 132S-16-455 STUDENT ACTIVITIES.
(58) WAC 132S-16-460 WITHDRAWAL IN GOOD STANDING.
(59) WAC 132S-16-470 INCIDENTAL FEES.
(60) WAC 132S-16-480 CAMPUS PROGRAMS.
(61) WAC 132S-16-490 CLUBS AND ORGANIZATIONS.
(62) WAC 132S-16-500 FACULTY PARTICIPATION.
(63) WAC 132S-16-510 LONG-RANGE CURRICULUM PLANS.
(64) WAC 132S-16-520 THE CURRICULUM COMMITTEE.
(65) WAC 132S-16-530 ANNUAL EXAMINATION OF CURRICULUM.
(66) WAC 132S-16-540 EVENING SCHOOL.
(67) WAC 132S-16-550 ACADEMIC YEAR CALENDAR.
(68) WAC 132S-16-560 EVALUATION OF INSTRUCTION.
(69) WAC 132S-16-570 STUDENT ACHIEVEMENT CRITERIA.
(70) WAC 132S-16-580 THE LEARNING ENVIRONMENT.
(71) WAC 132S-16-590 INSTRUCTIONAL INNOVATION AND RESEARCH.
(72) WAC 132S-16-600 ACADEMIC ADVISEMENT.
(73) WAC 132S-16-610 IN-SERVICE PROGRAMS.

REPEALER

Chapter 132S-17 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-17-010 PURPOSE.
(2) WAC 132S-17-015 DEFINITIONS.
(3) WAC 132S-17-020 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF COMMUNITY COLLEGE DISTRICT NO. 19.
(4) WAC 132S-17-025 OPERATIONS AND PROCEDURES.
(5) WAC 132S-17-030 PUBLIC RECORDS AVAILABLE.
(6) WAC 132S-17-035 PUBLIC RECORDS OFFICER.
(7) WAC 132S-17-040 OFFICE HOURS.
(8) WAC 132S-17-045 REQUESTS FOR PUBLIC RECORDS.
(9) WAC 132S-17-050 COPYING.
(10) WAC 132S-17-055 EXEMPTIONS.
(11) WAC 132S-17-060 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.
(12) WAC 132S-17-065 RECORDS INDEX.
(13) WAC 132S-17-070 REQUESTS FOR PUBLIC RECORDS—ADDRESS.

REPEALER

Chapter 132S-18 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-18-010 DESIGNATION OF APPOINTING AUTHORITY.
(2) WAC 132S-18-020 CLASSIFIED EMPLOYEE EXEMPTIONS.
(3) WAC 132S-18-030 EFFECTIVE DATE.

REPEALER

Chapter 132S-19 of the Washington Administrative Code is repealed as follows:

WAC 132S-19-500 ACADEMIC TRANSCRIPTS OF COLUMBIA BASIN COMMUNITY COLLEGE STUDENTS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 132S-20-005 INTRODUCTION.
(2) WAC 132S-20-010 DEFINITIONS AND PROCEDURES.

REPEALER

Chapter 132S-25 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-25-010 INTRODUCTION.
(2) WAC 132S-25-015 STATEMENT RELATIVE TO CONFIDENTIALITY.
(3) WAC 132S-25-020 INFORMATION WHICH MAY BE RELEASED.
(4) WAC 132S-25-025 WHO MAY REQUEST AND RECEIVE INFORMATION.
(5) WAC 132S-25-030 STUDENT ACCESS TO RECORDS.

REPEALER

Chapter 132S-27 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-27-010 INTRODUCTION.
(2) WAC 132S-27-020 EXCEPTION TO USING SOCIAL SECURITY NUMBER FOR IDENTIFICATION PURPOSES.

REPEALER

Chapter 132S-29 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-29-010 INTRODUCTION.
(2) WAC 132S-29-020 FAILURE TO MAINTAIN GOOD ACADEMIC STANDING.
(3) WAC 132S-29-030 DEFINITIONS.

REPEALER

Chapter 132S-52 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-52-010 RESPONSIBILITY OF THE STUDENT SENATE.
(2) WAC 132S-52-020 AUTHORITY OF THE STUDENT SENATE.
(3) WAC 132S-52-030 EDITORS OF PUBLICATIONS.
(4) WAC 132S-52-040 HEARING PROCEDURES FOR EDITORS.
(5) WAC 132S-52-050 GUIDELINES FOR STUDENT PUBLICATIONS.
(6) WAC 132S-52-060 FINANCING.

REPEALER

Chapter 132S-108 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-108-010 FORMAL HEARING POLICY.
(2) WAC 132S-108-020 DEFINITIONS.
(3) WAC 132S-108-030 APPEARANCE AND PRACTICE BEFORE AGENCY.
(4) WAC 132S-108-040 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.
(5) WAC 132S-108-050 SERVICE OF PROCESS—BY WHOM SERVED.
(6) WAC 132S-108-060 SERVICE OF PROCESS—UPON WHOM SERVED.

(7) WAC 132S-108-070 SERVICE OF PROCESS—SERVICE UPON PARTIES.
(8) WAC 132S-108-080 SERVICE OF PROCESS—METHOD OF SERVICE.
(9) WAC 132S-108-090 SERVICE OF PROCESS—WHEN SERVICE COMPLETE.
(10) WAC 132S-108-100 SERVICE OF PROCESS—FILING WITH AGENCY.
(11) WAC 132S-108-110 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE.
(12) WAC 132S-108-120 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SCOPE.
(13) WAC 132S-108-130 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—OFFICER BEFORE WHOM TAKEN.
(14) WAC 132S-108-140 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—AUTHORIZATION.
(15) WAC 132S-108-150 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—PROTECTION OF PARTIES AND DEPONENTS.
(16) WAC 132S-108-160 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—ORAL EXAMINATION AND CROSS EXAMINATION.
(17) WAC 132S-108-170 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—SIGNING ATTESTATION AND RETURN.
(18) WAC 132S-108-190 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—USE AND EFFECT.
(19) WAC 132S-108-200 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—FEES OF OFFICERS AND DEPONENTS.
(20) WAC 132S-108-210 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES.
(21) WAC 132S-108-220 DEPOSITIONS UPON INTERROGATORIES—THE INTERROGATION.
(22) WAC 132S-108-230 DEPOSITIONS UPON INTERROGATORIES—ATTESTATION AND RETURN.
(23) WAC 132S-108-240 DEPOSITIONS UPON INTERROGATORIES—PROVISIONS OF DEPOSITION RULE.
(24) WAC 132S-108-250 HEARING OFFICERS.
(25) WAC 132S-108-260 HEARING PROCEDURES.
(26) WAC 132S-108-270 DUTIES OF HEARING OFFICERS.
(27) WAC 132S-108-280 STIPULATIONS AND ADMISSIONS OF RECORD.
(28) WAC 132S-108-290 DEFINITION OF ISSUES BEFORE HEARING.
(29) WAC 132S-108-300 CONTINUANCES.
(30) WAC 132S-108-310 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA.
(31) WAC 132S-108-320 TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS.
(32) WAC 132S-108-330 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.

REPEALER

Chapter 132S-116 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-116-010 INTRODUCTION.
(2) WAC 132S-116-020 PURPOSES OF REGULATIONS.
(3) WAC 132S-116-030 DEFINITIONS.
(4) WAC 132S-116-040 APPLICABLE RULES AND REGULATIONS.
(5) WAC 132S-116-050 AUTHORIZATION FOR ISSUANCE OF PERMITS.
(6) WAC 132S-116-060 VALID PERMIT.
(7) WAC 132S-116-070 DISPLAY OF PERMIT.
(8) WAC 132S-116-080 TRANSFER OF PERMITS.
(9) WAC 132S-116-090 PERMIT REVOCATION.
(10) WAC 132S-116-100 HEARING PROVIDED.
(11) WAC 132S-116-120 ALLOCATION OF PARKING SPACE.
(12) WAC 132S-116-130 PARKING WITHIN DESIGNATED SPACES.
(13) WAC 132S-116-140 DAY PARKING.
(14) WAC 132S-116-150 NIGHT PARKING.
(15) WAC 132S-116-160 REGULATORY SIGNS AND DIRECTIONS.
(16) WAC 132S-116-170 SPEED.
(17) WAC 132S-116-180 PEDESTRIAN'S RIGHT OF WAY.
(18) WAC 132S-116-190 SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED.
(19) WAC 132S-116-200 TWO-WHEELED MOTOR BIKES OR BICYCLES.
(20) WAC 132S-116-210 REPORT OF ACCIDENTS.
(21) WAC 132S-116-220 EXCEPTIONS FROM TRAFFIC AND PARKING RESTRICTIONS.
(22) WAC 132S-116-230 ENFORCEMENT.
(23) WAC 132S-116-240 ISSUANCE OF TRAFFIC TICKETS.
(24) WAC 132S-116-250 FINES AND PENALTIES.
(25) WAC 132S-116-260 LIABILITY OF COLLEGE.
(26) WAC 132S-116-270 DELEGATION OF AUTHORITY.
(27) WAC 132S-116-280 SEVERABILITY.

REPEALER

Chapter 132S-122 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-122-010 FINANCIAL OBLIGATIONS OF STUDENTS.
(2) WAC 132S-122-020 APPEAL PROCEDURE.

REPEALER

Chapter 132S-124 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-124-010 DEFINITION.
(2) WAC 132S-124-020 PET CONTROL.
(3) WAC 132S-124-030 PENALTIES FOR VIOLATIONS OF PET CONTROL REGULATIONS.

REPEALER

Chapter 132S-125 of the Washington Administrative Code is repealed as follows:

WAC 132S-125-010 SMOKING REGULATIONS FOR CAMPUS BUILDINGS.

REPEALER

Chapter 132S-136 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-136-010 PURPOSE.
(2) WAC 132S-136-020 REGULATIONS REGARDING USE.
(3) WAC 132S-136-200 INTRODUCTION.
(4) WAC 132S-136-210 EMPLOYEE ORGANIZATION DEFINED.
(5) WAC 132S-136-220 MEETING ROOMS.
(6) WAC 132S-136-230 USE OF MAIL SERVICE BY EMPLOYEE ORGANIZATIONS.
(7) WAC 132S-136-240 TELEPHONE USAGE.
(8) WAC 132S-136-250 USE OF DUPLICATING AND PHOTOCOPYING EQUIPMENT.
(9) WAC 132S-136-260 USE OF SECRETARIAL AND OTHER SUPPORTING STAFF SERVICES.
(10) WAC 132S-136-270 OFFICE EQUIPMENT AND SUPPLIES.
(11) WAC 132S-136-280 TRAVEL EXPENSE.
(12) WAC 132S-136-290 ACCESS TO COLLEGE RECORDS.
(13) WAC 132S-136-300 CONDUCT OF EMPLOYEE ORGANIZATION BUSINESS DURING SCHEDULED WORKING HOURS.
(14) WAC 132S-136-310 CONFLICTS WITH CONTRACTUAL PROVISIONS.

REPEALER

Chapter 132S-137 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-137-400 ENTERTAINMENT DEFINED.

(2) WAC 132S-137-410 APPROVAL OF ENTERTAINMENT REQUIRED.
(3) WAC 132S-137-420 RESPONSIBILITY OF SPONSORING GROUP.

REPEALER

Chapter 132S-138 of the Washington Administration Code is repealed as follows:

(1) WAC 132S-138-010 COMMERCIAL ACTIVITIES.
(2) WAC 132S-138-020 COMMERCIAL ACTIVITIES DEFINED.
(3) WAC 132S-138-030 PENALTIES FOR VIOLATIONS OF COMMERCIAL ACTIVITIES REGULATIONS.

REPEALER

Chapter 132S-139 of the Washington Administrative Code is repealed as follows:

WAC 132S-139-600 FOOD SERVICE POLICIES AT COLUMBIA BASIN COMMUNITY COLLEGE.

REPEALER

Chapter 132S-140 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-140-010 PLACEMENT SERVICE FACILITIES.
(2) WAC 132S-140-020 ELIGIBILITY FOR PLACEMENT SERVICES.
(3) WAC 132S-140-030 ESTABLISHING A PLACEMENT FILE.
(4) WAC 132S-140-040 USE OF PLACEMENT FILES.
(5) WAC 132S-140-050 ELIGIBILITY FOR RECRUITMENT AT THE PLACEMENT OFFICE.

REPEALER

Chapter 132S-142 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-142-010 COLUMBIA BASIN COLLEGE BOOKSTORE OPERATING PROCEDURES.
(2) WAC 132S-142-020 RETURN AND REFUND POLICY.
(3) WAC 132S-142-030 PERSONAL CREDIT.
(4) WAC 132S-142-040 COLUMBIA BASIN COLLEGE BOOKSTORE PRICING POLICIES.

REPEALER

Chapter 132S-152 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-152-010 DECLARATION OF PURPOSE.
(2) WAC 132S-152-015 REQUIREMENTS AS OUTLINED IN WASHINGTON STATE PLAN FOR VOCATIONAL EDUCATION.
(3) WAC 132S-152-020 GENERAL SAFETY RULES AND RESPONSIBILITIES.
(4) WAC 132S-152-030 PROTECTIVE EQUIPMENT AND CLOTHING.
(5) WAC 132S-152-040 HYGIENE.
(6) WAC 132S-152-050 PROHIBITING UNSAFE ACTS OR UNHEALTHFUL PRACTICES.
(7) WAC 132S-152-060 VIOLATIONS.

REPEALER

Chapter 132S-165 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-165-010 INTRODUCTION.
(2) WAC 132S-165-020 PROCEDURES.

REPEALER

Chapter 132S-168 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-168-010 COLUMBIA BASIN COLLEGE INSTRUCTIONAL RESOURCE CENTER.
(2) WAC 132S-168-020 SELECTION OF SERVICES, PERSONNEL, RESOURCES.
(3) WAC 132S-168-030 CIRCULATION RECORDS.
(4) WAC 132S-168-040 INSPECTION.
(5) WAC 132S-168-050 PROHIBITED ENTRY.
(6) WAC 132S-168-060 SMOKING.
(7) WAC 132S-168-070 DISPLAYS.
(8) WAC 132S-168-080 GIFTS.
(9) WAC 132S-168-090 IRC BORROWERS.
(10) WAC 132S-168-100 IRC CIRCULATION POLICY.
(11) WAC 132S-168-110 LIBRARY FINES AND CHARGES FOR LOST, DAMAGED, AND OVERDUE MATERIALS.
(12) WAC 132S-168-120 INSTRUCTIONAL RESOURCE CENTER FEES.

REPEALER

Chapter 132S-170 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-170-010 INTRODUCTION.
(2) WAC 132S-170-020 APPLICATIONS AND ACCOUNTING FOR ABSENCES AND BENEFITS, OBLIGATIONS, AND REIMBURSEMENT.
(3) WAC 132S-170-030 TYPES OF LEAVES.

REPEALER

Chapter 132S-172 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-172-010 INTRODUCTION.
(2) WAC 132S-172-020 PROCEDURES.

REPEALER

Chapter 132S-173 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-173-010 INTRODUCTION.
(2) WAC 132S-173-020 DEFINITIONS.
(3) WAC 132S-173-030 PROCEDURES.

REPEALER

Chapter 132S-175 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-175-010 INTRODUCTION.
(2) WAC 132S-175-020 DEFINITIONS.
(3) WAC 132S-175-030 PROCEDURES.
(4) WAC 132S-175-040 APPEAL.

REPEALER

Chapter 132S-180 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-180-010 INTRODUCTION.
(2) WAC 132S-180-020 SELECTION PROCESS.
(3) WAC 132S-180-030 SCREENING PROCESS.
(4) WAC 132S-180-040 FINAL LIST OF CANDIDATES.

REPEALER

Chapter 132S-185 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-185-010 PURPOSE.
(2) WAC 132S-185-020 DEFINITIONS.
(3) WAC 132S-185-030 COMMUNICATIONS WITH EMPLOYEES' REPRESENTATIVES.
(4) WAC 132S-185-040 NEGOTIATIONS PROCEDURE.
(5) WAC 132S-185-050 SEVERABILITY.

REPEALER

Chapter 132S-187 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-187-010 POLICY STATEMENT.

(2) WAC 132S-187-015 RESPONSIBLE OFFICIAL FOR CARRYING OUT POLICY.

REPEALER

Chapter 132S-190 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-190-010 INSTRUCTIONAL RESPONSIBILITIES.
(2) WAC 132S-190-020 ANNUAL WORKLOAD STANDARDS.
(3) WAC 132S-190-030 DEVELOPMENT OF WRITTEN SYLLABI.
(4) WAC 132S-190-040 VERIFICATION OF CLASS ROSTER.
(5) WAC 132S-190-050 EXTENDED DAY DUTY ASSIGNMENTS.
(6) WAC 132S-190-060 SPLIT SHIFT—LIBRARIANS AND GUIDANCE COUNSELORS.

REPEALER

Chapter 132S-195 of the Washington Administrative Code is repealed as follows:

WAC 132S-195-010 TUITION AND FEE WAIVERS FOR FULL-TIME EMPLOYEES.

REPEALER

Chapter 132S-197 of the Washington Administrative Code is repealed as follows:

(1) WAC 132S-197-010 AUTHORITY TO WAIVE TUITION AND FEES FOR DISPLACED HOMEMAKERS.
(2) WAC 132S-197-012 DEFINITION OF DISPLACED HOMEMAKERS.

WSR 82-16-017
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGE DISTRICT
[Memorandum—July 22, 1982]

This is to advise you that the Seattle Community College District board of trustees will hold a special meeting on Monday, August 9, 1982, at Seattle Central Community College, 1701 Broadway, Seattle, Washington 98122. The meeting time is 6:30 p.m.

WSR 82-16-018
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed July 26, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial and subsistence fishing regulations.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 30, 1982.

The authority under which these rules are proposed is RCW 75.08.080.

This notice is connected to and continues the matter in Notice No. WSR 82-12-080 filed with the code reviser's office on June 2, 1982.

Dated: July 23, 1982
By: Gary C. Alexander
for Rolland A. Schmitten
Director

WSR 82-16-019
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 82-20—Filed July 27, 1982]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to general regulation for air pollution sources, amending chapter 173-400 WAC.

This action is taken pursuant to Notice No. WSR 82-11-103 filed with the code reviser on May 19, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 70.94 and 43.21A 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 June 29, 1982.

By John F. Spencer
Deputy Director

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

WAC 173-400-115 STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES. Title 40, code of federal regulations, part 60 (standards of performance for new stationary sources), as promulgated prior to ((~~May 1, 1980~~)) July 1, 1982, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department or to the appropriate air pollution control authority.

(1) Sections 60.5 and 60.6 of title 40, code of federal regulations, are not incorporated herein because they provide for preconstruction review of new stationary sources only on request. By virtue of WAC 173-400-110, such review under the state program is mandatory and an order of approval is required before the construction, installation or establishment of a new stationary source may commence.

(2) Energy facility siting: The requirements of WAC 173-400-115 do not apply to any sources under the jurisdiction of the energy facility site evaluation council (EFSEC).

(3) As of ((~~May 1, 1980~~)) July 1, 1982, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts:

~~(((a) incinerators (more than fifty tons per day)~~
~~(b) portland cement plants~~
~~(c) nitric acid plants~~
~~(d) sulfuric acid plants~~
~~(e) asphalt concrete plants~~
~~(f) petroleum refineries~~
~~(g) storage vessels for petroleum liquids (more than forty thousand gallons)~~
~~(h) secondary lead smelters~~
~~(i) secondary brass and ingot production plants~~
~~(j) iron and steel plants~~
~~(k) sewage treatment plants (sewage sludge incinerators)~~
~~(l) primary copper smelters~~
~~(m) primary zinc smelters~~
~~(n) primary lead smelters~~
~~(o) primary aluminum reduction plants~~
~~(p) phosphate fertilizer industry: wet process phosphoric acid plants~~
~~(q) phosphate fertilizer industry: super phosphoric acid plants~~
~~(r) phosphate fertilizer industry: diammonium phosphate plants~~
~~(s) phosphate fertilizer industry: triple super phosphate plants~~
~~(t) phosphate fertilizer industry: granular triple super phosphate storage facilities~~
~~(u) coal preparation plants~~
~~(v) ferroally production~~
~~(w) steel plants: electric arc furnaces~~
~~(x) kraft mills~~
~~(y) lime manufacturing plants~~
~~(z) grain elevators~~))

Subpart D	Fossil fuel fires steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input larger than 73 megawatts but not greater than 250 megawatts
Subpart Da	Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input larger than 73 megawatts and not greater than 250 megawatts
Subpart E	Incinerators
Subpart F	Portland cement plants
Subpart G	Nitric acid plants
Subpart H	Sulfuric acid plants
Subpart I	Asphalt concrete plants
Subpart J	Petrolium refineries which produce less than 25,000 barrels per day of refined products
Subpart K	Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
Subpart ka	Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
Subpart L	Secondary lead smelters
Subpart M	Iron and steel plants
Subpart O	Sewage treatment plants
Subpart P	Primary copper smelters
Subpart Q	Primary zinc smelters
Subpart R	Primary lead smelters
Subpart T	Phosphate fertilizer industry: Wet process phosphoric acid plants
Subpart U	Phosphate fertilizer industry: Superphosphoric acid plants
Subpart V	Phosphate fertilizer industry: Diammonium phosphate plants
Subpart W	Phosphate fertilizer industry: Triple superphosphate plants
Subpart X	Phosphate fertilizer industry: Granular triple superphosphate storage facilities
Subpart Y	Coal preparation plants
Subpart Z	Ferroalloy production facilities
Subpart AA	Steel plants: Electric arc furnaces
Subpart CC	Glass manufacturing plants
Subpart DD	Grain elevators
Subpart GG	Stationary gas turbines
Subpart HH	Lime manufacturing plants
Subpart KK	Lead acid batteries
Subpart MM	Light duty truck surface coating operations
Subpart NN	Phosphate rock plants
Subpart PP	Ammonium sulfate manufacture

Compliance with the standards for affected facilities within these source categories shall be determined by performance tests and visual observations of opacity as set forth in the regulations adopted by reference hereby.

(4) The "appropriate air pollution control authority" as used in this section means an activated authority which has been delegated enforcement authority for this section, WAC 173-400-115, and which is enforcing the federal regulations hereby adopted by reference or its own more stringent regulations applicable to the same sources, and within whose boundary a new stationary source is proposed.

WSR 82-16-020
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 82-21—Filed July 27, 1982]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to primary aluminum plants, amending chapter 173-415 WAC.

This action is taken pursuant to Notice No. WSR 82-11-103 filed with the code reviser on May 19, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 70.94 and 43.21A 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 June 29, 1982.

By John F. Spencer
Deputy Director

AMENDATORY SECTION (Amending Order DE 80-17, filed 8/14/80)

WAC 173-415-040 STANDARDS OF PERFORMANCE. For primary aluminum plants which commenced construction after September 24, 1976, Title 40, the code of federal regulations, Part 60, subparts A and S and appendix A, B, C and D (standards of performance for new stationary sources) as promulgated prior to ((~~March 1, 1980~~)) July 1, 1982, is by this reference adopted and incorporated herein with the exception of sections 60.5 (determination of construction or modification) and 60.6 (review of plans). For the purpose of state administration of the federal regulations adopted by reference hereby, the term "administrator" as used therein shall refer to the department of ecology.

WSR 82-16-021
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 82-22—Filed July 27, 1982]

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

This action is taken pursuant to Notice No. WSR 82-11-104 filed with the code reviser on May 19, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapters 70.94 and 43.21A 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 June 29, 1982.

By John F. Spencer
Deputy Director

AMENDATORY SECTION (Amending Order DE 80-54, filed 1/8/81)

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

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

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

(3) "Class II hardboard paneling finish" means finishes which meet the specifications of Voluntary Product Standard ((~~PS-56-73~~)) PS-59-73 as approved by the American National Standards Institute.

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

(5) "Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.

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

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

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

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

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

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

(12) "Dry cleaning facility" means a facility engaged in the cleaning of fabrics in an essentially nonagueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes, but is

not limited to, any washer, dryer, filter and purification systems, waste disposal systems, holding tanks, pumps and attendant piping and valves.

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

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

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

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

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

(18) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(42) "True vapor pressure" means the equilibrium partial pressure of a petroleum liquid as determined with methods described in American Petroleum Institute Bulletin 2517, ((~~"Evaporation Loss from Floating Roof Tanks," 1962~~)) 1980.

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

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

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

(46) "Vapor-mounted seal" means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

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

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

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

WAC 173-490-025 GENERAL APPLICABILITY. (1) This chapter shall apply to the specified emission sources of volatile organic compounds located in or operating within designated ozone nonattainment areas of the state of Washington.

(2) Sources of volatile organic compound emissions may be exempted, by the director, from any or all requirements to control or reduce the emission of volatile organic compounds if the source will be permanently shutdown by January 1, 1983 and the owner or operator of the source complies with a phase-out schedule approved by the director. The phase-out schedule shall contain specific actions and dates necessary to the orderly termination of the source's activities. The operation of the emission source after January 1, 1983 shall be permitted only when done in full compliance with all other applicable requirements of this chapter.

(3) This chapter does not apply to those sources under the jurisdiction of the energy facility site evaluation council (EFSEC).

(4) A source of volatile organic compound emissions not belonging to any of the categories listed in WAC 173-490-030 nor specifically identified in ((~~each~~)) any section, but which is located on the same or adjacent property and owned or operated by the same person as a regulated emission source, shall not be required to comply with the regulations of ((~~the complying source~~)) this chapter.

(5) Sources of volatile organic compound emissions may be exempted, by the director, from any or all requirements to control or reduce the emissions of volatile organic compounds when the source is a development operation and the equipment is used exclusively for research, laboratory analysis or determination of product quality and commercial acceptance, provided emissions of volatile organic compounds from such operations do not exceed 300 kg (660 lbs) per month.

AMENDATORY SECTION (Amending Order DE 80-54, filed 1/8/81)

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

(1) Petroleum refineries.

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

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

(c) Vacuum producing system.

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

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

(d) Wastewater separator.

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

(ii) Wastewater separator forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed totally enclosing the compartmented liquid contents, or a floating pontoon or a double deck-type cover

equipped with closure seals between the cover edge and compartment wall.

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

(e) Process unit turnaround.

(i) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system.

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

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

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

(2) Petroleum liquid storage tanks.

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

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

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

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

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

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

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

(3) Gasoline loading terminals.

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

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

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

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

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

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

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

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

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

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

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

(4) Bulk gasoline plants.

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

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

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

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

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

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

(c) Transport tanks. All transport tanks, except those meeting the conditions in WAC 173-490-040(4)(d),

transferring gasoline with storage tanks in a bulk gasoline plant shall comply with the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) Gasoline dispensing facilities (Stage I).

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

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

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

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

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

(d) ((~~Vapor balance system.~~)) The vapor balance system (for the purpose of measuring compliance with the emission control efficiency) shall consist of the transport tank, gasoline vapor transfer lines, storage tank and all tank vents. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built and operated according to accepted industrial practices will satisfy this requirement.

(e) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(6) Surface coaters.

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

Process	Limitation Grams/Liter of Coating (Excluding Water)	lb/Gal.of Coating (Excluding Water)
Can Coating		
Sheet basecoat and overvarnish; two-piece can exterior	340	2.8
Two and three piece can interior body spray, two piece can exterior end	510	4.2
Side-seam spray	660	5.5
End sealing compound	440	3.7
Coil coating	310	2.6
Fabric coating	350	2.9
Vinyl coating	450	3.8
Paper coating	350	2.9
Auto and light duty truck coating		

Process Can Coating	Limitation Grams/Liter of Coating (Excluding Water)	lb/Gal.of Coating (Excluding Water)
Prime	230	1.9
Topcoat	340	2.8
Repair	580	4.8
Metal furniture coating	360	3.0
Magnet wire coating	200	1.7
Large appliance coating	340	2.8

((~~(b) Sources of volatile organic compound emissions may be exempted, by the director, from any or all requirements to control or reduce the emissions of volatile organic compounds when the source is a development operation and the equipment is used exclusively for research, laboratory analysis or determination of product quality and commercial acceptance, provided emissions of volatile organic compounds from such operations do not exceed 300 kg (660 lbs) per month.~~))

(7) Open top vapor degreasers.

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

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

(ii) Have one of the following:

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

(B) A freeboard chiller.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Conveyorized degreasers.

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

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

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

(A) Rack parts for best drainage.

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

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

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

(iii) Vapor degreasers shall be equipped with at least the following three safety switches:

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

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

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

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses, as for example, from dripping

drain taps, cracked gaskets, and malfunctioning equipment. Leaks must be repaired immediately.

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

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

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

(f) All conveyorized cold cleaners and conveyorized vapor degreasers with air/vapor interfaces of 2.0 m^2 or greater shall have one of the following major control devices installed and operating after April 1, 1982:

(i) Carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle (based on exhaust ventilation of 15 m^2/min per m^2 of air/vapor area, when downtime covers are open), or

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

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

(9) Cutback asphalt paving.

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

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

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

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

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

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

(10) Cold cleaners.

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

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

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

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

(iv) Have a visible fill line.

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

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

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

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

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

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

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

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

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

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

(i) The freeboard ratio must be equal to or greater than 0.70; or

(ii) Water must be kept over the solvent, which must be insoluble in and heavier than water; or

(iii) Other systems of equivalent control, such as a refrigerated chiller.

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

WAC 173-490-080 EXCEPTIONS. Exceptions to volatile organic compound emission standards and requirements.

(1) Other emission reduction methods may be employed if the source operator demonstrates to the department that they are at least as effective as the required methods.

(2) The operation of a natural gas-fired incinerator and associated capture system installed for the purpose of complying with this chapter ((~~will~~)) shall be required only during the months of June, July, August and September, unless the operation of such devices is required for purposes of occupational health or safety, or for the control of toxic substances, malodors, or other regulated pollutants.

AMENDATORY SECTION (Amending Order DE 80-54, filed 1/8/81)

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

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

(i) Coin-operated systems;

(ii) Systems located in a facility with inadequate space to accommodate an adsorber; ((or))

(iii) Systems with an average monthly loss less than twenty-five gallons (2 tons per year)((.)); and

(iv) Systems with insufficient steam capacity to desorb adsorbers.

(b) An exemption for the conditions stated in WAC 173-490-203 (((1)(a)(ii) and (iii))) (2)(a)(i) and (ii) may be granted by the director when sufficient evidence is submitted by the owner or operator of the dry cleaning system to justify the exemption.

(2) Provisions for specific processes.

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

(i) Vent the entire dryer exhaust through a properly functioning carbon absorption system or equally effective control device;

(ii) Emit no more than 100 ppmv when determined in accordance with WAC 173-490-203(4)(c)(i), of volatile organic compounds from the dryer control device before dilution;

(iii) Immediately repair all components found to be leaking liquid volatile organic compounds;

(iv) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg or less of volatile organic compounds per 100 kg of wet waste material;

(v) Reduce the volatile organic compounds from all solvent stills to 60 kg or less per 100 kg of wet waste material;

(vi) Drain all filtration cartridges, in the filter housing or other enclosed container, for at least twenty-four hours before discarding the cartridges; and

(vii) When possible, dry all drained cartridges without emitting volatile organic compounds to the atmosphere.

(3) Schedule of control dates.

(a) The owner or operator of a perchloroethylene dry cleaning facility subject to WAC 173-490-203 (2)(a)(i) and (ii) shall meet the applicable increments of progress in the following schedule or a schedule approved under WAC 173-490-071.

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

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

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

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

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

(4) Testing and monitoring.

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

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

(i) Hose connections, unions, couplings and valves;

(ii) Machine door gaskets and seatings;

(iii) Filter head gasket and seating;

(iv) Pumps;

(v) Base tanks and storage containers;

(vi) Water separators;

(vii) Filter sludge recovery;

(viii) Distillation unit;

(ix) Diverter valves;

(x) Saturated lint from lint basket; and

(xi) Cartridge filters.

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

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

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

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

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

WAC 173-490-204 GRAPHIC ARTS SYSTEMS. (1) Specific applicability.

(a) This section shall apply to all packaging rotogravure, publication rotogravure, specialty printing operations, and flexographic printing facilities that use more than 90 megagrams ((per year)) (100 tons) per year((,)) of volatile organic compounds as a component of ink, for the thinning of ink, cleaning of presses, press components and equipment; and are covered by WAC 173-490-025.

(b) Machines that have both coating units (apply a uniform layer of material across the entire width of a web) and printing units (forming words, designs, and pictures) shall be included under WAC ((173-490-203 and)) 173-490-204 rather than WAC 173-490-040(6), Surface coaters.

(2) Provisions for specific processes.

(a) No owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing subject to this regulation and employing solvent containing ink may operate, cause, allow or permit the operation of the facility unless:

(i) The volatile fraction of ink, as it is applied to the substrate, contains twenty-five percent by volume or less of organic solvent and seventy-five percent by volume or more of water;

(ii) The ink as it is applied to the substrate, less water, contains sixty percent by volume or more nonvolatile material; or

(iii) The owner or operator installs and operates:

(A) A carbon adsorption system which reduces the volatile organic emissions from the capture system by at least ninety percent by weight;

(B) An incineration system which oxidizes at least ninety percent of the nonmethane volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water; or

(C) An alternative volatile organic compound emission reduction system demonstrated to have at least a ninety percent reduction efficiency, measured across the control system, and has been approved by the department.

(b) A collection system shall be used with the emission controls of WAC 173-490-204(2)(a)(iii). The design and operation of the collection system shall be consistent with good engineering practice, and shall provide an overall reduction in the emission of volatile organic compounds of at least:

(i) Seventy-five percent where a publication rotogravure process is used; or

(ii) Sixty-five percent where a packaging rotogravure process is used; or

(iii) Sixty percent where a flexographic process is used.

(3) Schedule of control dates.

(a) The owner or operator of a packaging rotogravure, publication rotogravure or flexographic printing facility subject to this chapter shall meet the applicable increments of progress in the following schedules or an approved alternative schedule of control dates as stipulated in WAC 173-490-071:

(i) For process equipment changes and add-on control devices, including incineration with heat recovery:

(A) Submit final plans for the emission control system or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4), before January 1, 1983.

(ii) For incineration equipment without heat recovery or process modifications not requiring purchase orders:

(A) Submit final plans for the emission control system or process modifications, or both, before March 1, 1981;

(B) Award contracts for process modifications or for incineration equipment, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of process modifications or emission control equipment, or both, before July 1, 1981;

(D) Complete on-site construction or installation of process modifications or incineration equipment, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-204(4) before January 1, 1982.

(iii) For low solvent technology:

(A) Submit a plan for an extended schedule of control dates meeting the conditions in WAC 173-490-071;

(B) Achieve a final reduction in emissions greater than that which would have been attained from the controls specified in WAC 173-490-204(2);

(C) Commit to the installation of the controls in WAC 173-490-204(2) and achieving final compliance by January 1, 1987 should progress toward low solvent technology not meet expectations;

(D) Provide for a major reduction in emissions by January 1, 1983 as an increment of progress as required in WAC 173-490-071.

(b) The owner or operator of a volatile organic compound source subject to a compliance schedule of WAC 173-490-204 shall certify to the department within five days after the deadline for each increment of progress whether the required increment of progress has been met.

(4) Testing and monitoring.

(a) Testing procedures to determine compliance with this chapter shall be on file with and approved by the department.

(b) When add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed;

(iii) Breakthrough of VOC on a carbon adsorption unit; and

(iv) Any other continuous monitoring or recording device required by the department.

(c) The owner or operator of a facility shall be responsible for all expense of monitoring required by WAC 173-490-204(4)(b).

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

WAC 173-490-205 SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS. (1) Specific applicability. This section shall apply to surface coating of miscellaneous metal parts and products in the following industries having VOC emissions greater than ((~~eighteen~~)) one hundred six kilograms (((~~forty~~)) two hundred thirty-five pounds) per day and as qualified in WAC 173-490-205 (1)(b), (c), and (d), and 173-490-025.

(a) Miscellaneous metal parts and products shall include:

(i) Large farm machinery (harvesting, fertilizing and planting machines, tractors, combines, etc.);

(ii) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(iii) Small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(iv) Commercial machinery (office equipment, computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(v) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(vi) Fabricated metal products (metal covered doors, frames, etc.); and

(vii) Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (nonelectric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), and Major Group 39 (miscellaneous manufacturing industries).

(b) This chapter is not applicable to the surface coating of the following metal parts and products:

(i) Automobiles and light-duty trucks;

(ii) Metal cans;

(iii) Flat metal sheets and strips in the form of rolls or coils;

(iv) Magnet wire for use in electrical machinery;

(v) Metal furniture;

(vi) Large appliances;

(vii) ((~~Exterior of~~)) Airplanes;

(viii) Automobile refinishing;

(ix) Customized top coating of automobiles and trucks, if production is less than thirty-five vehicles per day; and

(x) Exterior of marine vessels.

(c) This chapter applies to the application area, flashoff area, air and forced air drier, and oven used in the surface coating of the metal parts and products in WAC 173-490-205(1)(a). This chapter also applies to prime coat, top coat, and single coat operations.

(d) The application of coatings whose ((~~properties~~)) formulations are controlled by federal specifications and the use of which is required by federal agencies shall be exempt from the emission limits in WAC 173-490-205(2)(a).

(e) A case-by-case determination of the emission controls best representing RACT may be substituted for the requirements of WAC 173-490-205(2). Such a determination shall be approved by the department.

(2) Provisions for specific processes.

(a) The owner or operator of a coating application system shall not emit a quantity of volatile organic compounds greater than those listed by specific coating, excluding water and as delivered to the application system:

(i) Clear coatings	0.52 kg/liter (4.3 lb/gallon)
(ii) Extreme performance coatings	0.42 kg/liter (3.5 lb/gallon)
(iii) Air dried coatings	0.42 kg/liter (3.5 lb/gallon)
(iv) All others	0.36 kg/liter (3.0 lb/gallon)
(v) Powder coatings	0.05 kg/liter (0.4 lb/gallon)

(b) When more than one emission limitation listed in WAC 173-490-205(2)(a) applies to a specific coating, the least stringent will apply.

(c) All VOC emissions from solvent washings shall be considered in the emission limitations in WAC 173-490-205(2)(a), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(d) The emission limits set forth in WAC 173-490-205(2)(a) shall be achieved by:

(i) The application of low solvent coating technology; or

(ii) An incineration system that oxidizes at least ninety percent of the volatile organic compounds (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC reduction certified by the owner or operator and approved by the department.

((~~(iv)~~)) (e) A collection system shall be used together with the incinerator of WAC 173-490-205(2)(d)(ii). The design and operation of the collection system shall be consistent with good engineering practice and provide for an overall VOC emission reduction necessary to comply with the emission limits of WAC 173-490-205(2)(a). The required VOC emission reduction shall be calculated on a unit volume of uncured solids basis.

(3) Schedule of control dates.

(a) The owner or operator of a source shall meet the following applicable increments of progress, unless a source has an approved alternative schedule of control dates as stipulated in WAC 173-490-071.

(i) Sources using low solvent content coatings shall:

(A) Submit final plans for the application of low solvent technology before April 1, 1981;

(B) Complete evaluation of product quality and commercial acceptance before October 1, 1981;

(C) Issue purchase orders or contracts for low solvent content coatings before December 1, 1981;

(D) Initiate process modifications before January 1, 1982; and

(E) Complete process modifications and begin use of low solvent content coatings before January 1, 1983.

(ii) Sources using process equipment changes or add-on control devices, including incineration with heat recovery, shall:

(A) Submit final plans for the emission control system, or process equipment, or both, before April 1, 1981;

(B) Award contracts or purchase orders for the emission control systems, or process equipment, or both, before June 1, 1981;

(C) Initiate on-site construction or installation of the emission control system, or process equipment, or both, before December 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process equipment, or both, before December 1, 1982; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-205(4) before January 1, 1983.

(iii) Sources using incineration without heat recovery or process modifications not requiring purchase orders shall:

(A) Submit final plans for the emission control system or process modification, or both, before March 1, 1981;

(B) Award contracts or purchase orders for the emission control system or process modification, or both, before May 1, 1981;

(C) Initiate on-site construction or installation of the emission control system or process modification, or both, before July 1, 1981;

(D) Complete on-site construction or installation of the emission control system or process modification, or both, before November 1, 1981; and

(E) Achieve final compliance, determined in accordance with WAC 173-490-205(4), before January 1, 1982.

(4) Testing and monitoring.

(a) The department may require the owner or operator of a source to demonstrate at his own expense, compliance by the methods of WAC 173-490-205(4)(c).

(b) The owner or operator of a source shall notify the department at least ten days before a proposed emission certification test so the director may at his option observe the test.

(c) Testing and calibration procedures to determine compliance with this chapter shall be consistent with the procedures on file with and approved by the department.

(d) The department may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

NEW SECTION

WAC 173-490-208 AEROSPACE ASSEMBLY AND COMPONENT COATING OPERATIONS. (1) Specific applicability. This section shall apply to all aerospace component coating facilities that emit an annual average of eighteen kilograms (forty pounds) or more of volatile organic compounds per operating day and as qualified in WAC 173-490-025.

(2) It shall be unlawful for any person to cause or allow:

(a) The application of any primer or topcoat to aerospace components which contains in excess of:

(i) 650 grams of VOC per liter of primer, less water, as applied.

(ii) 600 grams of VOC per liter of topcoat, less water, as applied.

(b) The application of any temporary protective coating to aerospace components that contains more than 250 grams of VOC per liter of material, less water, as applied.

(c) The use of volatile organic compounds of composite vapor pressure of 10.4 kPa (1.5 psia) or greater at a temperature of 21.1°C (70°F) for surface preparation or cleanup, excluding paint removal.

(d) The use of volatile organic compounds for the cleanup of spray equipment used in aerospace component coating operations unless 85 percent of the volatile organic compounds by weight, are collected and disposed such that they are not emitted to the atmosphere.

(e) The use of a stripper which contains more than 400 grams of VOC per liter or has a composite vapor pressure of volatile organic compounds more than 1.3 kPa (0.19 psia) at 21.1°C (70°F).

(3) The emission limits of paragraph (2) shall be achieved by:

(a) The application of reasonably available low solvent coating technology;

(b) A vapor collection and disposal system; or

(c) An equivalent method of VOC reduction certified by the owner or operator and approved by the director.

(4) The provisions of paragraphs (2)(a) and (2)(b) of WAC 173-490-208 shall not apply to the following materials:

(a) Coatings for masking in chemical etching operations,

(b) Adhesive bonding primer,

(c) Flight test coatings,

(d) Space vehicle coatings, or

(e) Fuel tank coatings.

(5) Upon the submission of an alternative coating evaluation, the director may determine that a reasonably available low solvent coating does exist for a given application and may exempt the coating from requirements of WAC 173-490-208. All alternative coating evaluations shall contain, as a minimum:

(a) Types of products to be coated,

(b) Types of coatings evaluated,

(c) Results of performance tests,

(d) Status of research into development of low VOC coatings for the application,

(e) Feasibility of installing control equipment,

(f) Mitigating measures that could be implemented to reduce VOC emissions.

(6) Any facility subject to this section shall submit a report to the department by January 1, 1983. This report shall include, as a minimum, a discussion of the advances in coating technology that have occurred since January 1, 1980, and a forecast of future technology improvements.

(7) Schedule of control dates.

(a) The owner or operator of a source shall meet the following applicable increments of progress.

(i) Submit final plans for the emission control system, process equipment or low solvent coatings substitution before September 1, 1982.

(ii) Award contracts or purchase orders for the emission control system, process equipment or low solvent coatings before January 1, 1983.

(iii) Initiate construction or process modifications before March 1, 1983.

(iv) Achieve final compliance before July 1, 1983.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-490-206 SYNTHESIZED PHARMACEUTICAL PRODUCTS.

WSR 82-16-022
ATTORNEY GENERAL OPINION
Cite as: AGLO 1982 No. 18
[July 26, 1982]

COURTS—JUSTICE—MUNICIPAL JUDGE—POWERS OF CERTAIN POLICE JUDGE UNDER RCW 35A.20.020.

An attorney who is not also an ejected justice of the peace, but who is appointed as the police judge of a code city under RCW 35A.20.020, does not thereby gain the powers of a justice of the peace as well.

Requested by:
Honorable Jack Metcalf
St. Sen., 10th District
3273 E. Saratoga Road
Langley, WA 98260

WSR 82-16-023
EMERGENCY RULES
HIGHER EDUCATION PERSONNEL BOARD
[Order 99—Filed July 27, 1982]

Be it resolved by the Higher Education Personnel Board, acting at Grays Harbor College, Aberdeen, Washington, that it does promulgate and adopt the annexed rules relating to Annual leave—Cash payments, WAC 251-22-090.

We, the Higher Education Personnel Board, 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 rule was amended on an emergency basis in June 1982, in response to ESB 5007 to be effective July 1, 1982. Pursuant to a subsequent superior court decision, the rule has again been amended on an emergency basis to be effective immediately.

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

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

APPROVED AND ADOPTED July 15, 1982.

By Dennis Carlson
Acting Director

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-22-090 ANNUAL LEAVE—CASH PAYMENT. ((~~Cash payment for unused accumulated annual leave must be made to an employee who has completed six months of continuous employment under the following conditions:~~

~~(1) Upon written resignation, with a minimum of two calendar weeks notice. The employing official may waive the notice period.~~

~~(2) Upon separation by death, retirement, layoff or dismissal of an employee.~~)) Classified employees who are members of Public Employees Retirement System Plan I are entitled to a lump sum cash payment for all unused annual leave when they separate from service by resignation, layoff, dismissal, retirement or death. Compensation for unused annual leave shall be computed and paid as prescribed by the office of financial management.

WSR 82-16-024
EMERGENCY RULES
HIGHER EDUCATION PERSONNEL BOARD
[Order 100—Filed July 27, 1982]

Be it resolved by the Higher Education Personnel Board, acting at Western Washington University, Bellingham, Washington, that it does promulgate and adopt the annexed rules relating to Annual leave—Separation, WAC 251-22-091.

We, the Higher Education Personnel Board, 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 rule was adopted on an emergency basis in June in response to ESB 5007 to be effective July 1, 1982. Pursuant to a subsequent superior court decision, the rule was amended on an emergency basis to be effective immediately.

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

This rule is promulgated under the general rule-making authority of the Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

APPROVED AND ADOPTED July 19, 1982.

By Dennis Carlson
Acting Director

NEW SECTION

WAC 251-22-091 ANNUAL LEAVE—SEPARATION. Classified employees who have completed six continuous months of employment who are not members of Public Employees Retirement System Plan I must be permitted to use all accumulated annual leave as vacation leave prior to their separation from service by resignation, layoff, dismissal or retirement. In case of death, compensation for unused annual leave shall be computed and paid in a lump sum as prescribed by the office of financial management. Lump sum cash payment for unused vacation leave may be made upon termination of employment for vacation leave earned prior to July 1, 1982.

WSR 82-16-025
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Order ET 82-6—Filed July 27, 1982]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	WAC 458-20-119	Sales of meals.
Amd	WAC 458-20-237	Retail sales tax collection schedules.
Amd	WAC 458-20-244	Food products.

I, Donald R. Burrows, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is rule revision of May 1, 1982, to reflect amended law must be continued on emergency basis until such time as permanent rule adoption on September 1, 1982.

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

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 27, 1982.

By Don R. McCuiston
Director, Interpretation and Appeals Division

AMENDATORY SECTION *(Amending Order ET 78-4, filed 6/27/78)*

WAC 458-20-119 SALES OF MEALS.

BUSINESS AND OCCUPATION TAX

All persons making sales of meals, upon which the retail sales tax applies under the provisions set forth in this ruling, are required to pay the business and occupation tax under the retailing classification upon the gross proceeds derived from such sales.

RETAIL SALES TAX

RESTAURANTS AND OTHER EATING PLACES. Sales of meals by hotels, restaurants, cafeterias, clubs, boarding houses and other eating places are subject to the retail sales tax. Sales to such eating places of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

In the case of boarding houses and American plan hotels the price of meals must be segregated from the charges made for rooms on bills rendered guests and on the books of the taxpayer. (See WAC 458-20-124—Restaurants, etc.)

RAILROAD, PULLMAN CAR, STEAMSHIP, AIRPLANE, OR OTHER TRANSPORTATION ((~~COMPANIES~~)) COMPANY DINERS. Sales of meals by railroad, Pullman car, steamship, airplane, or other transportation companies served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retail sales tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount so charged is deemed a charge for transportation and the retail sales tax is not applicable to any portion thereof. In such case the transportation company will be liable to its vendors for retail sales tax upon the purchase of the food supplies or meals.

((~~MEALS FURNISHED TO EMPLOYEES. Except as provided by WAC 458-20-244 (Rule 244), sales of meals by employers to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served, based upon the actual cost of the food, but in no event may such tax be reported on a value of less than 75¢ per meal. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue, based upon a value of no less than 75¢ for each meal furnished. Where meals furnished are not recorded as sales the 75¢ value per meal shall be presumed to apply according to the following formula for determining meal count: (a) Those employees working shifts up to five hours, one meal. (b) Employees working shifts of more than five hours, two meals.~~

~~Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.~~))

HOSPITALS AND INSTITUTIONS. The serving of meals by hospitals, rest homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not subject to the retail sales tax. ((~~See WAC 458-20-244 (Rule 244).~~)) In cases where compensation of nurses or attendants employed by hospitals includes the furnishing of meals in addition to the stated cash wage, the same rule applies. Sales of food and beverage products to such institutions for use in preparing such meals are sales for consumption and are subject to the tax.

However, many hospitals have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees, and certain hospitals have agreements whereby nurses employed are paid a fixed cash wage in full payment for services rendered, which does not include the charge made for meals. Under those circumstances, all sales of meals to such persons are subject to the retail sales tax.

Since it is impracticable for hospitals, at the time of purchasing food products, to determine the portion that will be used in furnishing the services rendered by them, hospitals may, in lieu of accurate accounting, determine sales tax liability, upon sales of meals served to other than patients, in the following manner:

(1) Retail sales tax should be paid to hospitals' vendors upon all purchases of food products, irrespective of the amount thereof to be served to patients.

(2) Retail sales tax should be collected upon all sales of meals made to doctors and visitors and to nurses and all other employees whose compensation does not include the furnishing of meals.

(3) In computing sales tax liability, hospitals may take a deduction of 50% from the gross sales, in lieu of refund of sales tax paid by them to their vendors upon the original purchase of food used in preparing meals for sale to doctors and visitors and to nurses and others whose compensation does not include the furnishing of meals.

FRATERNITIES AND SORORITIES. Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members. ((~~See WAC 458-20-244 (Rule 244).~~)) Sales of food and beverage products to such groups to be used in preparing meals are sales for consumption and are subject to the retail sales tax.

However, when such groups do not provide their own meals, but the meals are provided by caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax. Sales to such caterers or concessionaires of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

MEALS FURNISHED TO EMPLOYEES. Sales of meals by logging companies, mills, contractors, transportation companies and other business and industrial concerns to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served, based upon the actual cost of the food. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue. Where meals furnished are not recorded as sales the tax due on meals shall be presumed to apply according to the following formula for determining meal count: (a) Those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.

SCHOOL, COLLEGE, OR UNIVERSITY DINING ROOMS. Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias or dining rooms for the exclusive purpose of providing students and faculty with meals are not considered to be engaged in the business of making retail sales. ((~~See WAC 458-20-244 (Rule 244).~~))

Where any such cafeteria, lunch or dining room caters to the public the school, college or university operating it is considered to be making retail sales and the retail sales tax must be collected from all persons to whom the meals are furnished.

SALES OF ALCOHOLIC BEVERAGES BY CLASS H LICENSEES, TAVERNS, AND CONCESSIONAIRES. Businesses authorized under license or permit issued by the Washington State Liquor Control Board to sell liquor, beer, and wine by the drink under conditions of business such as to render impracticable the separate collection of the retail sales tax may, upon compliance with the following requirements and conditions, include the retail sales tax in the selling price of the item sold: (a) The establishment must display a chart, in type large enough to be read by customers, posted in a conspicuous place, which separately lists each item by name, the selling price, sales tax, and total charge, and (b) the chart must be posted at a location where the customer can easily read the chart without being required to enter employee work areas or without special request that the chart be furnished to him. This procedure is permissible only for sale of alcoholic beverages and not to sales of meals or other menu items. A list of prices which merely shows number combinations which add up to even nickel or dime amounts does not meet the foregoing requirements. An operator who elects to report sales tax in the manner herein provided but fails to follow the foregoing requirements shall be subject to business and occupation tax and retail sales tax upon gross receipts.

CLASS H LICENSE LOCATIONS. When an operator elects pursuant to the foregoing, to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals and food totals must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: Food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.

GRATUITIES. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing classification of the business and occupation tax and the retail sales tax.

Revised ((~~April 28, 1978.~~)) April 30, 1982
Effective ((~~July 1, 1978~~)) May 1, 1982.

AMENDATORY SECTION (Amending Order 82-1, filed 2/24/82)

WAC 458-20-237 RETAIL SALES TAX COLLECTION SCHEDULES. Under the provisions of chapter ((8)) 35, Laws of ((~~1981 2nd~~)) 1982 1st ex. sess., the state retail sales tax was ((~~increased~~)) decreased to ((~~5.5~~)) 5.4% effective ((~~December 4, 1981~~)) May 1, 1982. RCW 82.14.030 authorizes counties and cities to levy a local sales and use tax of .5%, such local tax to be collected along with the ((~~5.5~~)) 5.4% state tax, making a total combined tax of ((6)) 5.9% in areas imposing the local tax. By RCW 82.14.045 all cities and counties, after voter approval, are authorized to levy an additional sales and use tax of .1%, .2%, or .3%, and, in the case of a class AA county, .4%, .5%, or .6%, to finance public transportation systems, which tax is also to be collected along with the state tax, making a total combined tax of 6.1%, 6.2%, ((~~6.3%, 6.4%,~~)) or 6.5%((; ~~or 6.6%~~)).

Under the authority of RCW 82.08.060 and 82.14-.070, and in accordance with chapter 34.04 RCW, the department of revenue has adopted the following ((~~5.5~~)) 5.4%, ((~~6.0~~)) 5.9%, 6.1%, 6.2%, ((~~6.3%, 6.4%,~~)) and ((~~6.6~~)) 6.5% schedules to govern the collection of retail sales tax on all retail sales. Also, under chapter 49, Laws of 1982 1st extraordinary session, counties and cities are authorized to impose optional sales tax or use tax at rates up to five-tenths of one percent. Imposition of these taxes will affect the foregoing collection schedules accordingly.

((~~RETAIL SALES TAX COLLECTION SCHEDULE~~
~~December 4, 1981~~

~~5.5 Percent~~

~~SALE~~	~~TAX~~
~~.10- .27~~	~~.01~~
~~.28- .45~~	~~.02~~
~~.46- .63~~	~~.03~~
~~.64- .81~~	~~.04~~
~~.82- .99~~	~~.05~~
~~1.00- 1.18~~	~~.06~~
~~1.19- 1.36~~	~~.07~~
~~1.37- 1.54~~	~~.08~~
~~1.55- 1.72~~	~~.09~~
~~1.73- 1.90~~	~~.10~~
~~1.91- 2.09~~	~~.11~~
~~2.10- 2.27~~	~~.12~~
~~2.28- 2.45~~	~~.13~~
~~2.46- 2.63~~	~~.14~~
~~2.64- 2.81~~	~~.15~~
~~2.82- 2.99~~	~~.16~~
~~3.00- 3.18~~	~~.17~~
~~3.19- 3.36~~	~~.18~~
~~3.37- 3.54~~	~~.19~~
~~3.55- 3.72~~	~~.20~~
~~3.73- 3.90~~	~~.21~~
~~3.91- 4.09~~	~~.22~~
~~4.10- 4.27~~	~~.23~~
~~4.28- 4.45~~	~~.24~~
~~4.46- 4.63~~	~~.25~~
~~4.64- 4.81~~	~~.26~~
~~4.82- 4.99~~	~~.27~~
~~5.00- 5.18~~	~~.28~~
~~5.19- 5.36~~	~~.29~~
~~5.37- 5.54~~	~~.30~~
~~5.55- 5.72~~	~~.31~~
~~5.73- 5.90~~	~~.32~~
~~5.91- 6.09~~	~~.33~~
~~6.10- 6.27~~	~~.34~~
~~6.28- 6.45~~	~~.35~~
~~6.46- 6.63~~	~~.36~~
~~6.64- 6.81~~	~~.37~~
~~6.82- 6.99~~	~~.38~~
~~7.00- 7.18~~	~~.39~~
~~7.19- 7.36~~	~~.40~~
~~7.37- 7.54~~	~~.41~~
~~7.55- 7.72~~	~~.42~~
~~7.73- 7.90~~	~~.43~~
~~7.91- 8.09~~	~~.44~~
~~8.10- 8.27~~	~~.45~~
~~8.28- 8.45~~	~~.46~~
~~8.46- 8.63~~	~~.47~~
~~8.64- 8.81~~	~~.48~~
~~8.82- 8.99~~	~~.49~~
~~9.00- 9.18~~	~~.50~~
~~9.19- 9.36~~	~~.51~~
~~9.37- 9.54~~	~~.52~~
~~9.55- 9.72~~	~~.53~~
~~9.73- 9.90~~	~~.54~~
~~9.91-10.09~~	~~.55~~

~~RETAIL SALES TAX COLLECTION SCHEDULE~~

~~December 4, 1981~~

~~6.0 Percent~~

~~SALE~~		~~TAX~~
~~.09~~	~~.24~~	~~.01~~
~~.25~~	~~.41~~	~~.02~~
~~.42~~	~~.58~~	~~.03~~
~~.59~~	~~.74~~	~~.04~~
~~.75~~	~~.91~~	~~.05~~
~~.92~~	~~1.08~~	~~.06~~
~~1.09~~	~~1.24~~	~~.07~~
~~1.25~~	~~1.41~~	~~.08~~
~~1.42~~	~~1.58~~	~~.09~~
~~1.59~~	~~1.74~~	~~.10~~
~~1.75~~	~~1.91~~	~~.11~~
~~1.92~~	~~2.08~~	~~.12~~
~~2.09~~	~~2.24~~	~~.13~~
~~2.25~~	~~2.41~~	~~.14~~
~~2.42~~	~~2.58~~	~~.15~~
~~2.59~~	~~2.74~~	~~.16~~
~~2.75~~	~~2.91~~	~~.17~~
~~2.92~~	~~3.08~~	~~.18~~
~~3.09~~	~~3.24~~	~~.19~~
~~3.25~~	~~3.41~~	~~.20~~
~~3.42~~	~~3.58~~	~~.21~~
~~3.59~~	~~3.74~~	~~.22~~
~~3.75~~	~~3.91~~	~~.23~~
~~3.92~~	~~4.08~~	~~.24~~
~~4.09~~	~~4.24~~	~~.25~~
~~4.25~~	~~4.41~~	~~.26~~
~~4.42~~	~~4.58~~	~~.27~~
~~4.59~~	~~4.74~~	~~.28~~
~~4.75~~	~~4.91~~	~~.29~~
~~4.92~~	~~5.08~~	~~.30~~
~~5.09~~	~~5.24~~	~~.31~~
~~5.25~~	~~5.41~~	~~.32~~
~~5.42~~	~~5.58~~	~~.33~~
~~5.59~~	~~5.74~~	~~.34~~
~~5.75~~	~~5.91~~	~~.35~~
~~5.92~~	~~6.08~~	~~.36~~
~~6.09~~	~~6.24~~	~~.37~~
~~6.25~~	~~6.41~~	~~.38~~
~~6.42~~	~~6.58~~	~~.39~~
~~6.59~~	~~6.74~~	~~.40~~
~~6.75~~	~~6.91~~	~~.41~~
~~6.92~~	~~7.08~~	~~.42~~
~~7.09~~	~~7.24~~	~~.43~~
~~7.25~~	~~7.41~~	~~.44~~
~~7.42~~	~~7.58~~	~~.45~~
~~7.59~~	~~7.74~~	~~.46~~
~~7.75~~	~~7.91~~	~~.47~~
~~7.92~~	~~8.08~~	~~.48~~
~~8.09~~	~~8.24~~	~~.49~~
~~8.25~~	~~8.41~~	~~.50~~
~~8.42~~	~~8.58~~	~~.51~~
~~8.59~~	~~8.74~~	~~.52~~
~~8.75~~	~~8.91~~	~~.53~~
~~8.92~~	~~9.08~~	~~.54~~
~~9.09~~	~~9.24~~	~~.55~~
~~9.25~~	~~9.41~~	~~.56~~
~~9.42~~	~~9.59~~	~~.57~~
~~9.60~~	~~9.74~~	~~.58~~
~~9.75~~	~~9.91~~	~~.59~~
~~9.92~~	~~10.08~~	~~.60~~))

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

5.4 Percent

SALE		TAX
.10	.27	.01
.28	.46	.02
.47	.64	.03
.65	.83	.04
.84	1.01	.05
1.02	1.20	.06
1.21	1.38	.07
1.39	1.57	.08
1.58	1.75	.09
1.76	1.94	.10
1.95	2.12	.11
2.13	2.31	.12
2.32	2.49	.13
2.50	2.68	.14
2.69	2.87	.15
2.88	3.05	.16
3.06	3.24	.17
3.25	3.42	.18
3.43	3.61	.19
3.62	3.79	.20
3.80	3.98	.21
3.99	4.16	.22
4.17	4.35	.23
4.36	4.53	.24
4.54	4.72	.25
4.73	4.90	.26
4.91	5.09	.27
5.10	5.27	.28
5.28	5.46	.29
5.47	5.64	.30
5.65	5.83	.31
5.84	6.01	.32
6.02	6.20	.33
6.21	6.38	.34
6.39	6.57	.35
6.58	6.75	.36
6.76	6.94	.37
6.95	7.12	.38
7.13	7.31	.39
7.32	7.49	.40
7.50	7.68	.41
7.69	7.87	.42
7.88	8.05	.43
8.06	8.24	.44
8.25	8.42	.45
8.43	8.61	.46
8.62	8.79	.47
8.80	8.98	.48
8.99	9.16	.49

SALE		TAX
9.17–	9.35	.50
9.36–	9.53	.51
9.54–	9.72	.52
9.73–	9.90	.53
9.91–	10.09	.54

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

5.9 Percent

SALE		TAX
.09–	.25	.01
.26–	.42	.02
.43–	.59	.03
.60–	.76	.04
.77–	.93	.05
.94–	1.10	.06
1.11–	1.27	.07
1.28–	1.44	.08
1.45–	1.61	.09
1.62–	1.77	.10
1.78–	1.94	.11
1.95–	2.11	.12
2.12–	2.28	.13
2.29–	2.45	.14
2.46–	2.62	.15
2.63–	2.79	.16
2.80–	2.96	.17
2.97–	3.13	.18
3.14–	3.30	.19
3.31–	3.47	.20
3.48–	3.64	.21
3.65–	3.81	.22
3.82–	3.98	.23
3.99–	4.15	.24
4.16–	4.32	.25
4.33–	4.49	.26
4.50–	4.66	.27
4.67–	4.83	.28
4.84–	4.99	.29
5.00–	5.16	.30
5.17–	5.33	.31
5.34–	5.50	.32
5.51–	5.67	.33
5.68–	5.84	.34
5.85–	6.01	.35
6.02–	6.18	.36
6.19–	6.35	.37
6.36–	6.52	.38
6.53–	6.69	.39
6.70–	6.86	.40
6.87–	7.03	.41
7.04–	7.20	.42
7.21–	7.37	.43
7.38–	7.54	.44
7.55–	7.71	.45
7.72–	7.88	.46
7.89–	8.05	.47
8.06–	8.22	.48

SALE		TAX
8.23–	8.38	.49
8.39–	8.55	.50
8.56–	8.72	.51
8.73–	8.89	.52
8.90–	9.06	.53
9.07–	9.23	.54
9.24–	9.40	.55
9.41–	9.57	.56
9.58–	9.74	.57
9.75–	9.91	.58
9.92–	10.08	.59

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

6.1 Percent

SALE		TAX
.09–	.24	.01
.25–	.40	.02
.41–	.57	.03
.58–	.73	.04
.74–	.90	.05
.91–	1.06	.06
1.07–	1.22	.07
1.23–	1.39	.08
1.40–	1.55	.09
1.56–	1.72	.10
1.73–	1.88	.11
1.89–	2.04	.12
2.05–	2.21	.13
2.22–	2.37	.14
2.38–	2.54	.15
2.55–	2.70	.16
2.71–	2.86	.17
2.87–	3.03	.18
3.04–	3.19	.19
3.20–	3.36	.20
3.37–	3.52	.21
3.53–	3.68	.22
3.69–	3.85	.23
3.86–	4.01	.24
4.02–	4.18	.25
4.19–	4.34	.26
4.35–	4.50	.27
4.51–	4.67	.28
4.68–	4.83	.29
4.84–	4.99	.30
5.00–	5.16	.31
5.17–	5.32	.32
5.33–	5.49	.33
5.50–	5.65	.34
5.66–	5.81	.35
5.82–	5.98	.36
5.99–	6.14	.37
6.15–	6.31	.38
6.32–	6.47	.39
6.48–	6.63	.40
6.64–	6.80	.41
6.81–	6.96	.42

SALE		TAX
6.97–	7.13	.43
7.14–	7.29	.44
7.30–	7.45	.45
7.46–	7.62	.46
7.63–	7.78	.47
7.79–	7.95	.48
7.96–	8.11	.49
8.12–	8.27	.50
8.28–	8.44	.51
8.45–	8.60	.52
8.61–	8.77	.53
8.78–	8.93	.54
8.94–	9.09	.55
9.10–	9.26	.56
9.27–	9.42	.57
9.43–	9.59	.58
9.60–	9.75	.59
9.76–	9.91	.60
9.92–	10.08	.61

RETAIL SALES TAX COLLECTION SCHEDULE
((~~December 4, 1981~~))

May 1, 1982

6.2 Percent

SALE		TAX
.09–	.24	.01
.25–	.40	.02
.41–	.56	.03
.57–	.72	.04
.73–	.88	.05
.89–	1.04	.06
1.05–	1.20	.07
1.21–	1.37	.08
1.38–	1.53	.09
1.54–	1.69	.10
1.70–	1.85	.11
1.86–	2.01	.12
2.02–	2.17	.13
2.18–	2.33	.14
2.34–	2.49	.15
2.50–	2.66	.16
2.67–	2.82	.17
2.83–	2.98	.18
2.99–	3.14	.19
3.15–	3.30	.20
3.31–	3.46	.21
3.47–	3.62	.22
3.63–	3.79	.23
3.80–	3.95	.24
3.96–	4.11	.25
4.12–	4.27	.26
4.28–	4.43	.27
4.44–	4.59	.28
4.60–	4.75	.29
4.76–	4.91	.30
4.92–	5.08	.31
5.09–	5.24	.32

SALE		TAX
5.25–	5.40	.33
5.41–	5.56	.34
5.57–	5.72	.35
5.73–	5.88	.36
5.89–	6.04	.37
6.05–	6.20	.38
6.21–	6.37	.39
6.38–	6.53	.40
6.54–	6.69	.41
6.70–	6.85	.42
6.86–	7.01	.43
7.02–	7.17	.44
7.18–	7.33	.45
7.34–	7.49	.46
7.50–	7.66	.47
7.67–	7.82	.48
7.83–	7.98	.49
7.99–	8.14	.50
8.15–	8.30	.51
8.31–	8.46	.52
8.47–	8.62	.53
8.63–	8.79	.54
8.80–	8.95	.55
8.96–	9.11	.56
9.12–	9.27	.57
9.28–	9.43	.58
9.44–	9.59	.59
9.60–	9.75	.60
9.76–	9.91	.61
9.92–	10.08	.62

((~~RETAIL SALES TAX COLLECTION SCHEDULE~~
~~December 4, 1981~~

~~6.3 Percent~~

~~SALE~~		~~TAX~~
~~.08–~~	~~.23~~	~~.01~~
~~.24–~~	~~.39~~	~~.02~~
~~.40–~~	~~.55~~	~~.03~~
~~.56–~~	~~.71~~	~~.04~~
~~.72–~~	~~.87~~	~~.05~~
~~.88–~~	~~1.03~~	~~.06~~
~~1.04–~~	~~1.19~~	~~.07~~
~~1.20–~~	~~1.34~~	~~.08~~
~~1.35–~~	~~1.50~~	~~.09~~
~~1.51–~~	~~1.66~~	~~.10~~
~~1.67–~~	~~1.82~~	~~.11~~
~~1.83–~~	~~1.98~~	~~.12~~
~~1.99–~~	~~2.14~~	~~.13~~
~~2.15–~~	~~2.30~~	~~.14~~
~~2.31–~~	~~2.46~~	~~.15~~
~~2.47–~~	~~2.61~~	~~.16~~
~~2.62–~~	~~2.77~~	~~.17~~
~~2.78–~~	~~2.93~~	~~.18~~
~~2.94–~~	~~3.09~~	~~.19~~
~~3.10–~~	~~3.25~~	~~.20~~
~~3.26–~~	~~3.41~~	~~.21~~
~~3.42–~~	~~3.57~~	~~.22~~
~~3.58–~~	~~3.73~~	~~.23~~

~~SALE TAX~~

~~3.74- 3.88 .24~~
~~3.89- 4.04 .25~~
~~4.05- 4.20 .26~~
~~4.21- 4.36 .27~~
~~4.37- 4.52 .28~~
~~4.53- 4.68 .29~~
~~4.69- 4.84 .30~~
~~4.85- 4.99 .31~~
~~5.00- 5.15 .32~~
~~5.16- 5.31 .33~~
~~5.32- 5.47 .34~~
~~5.48- 5.63 .35~~
~~5.64- 5.79 .36~~
~~5.80- 5.95 .37~~
~~5.96- 6.11 .38~~
~~6.12- 6.26 .39~~
~~6.27- 6.42 .40~~
~~6.43- 6.58 .41~~
~~6.59- 6.74 .42~~
~~6.75- 6.90 .43~~
~~6.91- 7.06 .44~~
~~7.07- 7.22 .45~~
~~7.23- 7.38 .46~~
~~7.39- 7.53 .47~~
~~7.54- 7.69 .48~~
~~7.70- 7.85 .49~~
~~7.86- 8.01 .50~~
~~8.02- 8.17 .51~~
~~8.18- 8.33 .52~~
~~8.34- 8.49 .53~~
~~8.50- 8.65 .54~~
~~8.66- 8.80 .55~~
~~8.81- 8.96 .56~~
~~8.97- 9.12 .57~~
~~9.13- 9.28 .58~~
~~9.29- 9.44 .59~~
~~9.45- 9.60 .60~~
~~9.61- 9.76 .61~~
~~9.77- 9.92 .62~~
~~9.93-10.07 .63))~~

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

6.5 Percent

SALE		TAX
.08-	.23	.01
.24-	.38	.02
.39-	.53	.03
.54-	.69	.04
.70-	.84	.05
.85-	.99	.06
1.00-	1.15	.07
1.16-	1.30	.08
1.31-	1.46	.09
1.47-	1.61	.10
1.62-	1.76	.11
1.77-	1.92	.12
1.93-	2.07	.13

SALE		TAX
2.08-	2.23	.14
2.24-	2.38	.15
2.39-	2.53	.16
2.54-	2.69	.17
2.70-	2.84	.18
2.85-	2.99	.19
3.00-	3.15	.20
3.16-	3.30	.21
3.31-	3.46	.22
3.47-	3.61	.23
3.62-	3.76	.24
3.77-	3.92	.25
3.93-	4.07	.26
4.08-	4.23	.27
4.24-	4.38	.28
4.39-	4.53	.29
4.54-	4.69	.30
4.70-	4.84	.31
4.85-	4.99	.32
5.00-	5.15	.33
5.16-	5.30	.34
5.31-	5.46	.35
5.47-	5.61	.36
5.62-	5.76	.37
5.77-	5.92	.38
5.93-	6.07	.39
6.08-	6.23	.40
6.24-	6.38	.41
6.39-	6.53	.42
6.54-	6.69	.43
6.70-	6.84	.44
6.85-	6.99	.45
7.00-	7.15	.46
7.16-	7.30	.47
7.31-	7.46	.48
7.47-	7.61	.49
7.62-	7.76	.50
7.77-	7.92	.51
7.93-	8.07	.52
8.08-	8.23	.53
8.24-	8.38	.54
8.39-	8.53	.55
8.54-	8.69	.56
8.70-	8.84	.57
8.85-	8.99	.58
9.00-	9.15	.59
9.16-	9.30	.60
9.31-	9.46	.61
9.47-	9.61	.62
9.62-	9.76	.63
9.77-	9.92	.64
9.93-	10.07	.65

((~~RETAIL SALES TAX COLLECTION SCHEDULE~~

~~December 4, 1981~~

~~6.6 Percent~~

~~SALE TAX~~

~~.08- .22 .01~~

SALE	TAX
.23- .37	.02
.38- .53	.03
.54- .68	.04
.69- .83	.05
.84- .98	.06
.99- 1.13	.07
1.14- 1.28	.08
1.29- 1.43	.09
1.44- 1.59	.10
1.60- 1.74	.11
1.75- 1.89	.12
1.90- 2.04	.13
2.05- 2.19	.14
2.20- 2.34	.15
2.35- 2.49	.16
2.50- 2.65	.17
2.66- 2.80	.18
2.81- 2.95	.19
2.96- 3.10	.20
3.11- 3.25	.21
3.26- 3.40	.22
3.41- 3.56	.23
3.57- 3.71	.24
3.72- 3.86	.25
3.87- 4.01	.26
4.02- 4.16	.27
4.17- 4.31	.28
4.32- 4.46	.29
4.47- 4.62	.30
4.63- 4.77	.31
4.78- 4.92	.32
4.93- 5.07	.33
5.08- 5.22	.34
5.23- 5.37	.35
5.38- 5.53	.36
5.54- 5.68	.37
5.69- 5.83	.38
5.84- 5.98	.39
5.99- 6.13	.40
6.14- 6.28	.41
6.29- 6.43	.42
6.44- 6.59	.43
6.60- 6.74	.44
6.75- 6.89	.45
6.90- 7.04	.46
7.05- 7.19	.47
7.20- 7.34	.48
7.35- 7.49	.49
7.50- 7.65	.50
7.66- 7.80	.51
7.81- 7.95	.52
7.96- 8.10	.53
8.11- 8.25	.54
8.26- 8.40	.55
8.41- 8.56	.56
8.57- 8.71	.57
8.72- 8.86	.58
8.87- 9.01	.59
9.02- 9.16	.60
9.17- 9.31	.61

SALE	TAX
9.32- 9.46	.62
9.47- 9.62	.63
9.63- 9.77	.64
9.78- 9.92	.65
9.93-10.07	.66))

Note: Brackets are repetitive above $10.

Revised ((November 19, 1980)) April 30, 1982

AMENDATORY SECTION (Amending Order ET 78-1, filed 4/21/78)

WAC 458-20-244 FOOD PRODUCTS. ((Initiative Measure No. 345, approved November 8, 1977, added new subsections to RCW 82.08.030 and 82.12.030 exempting certain food products for human consumption away from the retailer's premises from retail sales tax and use tax. There is no food products exemption for business and occupation tax. The effective date of these exemptions is July 1, 1978. The word "tax" as used hereafter in this rule means retail sales tax. "Food products" include generally those products normally ingested by humans for nourishment, but the term excludes seeds, seedlings, trees, and the like, for home gardens, as well as breeding stock of animals, birds, insects, and other animate creatures.

The law exempts most, but not all, food products from tax, but even the food products qualified for exemption are made subject to tax by the law if any one of the following circumstances is present:

a. The food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the seller or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others;

OR;

b. The food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location. Where such facilities are provided the tax applies even if the food products are sold on a "take out" or "to go" order and it is immaterial that the products are actually packaged or wrapped and that they are in fact taken from the premises of the retailer;

OR;

c. The food products are sold for consumption within a place (except national or state parks or monuments), the entrance to which is subject to an admission charge. But, even if the admission-charged place is a national or state park or monument such that the

admission charge does not negate the exemption, the tax will apply if either circumstances a or b above are present.

VENDORS WHO ARE REQUIRED TO COLLECT TAX:

1. Sales of food products are subject to tax when sold by cafes, caterers, restaurants, pizza parlors, food drive-ins, vending machine operators, and businesses which are operated in such a way as to invite or permit consumption of the food at or near the premises where the food is sold. This circumstance is presumed to occur where customers are provided facilities for immediate consumption of food sold, such as tables, chairs, or counters, trays, glasses, dishes, or tableware (whether reusable or not), or a nearby parking area available for immediate use of customers in consuming the food. It is the intent of the law that tax be charged by retailers who sell food products ready for consumption at or near the premises of the vendor by furnishing cups, spoons, straws or the like to facilitate immediate consumption. If such facilities are provided the tax applies even though the food is sold, packaged, or wrapped "to go" and even if the food is in fact removed from the premises of the retailer and is consumed elsewhere. The test is not where the food is actually consumed but whether the customer is provided any of the described facilities for consumption of the food.

2. Sales by theaters, fair grounds concessions, athletic arena concessions, and any other businesses selling food products within a place to which an admission price is charged are taxable. The only exceptions as to admission-charged areas are national or state parks or monuments, but even sales of food products within such state or national areas are taxable if customers are provided facilities for consumption as described in paragraph #1.

EXEMPT AND TAXABLE SALES BY GROCERS:

The following are lists of exempt and taxable items normally sold by grocery stores, supermarkets, and similar businesses. The examples are meant to be illustrative and are not all inclusive.

The exempt products listed are exempt when sold for off premises consumption but are taxable if sold for immediate consumption as described in paragraph #1 above.

Exempt if Consumption Facilities Not Provided

Baby foods	Marshmallows
Bakery products	Mayonnaise
Baking Soda	Meat, meat products
Bouillon cubes	Milk, milk products
Candy	Mustard
Cereal products	Noncarbonated soft drinks
Chocolate	Nuts
Cocoa	Oleomargarine
Coffee and coffee substitutes	Olives, olive oil
Condiments	Peanut butter
Crackers	Popcorn
*Diet food	Popsicles
Eggs, egg products	Potato chips
Extracts and flavoring for food	Powdered drink mixes
Fish, fish products	Sandwich spreads
Flour	Sauces
Food coloring	Sherbet
Frozen foods	Shortening
Fruit, fruit products	Soup
Gelatin	Sugar, sugar products, *Health foods sugar substitutes
Honey	Syrups
Ice cream, toppings	Tea
Jam, jelly, jello	Vegetables, vegetable products
	Yeast

The products listed as taxable are subject to tax however sold or prepared.

Specific Classes Of Items Taxable In All Cases

Alcoholic beverages	First aid products
Aspirin	Ice, bottled water (mineral or otherwise)
Beer or wine making supplies	Mouthwashes
Calcium tablets	Noncdible cake decorations
Carbonated beverages	Nonprescription medicines
Chewing tobacco	Patent medicines
Cod liver oil	Pet food and supplies
Cough medicines (liquid or lozenge)	Seeds and plants for gardens
*Dietary supplements or adjuncts	Tonics, vitamins
	Toothpaste

*NOTE: Sales of dietary supplements which are subject to regulation by the U.S. Federal Drug Administration are subject to tax. Regulated dietary supplements are those preparations which provide 50 percent or more of the U.S. Recommended Daily Allowance (U.S. RDA) of essential vitamins and minerals per serving.

Health foods or dietary preparations containing less than 50 percent of U.S. RDAs per serving may be sold tax exempt as food and FDA regulations (21 CFR, chapter I, Part 80) adopted October 12, 1976, effective January 1, 1978, prohibit any claim that such preparations are "dietary supplements." Dietary supplements do not include any food in its raw or natural state, which means that nothing has been done to the product, other than superficial treatment (such as washing its surface), to change the product physically or chemically before marketing.

Dietary adjuncts are vitamin/mineral preparations taken to meet special vitamin or mineral needs occasioned by drug therapy. Dietary adjuncts are not tax exempt food products.

Retailers of food products are required to keep adequate records to demonstrate that any sales claimed tax exempt in fact qualify for exemption under this rule and the law.

COMBINATION BUSINESS:

Persons operating a combination of two businesses at one location, one of which provides facilities for consumption on the premises (see paragraph #1, "Vendors Who Are Required to Collect Tax"), such as a lunch counter along with a grocery store or a cafe along with a bakery, are required to keep their inventories, accounting records, and sales receipts segregated between the two businesses. If the two businesses are commingled in

~~operation and accounting, all sales will be deemed subject to tax.~~

~~*COMBINATION PACKAGES:*~~

~~When a package consists of both food and nonfood products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or carbonated beverages along with cheese and crackers, the food portion may be tax exempt if its price is stated separately; if the price is a lump sum, the tax applies to the entire price.~~

~~However, promotional give-aways of nonfood items to enhance food sales, such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the container or dish is simply a gift furnished as a sales inducement for the food. In the same way, promotional give-aways of food items as an inducement for sales of nonfood items are not exempt (e.g., the sale of fancy crystal ware containing candy or nuts is fully subject to sales tax).~~

~~*COMMISSARIES OR GROCERY SHOPS IN INSTITUTIONS OR OTHER RESTRICTED (NOT OPEN TO THE PUBLIC) AREAS:*~~

~~Food products sold by commissaries which restrict sales generally to residents, inmates, or a similarly limited group of customers are tax exempt if the food products are for consumption away from the general area reserved for merchandizing such products.~~

~~*OTHER FOOD VENDORS:*~~

~~1. Restaurants and transportation companies (e.g., air, rail, water), and businesses furnishing meals to employees, see Rule 119 [WAC 458-20-119].~~

~~2. Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see Rule 166 [WAC 458-20-166].~~

~~3. Religious, charitable, benevolent, and nonprofit service organizations, see Rule 169 [WAC 458-20-169].~~

~~4. Certain persons, groups, or institutions purchase food products for purposes of serving meals to individuals and historically have been required to pay sales tax as consumers on such purchases because of a unique relationship between the food purchases and the nature of the services rendered by such groups. Food sales taxed in this way were the following:~~

~~(a) Furnishing of meals by hospitals, rest homes, sanitariums, and similar institutions to patients as a part of the service rendered in the conduct of such institutions.~~

~~(b) Serving of meals to members by fraternities, sororities, and other similar groups who reside in one place and jointly share the expenses of the household including expenses of meals provided by them.~~

~~(c) Providing of meals by public schools, high schools, colleges, universities, or private schools operating lunch rooms, cafeterias, or dining rooms for the exclusive purpose of providing students and faculty with meals as a part of the educational program.~~

~~(d) Providing of meals by guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc., and which make an unsegregated charge for meals, lodging, and services, and report such charges under the service classification as provided by Rule 166 [WAC 458-20-166].~~

~~Since purchase of food products in any of these four situations has been subject to sales tax in the past, the food products exemption applies to these purchases of food products for human consumption. However, sales of meals by such groups in circumstances other than furnishing them in connection with services in the four situations described above are governed by Rule 119 [WAC 458-20-119]. Further, when such groups do not provide their own meals, but the meals are purchased from caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax.~~

~~*USE TAX:*~~

~~All of the foregoing provisions of this rule dealing with sales tax are equally applicable with respect to the use tax of chapter 82.12 RCW.~~))

Effective May 1, 1982, chapter 35 (P.V.), Laws of 1982 1st extraordinary session, reimposes retail sales tax on sales of food products for human consumption except for food purchased with food stamps. Included with exempt food stamp purchases are purchases made with W.I.C. food vouchers. W.I.C. stands for Women, Infants and Children and is a special supplemental food program sponsored by the United States Department of Agriculture.

Retailers who accept food stamps and W.I.C. vouchers for purchases of food products are required to keep suitable records (per RCW 82.32.070) to demonstrate that any sales claimed sales tax exempt qualify for exemption under this rule and law.

Retailers will be required to retain totals of exempt sales recorded on daily cash register tapes. Additionally, all bank deposits must include a breakdown to disclose the totals of food stamps and W.I.C. vouchers.

TAX APPLICATION EXAMPLES:

(1) A customer who buys $49.50 worth of groceries and pays with $50.00 worth of food stamps would pay no sales tax; however, the retailer would record the $49.50 sale as retail sales tax exempt, not the $50.00 in stamps received;

(2) Where a customer buys $60 worth of groceries and tenders $50 in food stamps and $10 in cash, the $50 of groceries purchased with food stamps is tax exempt while the additional $10 in purchases is subject to the retail sales tax.

Adopted ((~~April 21, 1978~~)) May 1, 1982

WSR 82-16-026
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-91—Filed July 27, 1982]

I, Rolland A. Schmitten, director of the 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 this 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 the emergency is Quillayute River opened to fishing as summer coho management needs prevail. Queets River opened to fishing as coho management needs prevail.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 27, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 8, 1982:

WAC 220-28-003G0F QUILLAYUTE RIVER (82-84)

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 1, 1982:

WAC 220-28-073G0A QUEETS RIVER - CLOSED AREA (82-69)

WSR 82-16-027
ADOPTED RULES
PERSONNEL APPEALS BOARD
[Order 82-1A—Filed July 28, 1982]

Be it resolved by the Personnel Appeals Board, acting at 2828 Capitol Boulevard, Olympia, WA, that it does adopt the annexed rules relating to WAC 358-20-040.

This action is taken pursuant to Notice No. WSR 82-11-077 filed with the code reviser on May 17, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.64.060 which directs that the Personnel Appeals Board has authority to implement the provisions of chapter 41.64 RCW.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED June 24, 1982.

By K. W. Elfbrandt
Executive Secretary

AMENDATORY SECTION (Amending Order 81-4, filed ~~12/16/81~~)

WAC 358-20-040 FILING APPEALS. (1) An appeal must be received in writing at the principal office of the Personnel Appeals Board within 30 days after: (a) The effective date of the disciplinary or dismissal for abandonment action ((~~described in~~)) (WAC 358-20-010((~~, or after~~))); (b) notification of disability separation (WAC 358-20-010); (c) notification of ((~~a reallocation as described in WAC 358-20-030~~)) the allocation determination of the director of personnel or director's designee made pursuant to WAC 356-10-060(5) (WAC 358-20-030); or ((~~30 days after~~)) (d) the employee could reasonably be expected to have knowledge of the action giving rise to ((~~the~~)) a law or rule violation claim under WAC 358-20-020 or the stated effective date of the action, whichever is later.

(2) The appeal shall include the name and address of the appellant, the name of the employing agency, and a telephone number at which the appellant can be reached. Appellants who are represented shall include the name, address and telephone number of their representative.

(3) An appeal of a violation of the State Civil Service Law or the Merit System Rules must cite the law(s) or rule(s) which the appellant claims has been violated ((~~and~~)), the particular circumstances of the alleged violation ((~~and~~)), how the employee is adversely affected by the alleged violation and the remedy requested.

WSR 82-16-028
NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE
[Memorandum—July 27, 1982]

The board of trustees of The Evergreen State College normally meets on the second Thursday of each month at 1:30 p.m. (WAC 174-104-010, amended 4/15/82). Those dates for the remainder of 1982 are as follows: August 12, September 9, October 14, November 11 and December 9.

WSR 82-16-029
ADOPTED RULES
UTILITIES AND TRANSPORTATION COMMISSION

[Order R-192, Cause No. TV-1627—Filed July 28, 1982]

In the matter of amending WAC 480-12-031, adopting 480-12-081 and 480-12-082 and repealing 480-12-096 relating to commercial zones.

This action is taken pursuant to Notice No. WSR 82-13-066 filed with the code reviser on June 16, 1982. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

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

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 82-13-066 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, July 28, 1982, 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 July 23, 1982. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, July 28, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the July 28, 1982, meeting the commission considered the rule change proposal. No written comments were received.

The rule changes affect no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-031 should be amended; 480-12-081 and 480-12-082 should be adopted; and 480-12-096 should be repealed to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-12-031, 480-12-081 and 480-12-082 as amended and adopted will establish commercial zones and terminal areas for all cities and towns in the state coextensive with each such zone established under the Interstate Commerce Act. The repeal of WAC 480-12-096 will prevent any inconsistency between the defined area of the Seattle Commercial Zone as established by WAC 480-12-081(2) herein, and the zone established previously by commission order.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-031 should be amended; 480-12-081 and 480-12-082 should be adopted; and that 480-12-096 should be repealed as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission.

IT IS FURTHER ORDERED That the order and the annexed rules, after first being 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 28th day of July, 1982.

Washington Utilities and Transportation Commission
Robert W. Bratton, Chairman
Robert C. Bailey, Commissioner
A. J. Benedetti, Commissioner

APPENDIX A

AMENDATORY SECTION (Amending Order R-96, filed 5/4/77)

WAC 480-12-031 PETITION TO AMEND PERMIT TO INCORPORATE COMMERCIAL ZONE AUTHORITY. (((~~(1)~~))) Any common carrier ((~~of general freight who in the usual and ordinary course of his business during the past twelve months immediately preceding the designation by commission order of a commercial zone has served as an intercity carrier of general freight between any two cities in such zone shall notify the commission of such fact within ninety days of such designation or July 11, 1977, whichever period may be longer.~~

~~(2) Such notification shall be in the form of a petition to the commission to amend the carrier's permit to reflect the authority to serve as a common carrier of general freight between any points in a designated commercial zone. Such petition shall be made on forms furnished by the commission, shall contain all the information required therein, and shall be accompanied by sworn, notarized statements and copies of freight bills and/or bills of lading in support of the petition. Notice of receipt of said petition will be published in an addendum to the commission's weekly application docket. Facts set out in such petition or in any accompanying documents or exhibits may be challenged by protest filed with the commission or on the commission's own motion within 20 days of notice of receipt of such petition being published in the commission's weekly application docket. Any petition failing to demonstrate the necessary factual prerequisite to commercial zone authority under this rule and RCW 81.80.400 may be denied after hearing. Failure to make such petition to the commission as provided for herein shall constitute an abandonment of any rights a carrier may possess to serve as a common carrier of general freight between any points within a designated commercial zone other than such authority as may be explicitly authorized in the carrier's existing permit.~~)) who has authority to transport general freight between two points in a commercial zone as defined in WAC 480-12-081 may petition the commission to amend its permit to include commercial zone authority. Common carriers who desire this amendment must notify the commission within sixty days of the effective date of

these rules. The petition must be on a form provided by the commission and must be accompanied by an administrative fee of one hundred fifty dollars.

NEW SECTION

WAC 480-12-081 COMMERCIAL ZONES DEFINED. (1) The commercial zone restrictions apply to the transportation of intrastate general freight from a point within a commercial zone to another point within the same commercial zone, as long as the freight is not a part of a continuous shipment to or from a point beyond the commercial zone. All commercial zone carriers are subject to chapter 81.80 RCW, chapter 480-12 WAC and the adopted Federal Motor Carrier Safety Regulations. With the exceptions of those commercial zones individually defined, commercial zones include all points within the following defined areas:

(a) The municipality itself, hereinafter called the base municipality;

(b) All municipalities which are contiguous to the base municipality;

(c) All other municipalities and all unincorporated areas within the state of Washington which are adjacent to the base municipality as follows:

(i) When the base municipality has a population of ten thousand or more but less than twenty-five thousand all unincorporated areas within four miles of its corporate limits and all of any other municipality any part of which is within four miles of the corporate limits of the base municipality: PROVIDED, HOWEVER, That no such municipality is exempted by RCW 81.80.040(2).

(ii) When the base municipality has a population of twenty-five thousand but less than one hundred thousand all unincorporated areas within six miles of its corporate limits and all of any other municipality any part of which is within six miles of the corporate limits of the base municipality: PROVIDED, HOWEVER, That no such municipality is exempted by RCW 81.80.040(2).

(iii) When the base municipality has a population of one hundred thousand but less than two hundred thousand all unincorporated areas within eight miles of its corporate limits and all of any other municipality any part of which is within eight miles of the corporate limits of the base municipality.

(iv) When the base municipality has a population of two hundred thousand or more all unincorporated areas within ten miles of its corporate limits and all of any other municipality any part of which is within ten miles of the corporate limits of the base municipality.

(d) All municipalities wholly surrounded, or so surrounded except for a water boundary, by the base municipality, by any municipality contiguous thereto, or by any municipality adjacent thereto which is included in the commercial zone of such base municipality under the provisions of (c) of this subsection.

(2) The commercial zone of Seattle includes all points within the following defined areas:

(a) The municipality of Seattle itself;

(b) All points within a line drawn fifteen miles beyond the municipal limits of Seattle;

(c) Those points in King county which are not within the area described in (b) of this subsection and which are west of a line beginning at the intersection of the line described in (b) of this subsection and Washington Highway 18, thence northerly along Washington Highway 18 to junction of Interstate Highway 90, thence westerly along Interstate Highway 90 to junction of Washington Highway 203, thence northerly along Washington Highway 203 to the King county line; and those points in Snohomish county, which are not within the area described in (b) of this subsection and which are west of Washington Highway 9; and those points in Kitsap county which are not within the area described in (b) of this subsection lying within the area bounded by a line beginning at the intersection of the line described in (b) of this subsection and Washington Highway 3 to the boundary of Olympic View Industrial Park/Bremerton-Kitsap County Airport, thence westerly, southerly, easterly, and northerly along the boundary of Olympic View Industrial Park/Bremerton-Kitsap County Airport to its juncture with Washington Highway 3 to its intersection with the line described in (b) of this subsection;

(d) All on any municipality any part of which is within the limits of the combined areas defined in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Seattle or by any other municipality included under the terms of (d) of this subsection.

(3) The commercial zone of Spokane includes all points within the following defined area:

(a) The municipality of Spokane itself;

(b) All points within a line drawn eight miles beyond the municipal limits of Spokane;

(c) All points within that area more than eight miles beyond the municipal limits of Spokane bounded by a line as follows: From the intersection of the line described in (b) of this subsection and U.S. Highway 2, thence westerly along U.S. Highway 2 to junction of Brooks Road, thence southerly along Brooks Road to junction of Hallett Road, thence easterly along Hallett Road to its intersection with the line described in (b) of this subsection;

(d) All of any municipality any part of which is within the limits of the combined areas in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded by the municipality of Spokane or any other municipality included under the terms of (d) of this subsection.

(4) The commercial zone of Tacoma includes all points within the following defined area:

(a) The municipality of Tacoma itself;

(b) All points within a line drawn eight miles beyond the municipal limits of Tacoma;

(c) Those points in Pierce county which are not within the area described in (b) of this subsection, but which are on Washington Highway 162 beginning at its intersection with the line described in (b) of this subsection, extending to and including Orting and all points within the Orting Commercial Zone;

(d) All of any municipality any part of which is within the limits of the combined area defined in (b) and (c) of this subsection; and

(e) All of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Tacoma or any other municipality included under the terms of (d) of this subsection.

(5) For the purposes of this section, the population of a municipality shall be computed on the highest decennial census since, and including, the 1980 decennial census.

(6) For the purposes of this section, the distances shall be computed according to air miles.

NEW SECTION

WAC 480-12-082 TERMINAL AREAS DEFINED. (1) The terminal area includes all points within the corresponding commercial zone as defined in WAC 480-12-081, but not beyond the carrier's authority.

(2) This rule applies only to intercity carriers of general freight having authority as part of their intercity service to perform pickup or delivery at any place in such zone or area.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-12-096 SEATTLE COMMERCIAL ZONE DEFINED.

WSR 82-16-030
PROPOSED RULES
HIGHER EDUCATION PERSONNEL BOARD
[Filed July 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 251-10-035	Layoff—Special Employment Programs, to provide that layoff action may be taken because of lack of funds or lack of work and deletes "good faith reorganization for efficiency purposes" as reason for layoff. The change is proposed to provide consistency with action taken by the board in March 1982, amending WAC 251-10-030 Layoff, dealing with layoff of all other classified employees.
Amd	WAC 251-10-055	Layoff Lists—Institution-Wide, to modify method of certifying eligibles from layoff lists per changes to chapter 28B.16 RCW made by SSB 1226.
Amd	WAC 251-22-090	Annual Leave—Cash Payment, to specify conditions of cash payment for annual leave for employee members of PERS I.
New	WAC 251-22-091	Annual Leave—Separation, to specify conditions regarding annual leave use and cash payment for unused leave upon termination of employees who are not members of PERS I;

that the agency will at 10:00 a.m., Friday, September 17, 1982, in the Board Room, Everett Community College, Everett, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 17, 1982.

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

The specific statute these rules are intended to implement is RCW 28B.16.100 and 41.01.041[43.01.041].

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 17, 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-12-057 filed with the code reviser's office on June 2, 1982.

Dated: July 28, 1982
By: Dennis Carlson
Acting Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on July 28, 1982, and is filed pursuant to RCW 34.04.025.

Rule Affected: WAC 251-10-035 Layoff—Special Employment Programs.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that statutory section.

Purpose of Existing Rule: Provides for the establishment of special employment program layoff units.

Summary of Proposed Change: Provides that layoff action may be taken because of lack of funds or lack of work and deletes "good faith reorganization for efficiency purposes" as reason for layoff.

Agency Person Responsible for Rule: Dennis Carlson, Acting Director-HEPB, FT-11, Olympia, 98504, Scan 234-3730.

Organization Proposing Change: HEPB staff. The change is proposed to provide consistency with action taken by the board in March 1982, in amending WAC 251-10-030 Layoff, dealing with layoff of all other classified employees.

The agency makes no additional comments/recommendations regarding the proposal.

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

Rule Affected: WAC 251-10-055 Layoff Lists—Institution-Wide.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that statutory section.

Purpose of Existing Rule: Establishes the method for placement on and referral from institution-wide layoff lists.

Summary of Proposed Change: Modifies the method of certifying eligibles from layoff lists per changes to chapter 28B.16 RCW made by SSB 1226.

Agency Person Responsible for Rule: Dennis Carlson, Acting 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.

Rules Affected: WAC 251-22-090 Annual Leave—Cash Payment and WAC 251-22-091 Annual Leave—Separation.

Statutory Authority: RCW 28B.16.100 to implement the provisions of RCW 43.01.041.

Purpose of Existing Rules: WAC 251-22-090, establishes conditions for cash payment for unused annual leave and WAC 251-22-091, new rule proposed.

Summary of Proposed Changes: WAC 251-22-090, to specify conditions of cash payment for annual leave for employee members of PERS I and WAC 251-22-091, to specify conditions regarding annual leave use and cash payment for unused leave upon termination of employees who are not members of PERS I.

Agency Person Responsible for Rules: Dennis Carlson, Acting Director-HEPB, FT-11, Olympia, 98504, Scan 234-3730.

Organization Proposing Changes: HEPB staff.

The agency makes no additional comments/recommendations regarding the proposal.

Action was taken in June 1982, to modify the rules in accordance with statutory changes resulting from the enactment of ESB 5007. As a result of state court action, ESB 5007 was declared unconstitutional and the rules were changed on an emergency basis in July 1982, to reflect that court action. The rules are now being proposed for permanent adoption.

AMENDATORY SECTION (Amending Order 88, filed 7/2/81)

WAC 251-10-055 LAYOFF LISTS—INSTITUTION-WIDE. (1) The names of permanent and probationary employees who are scheduled for layoff, who have been laid off from service within a class or service to the institution, or who have accepted a lower option in lieu of layoff shall be placed on the institution-wide layoff list(s) for those class(es) in which they have held permanent status, probationary (if within the same class series as the list), or trial service appointment status within the current period of employment at the institution provided that:

(a) The employee has requested placement on the list;

(b) The employee has not been rejected, reverted, demoted or dismissed from such class(es); and

(c) The class has the same or lower salary range maximum as the class from which laid off.

In addition such employees shall be placed on institution-wide layoff list(s) for all lower class(es) in these same class series.

(2) Upon request, employees shall be placed on these lists at the completion of the three day option period or upon selection of an option, whichever is sooner.

(3) Layoff lists shall be institution-wide with eligibles ranked according to layoff seniority as defined in WAC 251-04-020.

(4) Eligibles certified from such lists shall be ((~~re-employed~~)) referred in preference to all other eligibles.

(5) Removal from the institution-wide layoff list shall be as provided below:

(a) Acceptance of a layoff option or appointment from a layoff list shall cause removal from the list(s) for all classes with the same or lower salary range maximum; except that, unless the employee so requests, he/she may not be removed via this procedure from the layoff list for the class from which laid off.

(b) Retirement, resignation, or dismissal from the institution shall cause removal from the list(s).

(c) Declination of appointment to three positions on shifts for which the employee has formally indicated availability.

AMENDATORY SECTION (Amending Order 76, filed 6/29/79, effective 8/1/79)

WAC 251-10-035 LAYOFF—SPECIAL EMPLOYMENT PROGRAMS. (1) Institutions participating in special employment programs qualifying under the conditions identified in WAC 251-18-410 shall establish a special employment program layoff unit.

(2) An appointing authority may separate or reduce the number of working hours or the work year of a special employment program employee without prejudice because of lack of funds((~~, curtailment~~)) or lack of work, ((~~good faith reorganization for efficiency purposes,~~)) or when an incumbent must be separated due to the salary or longevity requirements of Public Law 95-524.

(3) A permanent status special employment program employee scheduled for layoff shall receive written notice of any available options in lieu of layoff as provided in subsection (5) of this section. Employment options are limited to positions within the special employment program layoff unit and/or program for which the employee qualifies. The employee shall be given no less than three working days to select an option, if available, or to elect to be laid off and/or be placed on the appropriate special employment program layoff list(s).

(4) The appointing authority must provide the employee at least fifteen calendar days written notice beyond the date of selection of an option or the completion of the option period, whichever is sooner. The notice shall inform the employee of his/her right to appeal the layoff action to the board per WAC 251-12-080.

(5) Within the special employment program layoff unit, a permanent status employee scheduled for layoff shall be offered the following:

(a) Except as provided in subsection (5)(b) of this section, employees who are being laid off shall be offered options within the layoff unit and placement on special employment program layoff lists in class(es) with the same or lower salary range maximum that are:

(i) Class(es) in which the employee has held permanent status;

(ii) Lower class(es) in the same class series for which the employee is qualified.

The employee may exercise either option provided that the employee being replaced is the least senior in the class and has less layoff seniority than the employee replacing him/her.

(b) Employees who are being laid off due to the expiration of the maximum allowable period of subsidized employment as provided in Public Law 95-524 shall not be afforded layoff options but shall be placed on the special employment program layoff list(s) for which they are eligible.

(6) The provisions of WAC 251-10-030 (7) and (8) relative to selective certification and bonafide occupational requirements shall apply to special employment program layoff actions.

(7) The names of employees scheduled for layoff or actually laid off from service within a class shall be placed on the special employment program layoff list as provided in WAC 251-18-180.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-22-090 ANNUAL LEAVE—CASH PAYMENT. ((~~Cash payment for unused accumulated annual leave must be made to an employee who has completed six months of continuous employment under the following conditions:~~

~~(1) Upon written resignation, with a minimum of two calendar weeks notice. The employing official may waive the notice period.~~

~~(2) Upon separation by death, retirement, layoff or dismissal of an employee.~~)) Classified employees who are members of Public Employees Retirement System Plan I are entitled to a lump sum cash payment for all unused annual leave when they separate from service by resignation, layoff, dismissal, retirement or death. Compensation for unused annual leave shall be computed and paid as prescribed by the office of financial management.

NEW SECTION

WAC 251-22-091 ANNUAL LEAVE—SEPARATION. Classified employees who have completed six continuous months of employment who are not members of Public Employees Retirement System Plan I must be permitted to use all accumulated annual leave as vacation leave prior to their separation from service by resignation, layoff, dismissal or retirement. In case of death, compensation for unused annual leave shall be computed and paid in a lump sum as prescribed by the office of financial management. Lump sum cash payment for unused vacation leave may be made upon termination of employment for vacation leave earned prior to July 1, 1982.

WSR 82-16-031
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
[Filed July 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning ratings and endorsements, amending WAC 390-16-206;

that such agency will at 9:00 a.m., Tuesday, November 16, 1982, in the Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, November 16, 1982, in the 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to November 16, 1982, and/or orally at 9:00 a.m., Tuesday, November 16, 1982, 2nd Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia.

This notice is connected to and continues the matter in Notice Nos. WSR 82-11-024 and 82-14-014A filed with the code reviser's office on May 10, 1982 and June 25, 1982.

Dated: July 28, 1982
By: Graham E. Johnson
Administrator

WSR 82-16-032
ADOPTED RULES
PUBLIC DISCLOSURE COMMISSION
[Order 82-05—Filed July 28, 1982]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, WA, that it does promulgate and adopt the annexed rules relating to:

New WAC 390-05-300 Suspension of reporting requirements.
New WAC 390-05-305 Petition for disclosure—Form.

This action is taken pursuant to Notice Nos. WSR 82-11-080 and 82-14-070 filed with the code reviser on May 18, 1982 and July 2, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED July 27, 1982.
By Graham E. Johnson
Administrator

NEW SECTION

WAC 390-05-300 SUSPENSION OF REPORTING REQUIREMENTS. From the effective date of chapter 60, Laws of 1982, until January 1, 1986, the following reporting requirements are suspended in jurisdictions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction:

(1) The F-1 financial reports of public officials required by RCW 42.17.240 and WAC 390-24-010, -020 and -025;

(2) The L-5 public agency lobbying report required by RCW 42.17.190 and WAC 390-20-120;

(3) The C-1 through C-4 campaign finance reports required for ballot issues by RCW 42.17.040-.090 and WAC 390-16-011, -031, -036, -041, and independent campaign expenditure reports (C-6) required for ballot issued by RCW 42.17.100 and WAC 390-16-050; provided, that reporting requirements shall be reinstated by order of the commission at its next regular or special meeting if:

(a) A certified "petition for disclosure" containing the valid signatures of five percent of the number of registered voters of the jurisdiction as of the date of the most recent general election in the jurisdiction is filed with the commission; or

(b) The jurisdiction has by ordinance, resolution or other official action petitioned the commission to void the suspension with respect to elected officials, candidates and ballot propositions for the jurisdiction.

If reporting requirements are reinstated by petition, the commission shall promptly notify all known affected candidates and incumbent elected officials of their duty to file disclosure reports. Such individuals and committees shall be ordered to file the required statements within thirty days of the commission order.

NEW SECTION

WAC 390-05-305 PETITION FOR DISCLOSURE—FORM. (1) A petition for disclosure shall be legible, on 8-1/2 x 11" paper and shall include the following information:

(a) The name of the jurisdiction;

(b) The legibly printed name and address and the legal signature of at least a sufficient number of voters. If the jurisdiction is in more than one county, the county of residence shall also be indicated. A sufficient number of voters is five percent of the number of registered voters in the jurisdiction as of the date of the most recent general election in the jurisdiction.

(c) A request that public disclosure be required.

(d) The names and addresses of all known candidates and ballot proposition committees in the jurisdiction who will be required to report.

(2) The petition shall be verified and certified by the auditor or elections officer of the county or counties in which the jurisdiction is located. The signatures shall be

verified by comparing the signature on the petition to the signature on the voter registration roll. The auditor shall place his seal on each verified page of the petition in order to certify it to the commission.

(3) A suggested form for the petition is:

"We, the undersigned citizens and registered voters of (name of jurisdiction), request that the Public Disclosure Commission cancel the disclosure suspension in (name of jurisdiction)."

(4) A suggested form for the petition of a jurisdiction by ordinance, resolution or other official action is:

"We, the (governing board) of (name of jurisdiction) request that the Public Disclosure Commission cancel the disclosure suspension in (name of jurisdiction). This request is made pursuant to chapter 60, Laws of 1982 and WAC 390-05-305(4)."

WSR 82-16-033
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Filed July 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning description of organization, WAC 392-105-003;

that such agency will at 10:00 a.m., Tuesday, September 7, 1982, in Conference Room A, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Monday, September 13, 1982, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA.

The authority under which these rules are proposed is RCW 42.17.250 through 42.17.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 7, 1982, and/or orally at 10:00 a.m., Tuesday, September 7, 1982, Conference Room A, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA.

Dated: July 28, 1982
By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-105 WAC, Superintendent of Public Instruction—Access to Public Records.

Rule Section(s): WAC 392-105-033, Description of Organization.

Statutory Authority: RCW 42.17.250 through 42.17.320.

Purpose of the Rule(s): To describe SPI organization for public records access.

Summary of the New Rule(s) and/or Amendments: Describes SPI organization as per July 1, 1982, changes.

Reasons Which Support the Proposed Action(s): SPI has reorganized.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, Government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, Room 1500, 753-2298; Implementation and Enforcement: Frank B. Brouillet, Executive Services, 753-6717.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Is descriptive and has no substantive affect.

AMENDATORY SECTION (Amending Order 80-5, filed 4/15/80)

WAC 392-105-003 DESCRIPTION OF ORGANIZATION. (1) The superintendent of public instruction is a constitutional officer of the state charged with supervision over all matters pertaining to public schools. The superintendent of public instruction is also the statutory chief executive officer of the state board of education ((~~and its ex officio president~~)). Administrative offices of the superintendent of public instruction and the state board of education are located in Olympia, Washington.

(2) Organization of the superintendent of public instruction's office is divided into ((~~five~~)) four operating divisions, the office of the deputy superintendent of public instruction, and the office of the secretary (executive director) to the state board of education.

(a) The office of the secretary (executive director) to the state board of education keeps the records for all board proceedings. The secretary to the state board of education is appointed by the state board of education ((~~and reports directly to the superintendent of public instruction~~)).

(b) The office of the deputy superintendent of public instruction directs and coordinates the activities of the ((~~five~~)) four operating divisions of the agency and several agency-wide support services sections. The deputy superintendent of public instruction is appointed by and reports directly to the superintendent of public instruction.

(c) The division of financial services is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers state apportionment and school building assistance to the school districts, maintains agency accounts, provides technical assistance to school districts for accounting and budgetary systems, and administers the school lunch, pupil transportation, and federal accounts programs.

((~~(d) The division of grants and equity programs is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers federal and state grant programs designed to help the special needs of educationally disadvantaged students and the unique needs of students of indian and bilingual backgrounds. Technical assistance is also provided school districts to achieve equal educational opportunities for all children.~~))

((~~(e)~~)) (d) The instructional programs and ((~~professional~~)) services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division provides a wide range of technical assistance services to school districts in the development ((~~and evaluation~~)) of basic education, learning resources, traffic safety, equity, and compensatory programs. ((~~Specific subject matter curricula, and teacher training programs. State services available to private schools are also coordinated.~~))

((~~(f)~~)) (e) The special services and professional programs division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division assists school districts in the development of gifted and health education programs and pupil personnel services, ((~~and~~)) supervises the federal and state special education programs in the schools and state institutions, maintains liaison with private schools regarding all agency programs, and supervises professional education and certification.

((~~(g)~~)) (f) The vocational-technical and adult education services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers the approval process for vocational-technical programs and procedures for distribution of federal and state funds. It also provides technical services for adult basic, industrial arts, career education, educational clinics, and community schools programs.

WSR 82-16-034
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Filed July 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Nonresident attendance, chapter 392-137 WAC;

that such agency will at 10:00 a.m., Tuesday, September 7, 1982, in Conference Room A, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 11:00 a.m., Monday, September 13, 1982, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA.

The authority under which these rules are proposed is RCW 28A.58.240.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 7, 1982, and/or orally at 10:00 a.m., Tuesday, September 7, 1982, Conference Room A, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA.

Dated: July 28, 1982
By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-137 WAC Finance—Nonresident Attendance.

Rule Section(s): WAC 392-137-055 Appeal Notice and 392-137-060 Hearing.

Statutory Authority: RCW 28A.58.240.

Purpose of the Rule(s): Establish procedures for hearings regarding attendance in nonresident school districts.

Summary of the New Rule(s) and/or Amendments: Amendment to WAC 392-137-055(b) clarifies the date on which students must be resident of resident school district and further permits nonresident school district to have a general policy rather than take individual action on each request for transfer. Amendment to WAC 392-137-060 reflects new administrative law judge system established by legislature.

Reasons Which Support the Proposed Action(s): Clarifies ambiguous rule, WAC 392-137-055, and implements new administrative law judge system effective July 1, 1982.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, Government.

Agency Personnel Responsible for Drafting and Implementation: Ralph E. Julnes, SPI, Room 1500, 753-2298; and Enforcement: Perry Keithly, SPI, Room 1000, 753-6742.

The Rule(s) is (are) Necessary as the Result of State Court Action, Writ of Mandamus, *John M. Sauer v. Frank Brouillet*, Civil Action No. 31142-M, Grant County.

Agency Comments, if any, regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Reflects recent court decision and implements legislative policy regarding administrative law system.

AMENDATORY SECTION (Amending Order 80-8, filed 4/15/80)

WAC 392-137-055 APPEAL NOTICE. Requests for appeal shall be written, signed, and directed to the superintendent of public instruction. Any such notice of appeal shall set forth or be accompanied by the following information:

(a) The name, age, grade level, and mailing address of the student;

(b) The school district of residence on the date of the school district's decision to deny a release;

(c) The date of the school district's decision to deny a release;

(d) Either a copy of the minutes of the board of directors of the resident school district which establishes that the board has denied a request to release the student or a written statement ((~~of~~)) by the superintendent of the resident district that the board has taken action denying such a request;

(e) Either a copy of the minutes of the board of directors of the nonresident school district to which a release has been requested ((~~which~~)) that establishes ((~~that~~)) the nonresident district is willing to accept the student or a written statement of the superintendent of the nonresident district that the board has taken action accepting the student or that the board has established a policy accepting all students who are released by an order of the superintendent of public instruction or the court.

(f) An explanation of the special hardship or detrimental condition of a financial, educational, safety, or health nature affecting the student or the student's immediate family or custodian ((~~which~~)) that exists or would exist as a result of the student's attendance in the resident district.

(g) An explanation of how attendance in the nonresident district would allegedly alleviate such special hardship or detrimental condition to a significant extent.

(2) Upon receipt of a notice of appeal which complies with subsection (1) the superintendent of public instruction or his or her designee shall schedule a hearing and provide a notice as required by RCW 34.04.090(1) to the appellant and the school district ((~~which~~)) that denied the student's release.

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 81-5, filed 7/22/81)

WAC 392-137-060 HEARING. The hearing provided for in WAC 392-137-055(2) shall be conducted in compliance with chapter 392-101 WAC and the state Administrative Procedure Act, chapter 34.04 RCW. ((~~The appeal shall be conducted before the superintendent of public instruction or his or her designee, as scheduled by the superintendent of public instruction or his or her designee.~~)) In the event the appeal (i.e., hearing) is conducted before the superintendent's designee, ((~~the decision of the designee that no special hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian resulting from attendance in the resident district exists or that, if such does exist, it is not likely to be significantly alleviated as a result of the transfer prayed for, shall be final and shall terminate the proceeding. If, however, the designee finds that there is good and sufficient evidence to warrant a finding both that such a hardship or condition exists and that the same would likely be significantly alleviated as a result of transfer;~~)) the entire record as required by RCW

34.04.090(4) and (5), together with the proposed findings, conclusions and recommendation of the designee, shall be presented to and reviewed by the superintendent of public instruction. The provisions of RCW 34.04.110 shall be applicable to review by the superintendent of public instruction and shall be so noted within the designee's written opinion. The superintendent of public instruction may reject, modify, or accept any portion or all of the proposed findings, conclusions, and recommendation following his or her review of the entire record. The decision of the superintendent, in such cases, shall be final and shall terminate the proceeding.

WSR 82-16-035
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Filed July 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning:

Rep	ch. 392-163 WAC	Grants management—Elementary and Secondary Education Act—Title I program regular.
Rep	ch. 392-164 WAC	Grants management—Elementary and Secondary Education Act—Title I program migrant.
Rep	ch. 392-168 WAC	Grants management—Elementary and Secondary Education Act—Title IV;

that the agency will at 10:00 a.m., Tuesday, September 7, 1982, in Conference Room A, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 13, 1982.

The authority under which these rules are proposed is RCW 28A.02.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 7, 1982.

Dated: July 28, 1982
By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapters 392-163, 392-164 and 392-168 WAC.

Rule Section(s): Entire chapters.

Statutory Authority: RCW 28A.02.100.

Purpose of the Rule(s): Implement federal grant-in-aid program.

Summary of the New Rule(s) and/or Amendments: Repeals obsolete federal requirement.

Reasons Which Support the Proposed Action(s): Change in federal law and conditions for grant-in-aid programs.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, Government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, Room 1500, 753-2298.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Repeal obsolete provisions in code related to federal programs.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-163-005	Authority and Purpose.
WAC 392-163-010	Eligible Participants.
WAC 392-163-015	Ancillary Services.
WAC 392-163-020	Size and Scope of Activity.
WAC 392-163-025	Construction and Remodeling.
WAC 392-163-030	Field Trips.
WAC 392-163-035	Notification of Parents.
WAC 392-163-040	Nonpublic Student Involvement.
WAC 392-163-045	Local Education Agency Parent Advisory Council.
WAC 392-163-050	School Parent Advisory Councils.
WAC 392-163-055	PAC Grievance Procedures.
WAC 392-163-060	State Advisory Committee—Purpose.
WAC 392-163-065	Administrative Costs.
WAC 392-163-070	In-service Training.
WAC 392-163-075	Approval of Projects.
WAC 392-163-080	Evaluation.
WAC 392-163-085	Disposition of Property
WAC 392-164-005	Introduction.
WAC 392-164-010	Purposes.
WAC 392-164-015	Definitions.
WAC 392-164-020	Eligibility Requirements.
WAC 392-164-025	Formerly Migratory Children.
WAC 392-164-030	Bilingual Education.
WAC 392-164-035	Student Identification.
WAC 392-164-040	Student Insurance.
WAC 392-164-045	Property, Facilities, and Equipment.
WAC 392-164-050	Project Descriptions.
WAC 392-164-055	Day Care.
WAC 392-164-060	Local Parent Advisory Councils.
WAC 392-164-065	Local Parent Advisory Council Appeal Process for Projects.
WAC 392-164-070	Local Parent Advisory Council Appeal Process for PAC.
WAC 392-164-075	Grievance Procedure.
WAC 392-164-080	State Advisory Committee.
WAC 392-164-085	Accountability.
WAC 392-164-090	Administrative Costs.
WAC 392-164-095	Fiscal Constraints.
WAC 392-168-005	Authority.
WAC 392-168-010	Purpose.
WAC 392-168-015	Definitions.
WAC 392-168-020	Advisory Council.
WAC 392-168-025	Evaluation Criteria for Approving Applications.
WAC 392-168-030	Additional Criteria for Approving Applications.
WAC 392-168-035	Provisions for Assuring Fifteen Percent for Special Needs of Handicapped Children.
WAC 392-168-040	Criteria for Achieving Equitable Distribution of Assistance.
WAC 392-168-045	Provision for Private Nonprofit School Participation.
WAC 392-168-050	Length of Project Period.
WAC 392-168-055	Provisions for Hearings. (Part C)
WAC 392-168-060	Legal Applicants.

WSR 82-16-036
ADOPTED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Order 82-6—Filed July 28, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to purpose, WAC 392-136-005.

This action is taken pursuant to Notice No. WSR 82-13-031 filed with the code reviser on June 9, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.58-.097 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 28, 1982.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-23, filed 8/28/80)

WAC 392-136-005 PURPOSE. The purpose of this chapter is to implement ((~~sections 5 and 6, chapter 182, Laws of 1980~~)) RCW 28A.58.097 and 28A.21.360 which provide for compensating school district and educational service district employees for accumulated sick leave. The rules set forth in this chapter are not intended to govern the leave policies of a district for other purposes or to interpret the provisions of RCW 28A.58.100(2).

WSR 82-16-037
ADOPTED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Order 82-7—Filed July 28, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to State Board of Education—Election of members, chapter 392-109 WAC.

This action is taken pursuant to Notice No. WSR 82-13-032 filed with the code reviser on June 9, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.04-.020 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 28, 1982.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-040 PURPOSE. The state board of education consists of ((~~fourteen~~)) sixteen voting members elected by the members of public school boards of directors and one nonvoting member elected by private school boards of directors. The purpose of this chapter is to provide for the annual election of members to the state board of education by establishing definitions and procedures which implement the statutory election process set forth in RCW 28A.04.020 and the statutes which follow.

AMENDATORY SECTION (Amending Order 80-20, filed 6/17/80)

WAC 392-109-065 CANDIDATES—ELIGIBILITY—FILING. (1) Eligibility: A person is eligible to be a candidate for only one vacancy on the state board of education at a time. A candidate for a vacancy among the ((~~fourteen~~)) sixteen voting positions on the state board must be a resident of the congressional district represented by the position and meet the other qualifications established by RCW 28A.04.040. A candidate for a vacancy in the nonvoting position on the state board must be a resident of the state of Washington and meet the other qualifications established by RCW 28A.04.040.

(2) Forms for filing: A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC 392-109-070; and

(b) The biographical data form provided for in WAC 392-109-075: Provided, That a declarant may elect not to submit biographical data.

(3) Filing period: The filing period for candidates for any position on the state board of education is from September 1 through September 16. Any declaration of candidacy that is not received by the superintendent of public instruction on or before 5:00 p.m. September 16 shall not be accepted and such a declarant shall not be a candidate: Provided, That any declaration that is postmarked on or before midnight September 16 and received by mail prior to the printing of ballots shall be accepted: Provided further, That any declaration received pursuant to the United States mail on or before 5:00 p.m. September 21 that is not postmarked or legibly postmarked shall also be accepted.

NEW SECTION

WAC 392-109-072 CANDIDATES FOR NEW CONGRESSIONAL DISTRICT POSITIONS—FIRST ELECTIONS—TERM OF OFFICE. Pursuant

to RCW 28A.04.030, at the first election to the two positions in a new congressional district, one position shall be elected to serve a six year term and the other shall serve a three year term. Candidates filing for election to a new congressional district position for the first such election shall indicate on the declaration and affidavit of candidacy form required by WAC 392-109-070 the initial term of office sought as either six years or three years.

WSR 82-16-038
ADOPTED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Order 82-8—Filed July 28, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to conversion of sick leave upon retirement or death, WAC 392-136-020.

This action is taken pursuant to Notice No. WSR 82-13-033 filed with the code reviser on June 9, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.58.100(2) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 28, 1982.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-23, filed 8/28/80)

WAC 392-136-020 CONVERSION OF SICK LEAVE UPON RETIREMENT OR DEATH. (1) Eligible employees: Each person who is employed by a school district or educational service district as of June 12, 1980, or thereafter and who subsequently terminates employment due to either retirement or death may personally, or through his or her estate in the event of death, elect to convert all eligible, accumulated, unused sick leave days to monetary compensation as provided in this section: Provided, That "vested out-of-service" employees who terminate employment but leave funds on deposit with a state retirement system shall not be considered to have retired or to be an eligible employee for the purposes of this section.

(2) Eligible sick leave days: All unused sick leave days that have been accumulated by an eligible employee at a rate of accumulation no greater than one full day per month of employment as provided by the leave policies of the district(s) of employment (a maximum of twelve days per year), less sick leave days previously converted pursuant to WAC 392-136-015 and those credited as service rendered for retirement purposes, may be converted to monetary compensation upon the employee's termination of employment due to retirement or death.

(3) Rate of conversion: Sick leave days that are eligible for conversion shall be converted to monetary compensation at the rate of twenty-five percent of an employee's full-time daily rate of compensation at the time of termination of employment for each full day of eligible sick leave. Partial days of eligible sick leave shall be converted on a pro rata basis.

~~((~~~~(4) Notwithstanding any other provision of this section to the contrary, any school district or educational service district may elect to delay payments due pursuant to this section until September 1, 1981: Provided, that each eligible employee whose payment is delayed shall also be paid interest on the amount due at the rate of eight percent per year.~~~~))~~

~~((~~~~(5)~~~~))~~ (4) All sick leave days converted pursuant to this section shall be deducted from an employee's accumulated sick leave balance.

~~((~~~~(6)~~~~))~~ (5) Compensation received pursuant to this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state.

WSR 82-16-039
ADOPTED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Order 82-9—Filed July 28, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to definitions, WAC 392-129-010.

This action is taken pursuant to Notice No. WSR 82-13-034 filed with the code reviser on June 9, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 28A.41-.170 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 28, 1982.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 81-26, filed 10/8/81)

WAC 392-129-010 DEFINITIONS. As used in this chapter, the term:

(1) "Unforeseen conditions" shall mean a natural event, including but not necessarily limited to, a fire,

flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable; and

An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (a) is beyond the control of both a school district board of directors and its employees and (b) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or inoperable. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting and water: PROVIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

(2) A "school day" shall mean a calendar day on which all students enrolled in the pre-school handicapped/kindergarten through twelfth grade program of a school district are scheduled for participation in educational activity which is planned, supervised, and conducted by or under the supervision of the school district certificated staff and on which day all, or any portion, of the students enrolled in the program actually commence participation in such educational activity.

(3) A "vacation day" shall mean a day other than (a) a school day, (b) a school holiday as defined in RCW 28A.02.061, and (c) an inservice day for employees of the district that was scheduled prior to the unforeseen school closure and is actually used for that purpose.

(4) A "reasonable effort" shall, in the case of total district closures, mean the rescheduling and/or extension of the school district's instructional calendar in an effort to attain the minimum number of school days and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom required by law by (a) extending the school year to and through at least June fourteenth and (b) the use of scheduled vacation days: Provided, That in no case shall a district be deemed to have made a reasonable effort unless at least three school days and program hour offerings, teacher contact hours, and course mix and percentages accruing therefrom, which have been lost by all the schools in the entire district by reason of one or more unforseen conditions shall have in fact been made up.

WSR 82-16-040
EMERGENCY RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Order 82-10—Filed July 28, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to description of organization, WAC 392-105-003.

I, Frank B. Brouillet, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Superintendent of Public Instruction reorganized on July 1, 1982, and state law requires SPI to place in rule a description of organization. The rule has no substantive impact.

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

This rule is promulgated pursuant to RCW 42.17.250 through 42.17.320 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 July 28, 1982.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-5, filed 4/15/80)

WAC 392-105-003 DESCRIPTION OF ORGANIZATION. (1) The superintendent of public instruction is a constitutional officer of the state charged with supervision over all matters pertaining to public schools. The superintendent of public instruction is also the statutory chief executive officer of the state board of education ((and its ex officio president)). Administrative offices of the superintendent of public instruction and the state board of education are located in Olympia, Washington.

(2) Organization of the superintendent of public instruction's office is divided into ((five)) four operating divisions, the office of the deputy superintendent of public instruction, and the office of the secretary (executive director) to the state board of education.

(a) The office of the secretary (executive director) to the state board of education keeps the records for all board proceedings. The secretary to the state board of education is appointed by the state board of education ((and reports directly to the superintendent of public instruction)).

(b) The office of the deputy superintendent of public instruction directs and coordinates the activities of the

((~~five~~)) four operating divisions of the agency and several agency-wide support services sections. The deputy superintendent of public instruction is appointed by and reports directly to the superintendent of public instruction.

(c) The division of financial services is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers state apportionment and school building assistance to the school districts, maintains agency accounts, provides technical assistance to school districts for accounting and budgetary systems, and administers the school lunch, pupil transportation, and federal accounts programs.

~~((d) The division of grants and equity programs is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers federal and state grant programs designed to help the special needs of educationally disadvantaged students and the unique needs of students of indian and bilingual backgrounds. Technical assistance is also provided school districts to achieve equal educational opportunities for all children.))~~

((~~(e)~~)) (d) The instructional programs and ((~~professional~~)) services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division provides a wide range of technical assistance services to school districts in the development ((~~and evaluation~~)) of basic education, learning resources, traffic safety, equity, and compensatory programs. ~~((Specific subject matter curricula, and teacher training programs. State services available to private schools are also coordinated.))~~

((~~(f)~~)) (e) The special services and professional programs division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division assists school districts in the development of gifted and health education programs and pupil personnel services, ((~~and~~)) supervises the federal and state special education programs in the schools and state institutions, maintains liaison with private schools regarding all agency programs, and supervises professional education and certification.

((~~(g)~~)) (f) The vocational-technical and adult education services division is managed by an assistant superintendent. This person is appointed by the superintendent of public instruction and reports to the deputy superintendent. The division administers the approval process for vocational-technical programs and procedures for distribution of federal and state funds. It also provides technical services for adult basic, industrial arts, career education, educational clinics, and community schools programs.

WSR 82-16-041
EMERGENCY RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Order 82-11—Filed July 28, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Nonresident attendance, chapter 392-137 WAC.

I, Frank B. Brouillet, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the July 1, 1982, effective date of the new administrative law judge system necessitates the agency to clarify its rules to eliminate ambiguous language in WAC 392-137-055 and to establish a procedure for agency review of proposed decisions by administrative law judges.

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

This rule is promulgated pursuant to RCW 28A.58-.240 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 July 28, 1982.

By Frank B. Brouillet
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-8, filed 4/15/80)

WAC 392-137-055 APPEAL NOTICE. Requests for appeal shall be written, signed, and directed to the superintendent of public instruction. Any such notice of appeal shall set forth or be accompanied by the following information:

(a) The name, age, grade level, and mailing address of the student;

(b) The school district of residence on the date of the school district's decision to deny a release;

(c) The date of the school district's decision to deny a release;

(d) Either a copy of the minutes of the board of directors of the resident school district which establishes that the board has denied a request to release the student or a written statement ((~~of~~)) by the superintendent of the resident district that the board has taken action denying such a request;

(e) Either a copy of the minutes of the board of directors of the nonresident school district to which a release has been requested ((~~which~~)) that establishes ((~~that~~)) the nonresident district is willing to accept the student or a written statement of the superintendent of

the nonresident district that the board has taken action accepting the student or that the board has established a policy accepting all students who are released by an order of the superintendent of public instruction or the court.

(f) An explanation of the special hardship or detrimental condition of a financial, educational, safety, or health nature affecting the student or the student's immediate family or custodian ((~~which~~)) that exists or would exist as a result of the student's attendance in the resident district.

(g) An explanation of how attendance in the nonresident district would allegedly alleviate such special hardship or detrimental condition to a significant extent.

(2) Upon receipt of a notice of appeal which complies with subsection (1) the superintendent of public instruction or his or her designee shall schedule a hearing and provide a notice as required by RCW 34.04.090(1) to the appellant and the school district ((~~which~~)) that denied the student's release.

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 81-5, filed 7/22/81)

WAC 392-137-060 HEARING. The hearing provided for in WAC 392-137-055(2) shall be conducted in compliance with chapter 392-101 WAC and the state Administrative Procedure Act, chapter 34.04 RCW. ((~~The appeal shall be conducted before the superintendent of public instruction or his or her designee, as scheduled by the superintendent of public instruction or his or her designee.~~)) In the event the appeal (i.e., hearing) is conducted before the superintendent's designee, ((~~decision of the designee that no special hardship or detrimental condition of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian resulting from attendance in the resident district exists or that, if such does exist, it is not likely to be significantly alleviated as a result of the transfer prayed for, shall be final and shall terminate the proceeding. If, however, the designee finds that there is good and sufficient evidence to warrant a finding both that such a hardship or condition exists and that the same would likely be significantly alleviated as a result of transfer,~~)) the entire record as required by RCW 34.04.090(4) and (5), together with the proposed findings, conclusions and recommendation of the designee, shall be presented to and reviewed by the superintendent of public instruction. The provisions of of RCW 34.04-.110 shall be applicable to review by the superintendent of public instruction and shall be so noted within the designee's written opinion. The superintendent of public instruction may reject, modify, or accept any portion or all of the proposed findings, conclusions, and recommendation following his or her review of the entire record. The decision of the superintendent, in such cases, shall be final and shall terminate the proceeding.

WSR 82-16-042
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-92—Filed July 28, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are adopted pursuant to the Columbia River Compact.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 27, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-32-05700N SEASON—STURGEON Notwithstanding the provisions of WAC 220-32-057, it is unlawful to take, fish for, or possess sturgeon for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G, and 1H, except those individuals possessing treaty fishing rights pursuant to the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish with setline gear from 12:00 noon August 1, 1982 to 12:00 noon January 15, 1983. Setline gear is limited to not more than 100 hooks per setline. Minimum hook size is 9/0 and treble hooks are prohibited.

NEW SECTION

WAC 220-32-02200H LAWFUL GEAR—STURGEON (1) Notwithstanding the provisions of WAC 220-32-022 and WAC 220-32-040, it is unlawful to take, fish for or possess sturgeon taken with gillnet gear for commercial purposes except that it is lawful to retain sturgeon for commercial purposes taken incidental to any lawful commercial salmon fishery in Columbia River Management and Catch Reporting Area 1A, 1B, 1C, 1D and 1E.

(2) It is unlawful to retain any sturgeon not of lawful size, as provided in WAC 220-20-020(1), and all sturgeon in transit must not have head or tail removed.

NEW SECTION

WAC 220-32-04000P STURGEON—SETLINE Notwithstanding the provisions of WAC 220-32-040, it is unlawful to take, fish for or possess sturgeon for commercial purposes with setline gear in Columbia River Management and Catch Reporting Areas 1A, 1C, 1D, that portion of 1B south of a line projected from Grays Point light east to Harrington Point, and that portion of Area 1E downstream of a line projected due north from the mouth of Oneonta Creek on the Oregon side to a deadline marker on the Washington shore except at those times, with the gear and provisions designated below:

12:00 noon August 2, 1982 until 12:00 noon January 15, 1983.
Setline gear is limited to 4 lines with not more than 300 hooks per line. Buoys must be marked on each end with the fishing license number.
It is unlawful to retain any sturgeon not of lawful size, as provided in WAC 220-20-020 (10).
Minimum hook size is 9/0 and treble hooks are prohibited.

NEW SECTION

WAC 220-20-02100B SALE OF COMMERCIALLY CAUGHT STURGEON (1) It shall be unlawful for any person licensed to take sturgeon for commercial purposes under chapter 75.28 RCW to:

(a) Keep any sturgeon he takes under such license for personal use; or

(b) Sell any sturgeon he takes under such license to anyone other than a licensed wholesale dealer within or outside the state of Washington, except that a person who is himself licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell his catch to individuals or corporations other than licensed wholesale dealers; or

(c) Sell, barter or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of any sturgeon taken under such license prior to the time the sturgeon is sold under section (1)(b) above.

(2) It shall be unlawful for any wholesale dealer licensed under RCW 75.28.300 to purchase or attempt to purchase sturgeon eggs from sturgeon taken by any person licensed to take sturgeon for commercial purposes under chapter 75.28 RCW if the sturgeon eggs have been removed from the body cavity of the sturgeon prior to the sale of the sturgeon.

WSR 82-16-043
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-93—Filed July 28, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is personal use of commercially caught sturgeon goes unrecorded and management of fishery requires notification of resource utilization. Egg sales without carcass present does not insure the caught fish were of legal size.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 27, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

WSR 82-16-044
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-94—Filed July 28, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation is needed to protect adult spring summer chinook spawning escapement.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 28, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-57-27000K HOH RIVER Notwithstanding the provisions of WAC 220-57-270, effective 12:01 A.M. July 30, 1982, until 11:59 P.M. August 31, 1982 the bag limit in all waters of the Hoh River is C.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 A.M. July 30, 1982.

WAC 220-57-27000J Hoh River (82-71)

WSR 82-16-045
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed July 28, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 314-52-005	Purpose and application of rules.
Amd	WAC 314-52-010	Mandatory statements.
Amd	WAC 314-52-015	General.
Amd	WAC 314-52-020	Use of insignia or reference to Liquor Control Board prohibited.
Amd	WAC 314-52-030	Liquor advertising prohibited in school publications.
Amd	WAC 314-52-040	Contests, competitive events, premiums and coupons.
Amd	WAC 314-52-070	Outdoor advertising.
Amd	WAC 314-52-080	Novelty advertising.
New	WAC 314-52-085	Programs and program folders.
Amd	WAC 314-52-090	Advertising sponsored jointly by retailers and manufacturers, importers, or wholesalers, prohibited.
Amd	WAC 314-52-110	Advertising by retail licensees.
Amd	WAC 314-52-113	Brand signs and point-of-sale displays on retail licensed premises.
Amd	WAC 314-52-115	Advertising by clubs—Signs.
Rep	WAC 314-52-060	Picture screen advertising prohibited.
Rep	WAC 314-52-111	Advertising by retail licensees—On premises.
Rep	WAC 314-52-112	Advertising by retail licensees—Off premises.
Rep	WAC 314-52-120	Advertising by holders of special occasion class G or J retail licenses;

the formal decision regarding adoption, amendment, or repeal of the rules will take place on August 11, 1982.

The authority under which these rules are proposed is RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is RCW 66.20.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-13-018 filed with the code reviser's office on June 8, 1982.

Dated: July 28, 1982
By: Kazuo Watanabe
Member of the Board

WSR 82-16-046
PROPOSED RULES
COMMISSION ON EQUIPMENT
[Filed July 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment intends to adopt, amend, or repeal rules concerning standards for vehicle connecting devices and towing methods, chapter 204-70 WAC;

that the agency will at 10 a.m., Wednesday, October 20, 1982, in the 1st Floor Large Conference Room, General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 46.37.005.

The specific statute these rules are intended to implement is RCW 46.37.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 20, 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-11-042 filed with the code reviser's office on May 12, 1982.

Dated: July 28, 1982
By: David K. Boston
Secretary

WSR 82-16-047
ADOPTED RULES
COMMISSION ON EQUIPMENT
[Order 82-07-01—Filed July 29, 1982]

Be it resolved by the Commission on Equipment, acting at the General Administration Building, Olympia, Washington 98504, that it does adopt the annexed rules relating to:

New	ch. 204-22 WAC	Standards for tire chains.
Amd	ch. 204-24 WAC	Traction devices.
New	ch. 204-88 WAC	Emergency vehicle lighting.

This action is taken pursuant to Notice Nos. WSR 82-11-044, 82-11-051 and 82-12-003 filed with the code reviser on May 12, 1982, May 13, 1982, and May 20, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.37.420, 46.37.190, 46.37.194 and 46.37.280 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 21, 1982.

By David K. Boston
Secretary

Chapter 204-22 WAC
Standards for Tire Chains

NEW SECTION

WAC 204-22-010 PROMULGATION. By authority of RCW 46.37.005 and RCW 46.37.420, the State Commission on Equipment hereby adopts the following standards for tire chains.

NEW SECTION

WAC 204-22-020 SCOPE. These standards shall apply to tire chains designed for and used upon a public roadway.

NEW SECTION

WAC 204-22-030 LINK TIRE CHAINS. (1) Link type tire chains consist of at least two chain loops, one on each side of the tire, connected by evenly-spaced metal cross chains across the tire tread.

(2) The National Association of Chain Manufacturers Tire Chain Specifications NACM-5179(TC) is hereby adopted by reference as the standard for link type tire chains.

NEW SECTION

WAC 204-22-040 CABLE TIRE CHAINS. This specification covers ladder-type cable tire chain assemblies designed for use on tires that have been manufactured in accordance with the standards of the Tire & Rim Association, Inc.; 3200 West Market Street; Akron, Ohio 44313. All cable tire chains shall be designed for use on tires mounted in accordance with specifications in SAE Recommended Practice J1232, Class S, and SAE Informational Report J683a. Oversized tires, snow tires, special service, or special traction tires, etc., may require chains of a larger size.

(1) Classifications. Cable tire chains described in this specification shall be of the following types as specified for regular and restricted clearances:

(a) Passenger Car

(b) Single Light Truck

(c) Heavy Truck

(d) Special Police and Emergency Vehicle

(2) Definitions. For purposes of the section, the following definitions shall apply:

(a) Cable Laid Rope. A compound laid rope consisting of several ropes or several layers of strands laid together into one rope.

(b) Side Cable. Stranded cable to complete one full circumference along the tire sidewall.

(c) Fastener. Any suitable connecting device, secured to one end of a side cable so constructed that it can connect to the opposing end and be easily closed (engaged or fastened) and be readily opened (released) by hand.

(d) Reinforced Cross Cables. Stranded cable wrapped or covered to provide increased resistance to abrasive wear. This covering may be either a hard drawn spring wire, a high-carbon steel wire or nylon type 6 or 12. The wrapped or covered cable shall be enclosed by traction reinforcement sleeves covering said cable essentially from side connector to side connector. Cross cable shall be of specified length and shall provide proper drape over the tire tread.

(e) Cross Cable Fastener. Any suitable fastener used to attach each cross cable to the side cable. Fastener shall be constructed and assembled to prevent accidental detachment.

(f) Cross Cable Traction Reinforcement Sleeves. Shall be constructed of the manufacturer's specified material and of suitable length and width to maximize traction, braking, cornering and longevity.

(3) Requirements.

(a) Components. Cable tire chain assemblies shall consist of two side cables, or two outer and one inner side cable, with reinforced cross cables, cross cable fastener, and fasteners necessary to form a complete assembly.

(b) Material.

(i) Stranded side and stranded cross cable wire shall be constructed of pre-formed galvanized high-carbon steel with a minimum of 450 pounds breaking strength with seven wires per strand and seven strands per cable. The lay shall be a right hand lay.

(ii) Wire covering stranded cable shall be constructed of high-carbon plow steel wire with a minimum tensile strength of 230,000 pounds per square inch.

(iii) Spring wire covering stranded cable shall be constructed of harddrawn spring wire with a minimum tensile strength of 200,000 pounds per square inch.

(iv) Cables, spring, and plow wire must be manufactured in conformance to SAE recommended practice J113.

(v) Cross cable fasteners shall be constructed of open hearth, electric furnace, or basic oxygen process steel.

(vi) Metallic cross cable traction reinforcement sleeves shall be constructed of open hearth, electric furnace, or basic oxygen process steel and shall comply with the following American Society for Testing Materials (ASTM) standards: Standard E6 - Bend Test, Standard E8 - Tension Test, Standard E18 - Test Methods for Rockwell Hardness, and Standard A568 - Table of Chemical Content of Steel.

(vii) Nonmetallic cross cable traction reinforcement sleeves shall be constructed of "Zytel" ST-801 nylon or its equivalent.

(viii) All side cable fasteners are to be constructed of material that will allow easy installation and removal.

(c) Spacing of Cross Cable. The first cross cable shall be attached to that point of each side cable nearest the fastener that will permit the fastener to lie in the proper plane when the assembled cable tire chain is applied to the tire. On single cable tire chains, the remainder of the cross cables shall be attached to the side cable at intervals designed to provide for at least one cross cable in contact with the roadway at all times. On dual-triple tire chains, the remainder of the cross cable shall be attached to the outer side cables at like intervals and to the inner side chain with opposing cross cables staggered at the same intervals.

(d) Tolerances.

(i) Cross Cable Length. The inside length of all cross cable, including fasteners held in the same plane, shall be within a tolerance of minus 1/8 inch to plus 1/8 inch of the specified length indicated by the chain manufacturer's specifications. The length shall be measured by hanging the cross cable vertically on a horizontal pin and measuring the inside to inside length. The number of traction reinforcement sleeves in a cross cable may not vary from the number specified by the manufacturer.

(ii) Side Cable Length. The length of all side cables shall be within tolerance of minus 1/8 inch to plus 1/2 inch of the length indicated by the chain manufacturer's specifications.

(iii) Stranded Cable Size. Stranded cable size shall be subject to the following tolerances:

(A) Material up to and including .094 inch (2.4 mm) diameter shall not be less than the designated diameter and shall not exceed .010 inch (.25 mm) over the specified diameter.

(B) Material over .094 inch (2.4 mm) diameter shall not be less than the specified diameter and shall not exceed .014 inch (.36 mm) over the specified diameter.

(e) Component Dimensions. The dimensions of manufactured components may vary, but the assembled cable chains must meet the tolerances specified in items (d)(i), (d)(ii) and (d)(iii).

(f) Finish. All cable tire chains shall have a rust-resistant finish for protection in transit and storage.

(g) Identification. Each half set of cable tire chains shall be permanently marked with the manufacturing company's name, initials or trademark in order that it may be easily identified when not in the original container.

NEW SECTION

WAC 204-22-050 OTHER TIRE CHAIN DEVICES. From time to time, new technology or materials allow the invention or manufacture of devices having the same effect on a tire as tire chains but different in concept or design. Standards for such other tire chain devices shall be set by the Commission upon petition by a party for approval of the device.

AMENDATORY SECTION (Amending Order 7607, filed 9/14/76)

WAC 204-24-020 STANDARDS FOR TIRE CHAINS. ((~~Each tire chain shall have at least two side chains, to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. The terms "tire chain" and "side chains," when used in this regulation for vehicles with single drive wheels, shall include chain or steel cable with hardened steel traction projections securely fastened to the cross links. The steel cable used for this purpose shall be of a strength equivalent to the chain used in conventional metal tire chains. The Commission of Equipment can approve for use on the public highways of this state other "tire chain" devices, not manufactured of hardened steel, if the devices are equivalent to metal chains in performance.~~)) Standards for tire chains shall be as set forth in chapter 204-22 WAC.

Chapter 204-88 WAC
EMERGENCY VEHICLE LIGHTING

NEW SECTION

WAC 204-88-010 PROMULGATION. By authority of RCW 46.37.190, RCW 46.37.194 and RCW 46.37.280 the state Commission on Equipment hereby adopts the following rules relating to emergency vehicle lighting.

NEW SECTION

WAC 204-88-020 PURPOSE. The purpose of this chapter is to provide the authority for law enforcement agencies and other emergency vehicle users to equip their vehicles with emergency lighting devices of a type and color necessary to perform their duties, to distinguish law enforcement vehicles from other emergency vehicles, and to provide a uniform meaning to the motoring public as to the message conveyed by such lighting.

NEW SECTION

WAC 204-88-030 DEFINITIONS. (1) "Authorized Emergency Vehicle" shall mean any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington State Patrol, ambulance service public or private licensed by the Department of Social and Health Services or operated by any of the agencies named above, or any other vehicle authorized in writing by the Commission on Equipment.

(2) "Law Enforcement Vehicle" shall mean a publicly owned or leased vehicle operated by a law enforcement agency and which is used for the law enforcement functions of the agency.

(3) "Law Enforcement Agency" shall mean any municipal, port district or tribal police department, county police department or sheriff's office, the Washington State Patrol, or any other state or federal agency which is publicly authorized to carry out law enforcement duties which include the authority to stop and detain motor vehicles on the public highways of this state.

(4) "Flashing" lamps shall mean those lamps which emit a beam of light which is broken intermittently and regularly by use of an electronic or electric switch, or a lamp which emits a steady beam of light which is intermittently and regularly directed away from any viewer by means of a rotating or oscillating reflector or lamp assembly. Flashing lamps are not to be confused with modulated lamps which intermittently and regularly decrease the power to the lamp filament so as to dim the light output but do not cause a total break in the light beam.

(5) "Emergency Tow Truck" shall mean a motor vehicle specially designed and constructed principally for the purpose of recovery and towing of disabled, abandoned or damaged vehicles and not otherwise generally used in transporting goods or persons.

NEW SECTION

WAC 204-88-040 LIGHTING FOR AUTHORIZED EMERGENCY VEHICLES. Every authorized emergency vehicle except law enforcement vehicles as defined in WAC 204-88-030(2) shall be equipped with at least one lamp capable of displaying a red light visible from a distance of five hundred feet in normal sunlight as required in RCW 46.37.190. A flashing lamp or lamps may be utilized to fulfill this requirement. Every authorized emergency vehicle may also be equipped with flashing amber lamps and/or flashing white lamps which may be used in conjunction with the red lamp(s).

NEW SECTION

WAC 204-88-050 LIGHTING FOR LAW ENFORCEMENT VEHICLES. Every law enforcement vehicle may be equipped with at least one lamp capable of displaying a red and/or blue light visible from a distance of five hundred feet in normal sunlight. A flashing lamp or lamps may be utilized to comply with this requirement. Every law enforcement vehicle may also be equipped with flashing amber lamps and/or flashing white lamps which may be used in conjunction with the red and/or blue lamp(s).

NEW SECTION

WAC 204-88-060 LIGHTING PROHIBITED. (1) Red emergency vehicle lights shall be prohibited on any vehicle other than an authorized emergency vehicle, a law enforcement vehicle or an emergency tow truck as defined in WAC 204-88-030(1), (2) and (5), school buses and private carrier buses.

(2) Blue lights shall be prohibited on any vehicle other than a law enforcement vehicle as defined in WAC 204-88-030(2).

(3) Flashing white lights shall be prohibited on any vehicle other than authorized emergency vehicles, law enforcement vehicles and emergency tow trucks as defined in WAC 204-88-030(1), (2) and (5), and school buses.

NEW SECTION

WAC 204-88-070 APPROVED LIGHTING DEVICES REQUIRED. In conformance with RCW 46-.37.320 and RCW 46.37.194 all emergency lamps used on emergency or law enforcement vehicles shall be approved by the Commission on Equipment.

WSR 82-16-048
EMERGENCY RULES
COMMISSION ON EQUIPMENT
[Order 82-07-02—Filed July 29, 1982]

Be it resolved by the Commission on Equipment, acting at General Administration Building, Olympia, Washington 98504, that it does adopt the annexed rules relating to standards for vehicle connecting devices and towing methods, chapter 204-70 WAC.

We, the Commission on Equipment, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the exception to certification and testing for some trailer hitch manufacturers makes the rule unenforceable and creates a liability for the state.

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

This rule is promulgated under the general rule-making authority of the Commission on Equipment as authorized in RCW 46.37.005 and 46.37.320.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 21, 1982.

By David K. Boston
Secretary

AMENDATORY SECTION (Amending Order No. 80-02-2-70, filed February 28, 1980)

WAC 204-70-040 DEFINITIONS. (1) The term "commission" as hereinafter referred to within this regulation shall mean the State Commission on Equipment.

(2) "Chain Attaching Means" means the bolt, hook, pin, hole, eye, clevis, bracket, bar, or any other device mounted on and used for anchoring or attaching safety chains to the towed or towing vehicle or hitch.

(3) "Coupling" means that part of the primary connecting system normally mounted on the trailer, such as a socket, by which the connection is actually made and including the supporting attachment to the trailer frame.

(4) "Family of Hitches" means a series of hitches produced by a single manufacturer which have similar traits and characteristics in common with each other. Each regulated manufacturer shall determine which hitches may be appropriately included in a particular family, subject to review by the commission. The necessary criteria which all hitches included within a family must exhibit are as follows:

(a) similarity of design,

(b) similar materials of construction,

(c) similar means of attachment to the towing vehicle, and

(d) similar strength and performance of characteristics.

(5) "Gross Vehicle Weight Rating (GVWR)" means the value specified by the vehicle manufacturer as the loaded weight of a single vehicle.

(6) "Hitch," defined for specific uses under (a) and (b) below, generally means that part of the primary connecting system normally mounted on the towing vehicle, including a ball-support platform and those components which are attached to the towing vehicle.

(a)" Weight Distributing Hitch" means a mechanical device that connects the trailer to the towing vehicle,

and by means of a leverage applied on both trailer and car structures or axles, when properly adjusted, distributes the imposed vertical load at the hitch and coupling connection between the structures of axles of towing vehicle and trailer. The towing vehicle thus loaded tends to retain a level position with respect to the road.

(b) "Weight Carrying Hitch" means a mechanical and/or structural device that connects the trailer to the towing vehicle, and that does not employ features designed to redistribute the load imposed at the hitch and coupling connection. Weight carrying hitches may be designed for bolting or other attachment to the towing vehicle frame, unitized body, bumper structure, or to a combination of these or other points which meet the requirements of WAC 204-70-060(3) and Table 2.

(7) "Maximum Gross Trailer Weight (MGTW)" means the weight of the trailer plus the weight of all cargo, consumables, and equipment loaded on the trailer when in an actual underway towing condition.

(8) "Maximum Vertical Load on Hitch (Tongue Weight)" means the vertical downward static force exerted on the hitch by the coupling at the point of connection of coupling and hitch, with weight distribution features or devices, if any, deactivated. Tongue weight is measured at the trailer coupling, with the trailer on a level surface (detached from the hitch), and with trailer consumables and cargo in maximum loaded conditions.

(9) "Primary Connecting System" means the combination of devices and their attaching structures that are normally utilized to maintain the connection between towing vehicle and trailer during towing operations. This includes, but is not limited to, the ball-and-socket type of connection or draft means. Note: This does not include a safety chain, which is part of a secondary system normally utilized only upon failure of the primary connection, nor does it include weight distributing or sway control features or devices whose function is accessory to the maintenance of the towing vehicle-trailer connection.

(10) "Safety Chains" means flexible tension members connected from the front portion of the towed vehicle to the rear portion of the towing vehicle for the purpose of retaining connection between towed and towing vehicle in the event of failure of the connection provided by the primary connecting system. The term "safety chains" includes not only chains, cable, or wire ropes, or equivalent flexible member meeting the strength requirements of Table 3 and approved by the commission, but also any splice, clamp, socket, snap, eye, ring, thimble, pin, or other fastening device or forming method which is part of the assembly of any such flexible tension member.

~~(((11) "Responsible Manufacturer" shall mean that person who manufactures a hitch or hitch component either for resale or for sale where it is not actually installed by the manufacturer.~~

~~(12) "Responsible Installer" shall mean a person who installs a pre-manufactured hitch where no custom fabricating is done.~~

~~(13) "Custom Installer" shall mean that person who custom fabricates a hitch which is installed at the place of fabrication.~~

~~Nothing in this section is intended to preclude hitch installers from engaging in the activities covered in definitions (11), (12), and (13) above in any combination.))~~

AMENDATORY SECTION (Amending Order No. 80-02-2-70, filed February 28, 1980)

WAC 204-70-100 CERTIFICATION AND/OR TESTING. (1) Each responsible manufacturer shall certify to the commission or to an equipment approval program or other agency designated by the commission that each of his devices or systems, when installed in accordance with his published instructions (including instructions of manufacturers of weight distributing hitches for use by local installers who fabricate the undercar attachments means for such hitches), complies with and meets the requirements of this regulation. Such certification, shall be corroborated by submission of a properly executed Product and Certification Test Report form containing test results and required certifications, accompanied by photographs of the test site and equipment and a concise description of the test methodology followed. This report shall be submitted on forms approved by the Commission. To demonstrate compliance with this regulation, the necessary tests shall be conducted by or supervised by an approved certified laboratory or an approved certified testing organization, and the officer or employee of the approved certified testing organization who personally conducted or supervised the testing shall execute the appropriate certification statement contained in the Product and Certification Test Report.

(2) Registration. No vehicle connecting device or system shall be sold within the state of Washington unless the responsible manufacturer has registered his product with the commission, has furnished the commission one copy of instructions for installation (as applicable), use, maintenance and repair, and has stated the maximum towing capacity of his product in terms of the maximum gross trailer weight (MGTW) to be drawn, as measured in accordance with the provisions of WAC 204-70-050 and WAC 204-70-060. There shall be imprinted on each copy of instructions provided with the device or otherwise furnished to the owner the following statement: "This product complies with Regulation V-5." The responsible manufacturer of light Service Class 1 connecting devices or systems for trailers not exceeding 2,000 pounds gross weight who produces not more than five (5) such devices or systems in one calendar year must produce a product which complies with all applicable requirements of this regulation, except the registration requirements of this subsection.

~~(((3) In lieu of the registration required in WAC 204-70-100(2), vehicle connecting devices or systems shall be considered to be registered if they appear as an approved device in the American Association of Motor Vehicle Administrators' "Approved Vehicle Devices Handbook": Provided, however, That such testing conducted for the approval found the device to be in full conformance with VESC Regulation V-5.~~

~~(4) Custom Installer Conditional Exemption From Certification, Testing and Registration. Hitch installers are required to insure that hitches (as defined in section~~

~~*WAC 204-70-040(6)) manufactured and installed by them meet the requirements of this regulation, except that such hitches are conditionally exempt from the certification, testing and registration provisions of sections WAC 204-70-100(1), (2), and (3). To qualify for this exemption, hitches must be manufactured and installed by the same installer. Hitches so exempted may not be marked with the symbol V-5, but must meet all other identification provisions of section WAC 204-70-080, and, in addition, must be permanently marked or labelled with the legend, "Installer Manufactured," in a manner approved by the commission. The commission reserves the right, in its discretion, in the event of a failure or a suspected failure of a hitch, to require testing of a comparable hitch of the same family fabricated by the manufacturer of the suspected hitch to demonstrate compliance with the strength regulations of this chapter.))*~~

NEW SECTION

WAC 204-70-110 EFFECTIVE DATE. This chapter shall become effective on April 1, 1980 for components manufactured on or after that date. The effective date for all components sold in the state of Washington, regardless of the date of manufacture, shall be April 1, 1981.

REPEALER

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

WAC 204-70-120 Effective Date.

WSR 82-16-049
ADOPTED RULES
COMMISSION ON EQUIPMENT
[Order 82-07-03—Filed July 29, 1982]

Be it resolved by the Commission on Equipment, acting at the General Administration Building, Olympia, Washington 98504, that it does adopt the annexed rules relating to equipment standards, chapter 204-10 WAC.

This action is taken pursuant to Notice No. WSR 82-11-050 filed with the code reviser on May 13, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.37.440 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 21, 1982.

By David K. Boston
Secretary

AMENDATORY SECTION (Amending Order 81-08-02, filed August 21, 1981)

WAC 204-10-080 EMERGENCY REFLEX REFLECTORS. ((~~Society of Automotive Engineers Recommended Practice SAE J774c~~)) Federal Motor Vehicle Safety Standard 125, January 1, 1974, is hereby adopted by reference as the standard for emergency reflex reflector warning devices.

WSR 82-16-050
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1769—Filed July 29, 1982]

I, M. Keith Ellis, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules concerning brucellosis and the importation of animals, chapter 16-54 WAC.

I, M. Keith Ellis, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the movement of cattle to and from Washington must be allowed to continue as set forth in administrative order number 1763, which expires on July 29, 1982, through the remainder of the current grazing season.

These 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 16.44 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 29, 1982.

By M. Keith Ellis
Director

AMENDATORY SECTION (Amending Order 1752, filed 1/14/82)

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 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) and shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area.

(2) Brucellosis. Cattle originating from states other than Washington: All domestic bovine animals (including bison) moving into Washington, except those consigned to quarantined registered 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:

(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 ((~~[[separated]]~~)) 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:

(i) Calves under six months of age.

(ii) Steers and spayed heifers.

(iii) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(iv) Immediate slaughter cattle going directly to a federally inspected slaughter establishment.

(v) Cattle consigned directly to a quarantined registered feed lot.

(vi) Cattle from certified brucellosis free herds.

(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.

(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:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a federally inspected slaughter plant.

(iii) Those cattle consigned directly to a quarantined registered feed lot.

(iv) Spayed heifers.

(c) Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the animal health division and((~~: All brucellosis test eligible cattle moving on a temporary grazing permit must be officially brucellosis tested negative within twelve months of entry into Washington. They must~~)) originate in a county or other political subdivision of equal status where brucellosis has not been diagnosed in the preceding twelve months, or ((~~officially brucellosis~~)) tested negative to brucellosis within thirty days of ((~~prior to~~)) entry.

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 82-16-051
PROPOSED RULES
EASTERN WASHINGTON UNIVERSITY
[Filed July 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Eastern Washington University intends to adopt, amend, or repeal rules concerning delegation of appointing authority power, WAC 172-180-020;

that such institution will at 9:00 a.m., Thursday, October 28, 1982, in the Pence Union Building, EWU, Cheney, Washington, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is the board of trustees of Eastern Washington University.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to October 1, 1982, and/or orally at 9:00 a.m., Thursday, October 28, 1982, Pence Union Building, EWU, Cheney, Washington.

Dated: July 9, 1982
By: Kenneth R. Dolan
Secretary, Board of Trustees

STATEMENT OF PURPOSE

Re: Chapter 172-180 WAC, Delegated Authorization to Hire, Dismiss, and Discipline Classified Personnel.

The Higher Education Personnel Board of the state of Washington authorizes "appointing authorities" with the power to demote, suspend, and reduce the salary, or dismiss any employee under its jurisdiction for the causes stated in such rules. The board of trustees at Eastern Washington University has promulgated rules delegating the powers conferred on it as an appointing authority. This power is especially derived from RCW 28B.10.528, which statute accords the board of trustees the power and duty to employ, discipline, and discharge university employees within the limitations provided by law. RCW 28B.10.528 expressly accords the board of trustees the power, when exercised by resolution, to delegate to any designee powers and duties vested in or imposed upon the board by law.

The board of trustees delegates the authority to hire, dismiss, and discipline classified personnel to the individuals denominated herein.

This rule is proposed by the board of trustees of Eastern Washington University and its implementation and enforcement are the responsibility of the president of Eastern Washington University.

The administrative reorganization has brought about the deletion of some formerly identified positions with appointing authority and the creation of new positions to which appointing authority status must inhere.

AMENDATORY SECTION (Amending Resolution 78-2, filed 5/5/78)

WAC 172-180-020 DELEGATION OF APPOINTING AUTHORITY POWER. In accordance with the statutory powers referred to in WAC 172-180-010 and in accordance with the rules promulgated by the Higher Education Personnel Board, the Board of Trustees of

Eastern Washington University, in accordance with the resolution adopting this WAC chapter, hereby designates the following positions, and persons occupying such positions, as appointing authorities at Eastern Washington University:

(1) The President;

(2) The ((~~Executive~~)) Vice President and Provost for Academic Affairs;

(3) ((~~The Provost for Academic Affairs;~~

~~(4)~~)) The Vice Provost for ((~~Graduate and Undergraduate Studies~~)) Academic Affairs;

((~~(5)~~)) (4) The Vice President for Business and Finance;

(5) The Vice President for Extended Programs;

(6) The Provost for Student Services;

(7) The ((~~Director of University Relations~~)) Vice President for Administration;

(8) The Dean, College of Letters and Sciences;

(9) The Dean, School of Fine Arts;

(10) The Dean, School of Human Learning and Development;

(11) The Dean, Division of Health Sciences;

(12) The Dean, School of Business ((~~Administration~~));

(13) The Dean, School of Social Work and Human Services;

(14) The Dean, School of Public Affairs;

(15) The University Librarian((~~;~~)); and

((~~(15) The Business Manager.~~))

(16) The Executive Assistant to the President (also the Secretary of the Board of Trustees).

WSR 82-16-052
PROPOSED RULES
EASTERN WASHINGTON UNIVERSITY
[Filed July 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Eastern Washington University intends to adopt, amend, or repeal rules concerning the constitution of the associated students of Eastern Washington University, chapter 172-114 WAC;

that such institution will at 9:00 a.m., Thursday, September 23, 1982, in the Pence Union Building, Eastern Washington University, Cheney, Washington, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is the board of trustees of Eastern Washington University.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to September 1, 1982, and/or orally at 9:00 a.m., Thursday, September 28, 1982, Pence Union Building, EWU, Cheney, Washington.

Dated: July 8, 1982
By: Kenneth R. Dolan
Secretary, Board of Trustees

STATEMENT OF PURPOSE

The Constitution of the Associated Students, chapter 172-114 WAC. The purpose of this rule is to provide the framework for the orderly operation of the student association at Eastern Washington University. This association shall represent the students' interests, needs and welfare, and provide for the development of student fellowship and understanding of democratic values and processes.

This rule defines the membership in the association, students' rights and responsibilities, associated students governing council, the role and function of the elected A.S. officials and members of the council, the election process, the judicial role of the A.S. and the process through which this constitution can be amended.

The reason for the change is that at the present time vacancies on the A.S. Council cannot be filled. The position remains vacant until the next regularly scheduled election. The proposed change would allow the A.S. President, with the concurrence of the A.S. Council, to appoint a replacement. The replacement would serve until the next scheduled election.

The University Official Responsible for the Drafting, Implementation and Enforcement: Mr. Richard Flamer, Provost for Student Services, Eastern Washington University, Cheney, WA 99004, Scan 353-2293.

The associated students and its constitution were formed by the board of trustees under the board authority of RCW 28B.35.120.

AMENDATORY SECTION (Amending Order 12-18-80, filed 1/9/81)

WAC 172-114-040 ARTICLE III—COUNCIL. (1) The legislative powers of the ASEWU shall be vested in the ASEWU Council and may not be transferred.

(2) Membership. The members of the ASEWU Council shall consist of nine at-large Council Members, the ASEWU President, the ASEWU Executive Vice President, and the ASEWU Finance Vice President. The voting membership of the ASEWU Council shall consist of the Executive Vice President and nine Council Members, elected by numbered, at-large positions for one year. The Council Members shall take office on the last day of the quarter in which they are elected, as follows: Positions 1 through 3 elected fall quarter, positions 4 through 6 elected winter quarter, positions 7 through 9 elected spring quarter. No person shall hold more than one elected position on the Council. The ASEWU President and ASEWU Finance Vice President shall have all Council membership rights excluding voting.

(3) Meetings. The ASEWU Council shall meet not less than four times during each quarter (excluding summer quarter), and special meetings may be called by the ASEWU Executive Vice President, by one-third of the Council Members, or by a presentation of a petition to the ASEWU Council signed by five percent of the ASEWU. All meetings shall be open to the public. A record shall be kept of the votes taken therein, and copies of the minutes shall be available to any member of the university community upon request.

(a) Quorum. The ASEWU Council meetings shall have quorum being a majority of the ASEWU Council Members.

(b) Proxy Voting. There shall be no proxy voting.

(4) Legislation. All legislation shall include: The names of the sponsor(s); date of introduction; committee referred to, if any, disposition and date of disposition; signature of the ASEWU Executive Vice President and the ASEWU President, or override of his/her veto by the ASEWU Council; and shall continue in effect until five years from the last date of signature, an override, or until rescinded.

(5) Council Powers and Duties. The ASEWU Council shall have the following policies and duties:

(a) The ASEWU Council shall enforce this Constitution.

(b) The ASEWU Council shall serve as the official representative of ASEWU.

(c) The ASEWU Council shall enact all legislation necessary to ensure that its policies are enforced.

(d) The budgeting authority of the ASEWU shall be vested in the ASEWU Council and may not be transferred.

(i) The budget shall include all funds, revenues, and reserves; shall be divided into programs, subprograms, and objects of expense and shall include supporting data; shall indicate as to each program, subprogram, or object of expense the actual expenditures of the preceding year; and shall include any proposed capital improvement program for the next six fiscal years.

(ii) Regular budgets shall be those budgets adopted during Spring quarter for the following fiscal year. Supplemental budgets shall be all other budget requests made throughout the year. Copies of the budgets shall be delivered to each member of the ASEWU Council and be available to any member of the University community upon request.

(iii) Unless otherwise provided by the appropriation legislation, all unexpended and unencumbered appropriations in the current expense appropriation legislation shall lapse at the end of the fiscal year. An appropriation in the capital budget appropriation legislation shall lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three years.

(iv) Any expenditure in excess of an appropriation shall be null and void; and any official, agent, or employee knowingly responsible shall be personally liable to anyone damaged by this action; providing the ASEWU Council may permit the ASEWU to enter into contracts requiring the payment of funds from appropriation of subsequent fiscal years.

(v) The ASEWU Council shall publish an annual Financial Statement summarizing the regular ASEWU budget.

(vi) The ASEWU Council may request an annual audit, provided it budgets for the same.

(e) By a two-thirds vote of the ASEWU Council, the ASEWU Council may override a veto by the ASEWU President.

(f) The ASEWU Council shall be responsible for its own organization in the establishment and election of subcommittees and their membership. No ASEWU Council subcommittee, having legislation referred to it, shall have the authority to delay presentation to the full Council for more than two meetings without the permission of the sponsor.

(g) The ASEWU Council shall be responsible for the employment of those employees it deems necessary to assist the Council in the exercise of their Council duties and powers, provided it budgets for the same. The appointment for such employment, presented by the ASEWU Executive Vice President, shall receive the advice and consent of the ASEWU Council.

(h) Committees. The ASEWU Council shall be responsible for student representation on all University Committees, councils of the Academic Senate and their subcommittees, and ASEWU Committees.

(i) Appointment to such committees, presented by the ASEWU President, shall receive the advice and consent of the ASEWU Council.

(ii) Students appointed to these committees shall serve at the discretion of the ASEWU Council.

(iii) All student appointments to these committees shall serve one year terms, beginning on the date of confirmation of the appointment and shall terminate one year after that appointment, unless otherwise specified in the committee structure.

(iv) Committees or committee chairpersons shall submit to the ASEWU a copy of all agendas and minutes.

(v) The ASEWU Council shall publish the ASEWU Committee Manual stating the membership, eligibility, purpose, and duties of all committees with student representation.

(i) Election returns. The ASEWU Council shall be the judge of all the ASEWU election returns and of the qualifications of its membership as prescribed in Article IV of this Constitution.

(j) ASEWU Council positions shall be declared vacant:

(i) When ASEWU Council Members miss three full, regularly scheduled, consecutive meetings, or four regularly scheduled meetings during a quarter.

(ii) When ASEWU Council Members violate academic qualifications as described in Article IV of this Constitution.

(iii) Upon the incumbent's death, resignation, recall, or withdrawal from membership in ASEWU (excluding summer quarter).

(iv) By declaration of nonperformance of duties stated in this Constitution by the ASEWU Superior Court.

(k) Chairperson Pro Tem. The ASEWU Council shall elect an ASEWU at-large Council Member to the position of Chairperson Pro Tem the second meeting of fall, winter, and spring quarters, who shall serve one quarter (excluding summer quarter). Vacancies occurring in the Chairperson Pro Tem's office shall be filled in the same manner for the balance of the unexpired term.

(6) ASEWU President. The ASEWU President, serving as an ASEWU Council Member, shall act as the chief officer and representative spokesperson on behalf of the ASEWU Council.

(a) The ASEWU President shall be responsible for executing Council and Judicial decisions.

(b) The ASEWU President may veto any legislative bill or supplemental budget passed by the ASEWU Council within three working days of passage, shall sign all legislation within three working days of passage, or override of veto by the ASEWU Council.

(c) The ASEWU President may create cabinet positions and appoint cabinet officers with the advice and consent of the ASEWU Council, who shall serve at his/her discretion, provided it budgets for the same.

(d) The ASEWU President shall make appointments in an expeditious manner, with the advice and consent of the ASEWU Council.

(e) The ASEWU President shall hold twice-a-month staff meetings with the ASEWU Executive Vice President, ASEWU Finance Vice President, Provost for Student Service, ASEWU Business Manager, and Coordinator of Student Activities.

(f) The ASEWU President or his/her designee shall supervise all ASEWU elections and shall be responsible for validating all positions.

(7) ASEWU Executive Vice President. The ASEWU Executive Vice President shall chair the ASEWU Council, as a voting member.

(a) The ASEWU Executive Vice President shall assume other duties delegated by the ASEWU President.

(b) The ASEWU Executive Vice President shall prepare the agenda for and chair all meetings of the ASEWU Council; shall call meetings of the ASEWU Council; shall prepare a schedule of all regular meetings for fall, winter, and spring quarters with the advice and consent of the ASEWU Council.

(c) The ASEWU Executive Vice President shall appoint a clerk, with the advice and consent of the ASEWU Council.

(d) The ASEWU Executive Vice President shall be responsible for all administrative matters of the ASEWU Council.

(e) The ASEWU Executive Vice President shall assume the duties of the ASEWU President during the President's absence or disability.

(8) ASEWU Finance Vice President. The ASEWU Finance Vice President shall be member of the ASEWU Council.

(a) ASEWU Finance Vice President shall be responsible for the management of all ASEWU moneys and properties.

(b) ASEWU Finance Vice President shall supervise all expenditures of ASEWU funds.

(c) ASEWU Finance Vice President shall be a voting member and chair the finance subcommittee of the ASEWU Council.

(d) ASEWU Finance Vice President shall present to the Council a published financial statement each month summarizing ASEWU funds for that month.

(e) ASEWU Finance Vice President shall publish an annual budget book summarizing the upcoming year's budget requests and recommendations as well as budget requests and the budgeted amounts for the past five years.

(f) ASEWU Finance Vice President shall assume other duties delegated by the ASEWU President.

(9) Salaries. Elected and appointed members of the ASEWU shall be paid on the following basis.

(a) The ASEWU President shall receive a quarterly (12 month) salary based upon the quarterly cost of in-state tuition, double occupancy room and board, and four hundred dollars.

(b) The ASEWU Executive Vice President and the ASEWU Finance Vice President shall receive a quarterly (9 month) salary based upon the quarterly cost of in-state tuition, double occupancy room and board, and two hundred and fifty dollars.

(c) ASEWU Cabinet members shall receive a quarterly (9 month) salary not to exceed two-thirds of that of the ASEWU Executive Vice President or the ASEWU Finance Vice President.

(d) The ASEWU Council Clerk and other ASEWU Council employees shall receive a quarterly (9 month) salary not to exceed two-thirds of that of the ASEWU Executive Vice President or the ASEWU Finance Vice President.

(e) The ASEWU at-large Council Members may receive a quarterly salary not to exceed the in-state tuition rate, provided it budgets for the same.

(10) Vacancies.

(a) The positions of ASEWU Council Members, ASEWU President, ASEWU Executive Vice President, ASEWU Finance Vice President shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in ASEWU (excluding summer quarter for the ASEWU Executive Vice President, ASEWU Finance Vice President, and ASEWU Council Members), or declaration of nonperformance of duties stated in this Constitution by the ASEWU Superior Court.

(b) In the case of a vacancy in the office of the ASEWU President, the ASEWU Executive Vice President shall assume the office of the ASEWU President to serve with full authority and power for the remainder of the unexpired term.

(c) In the case of a vacancy in the office of the ASEWU Executive Vice President, the Council Pro Tem shall assume the office of the

ASEWU Executive Vice President to serve with full authority and power for the remainder of the unexpired term.

(d) In the case of a vacancy in office of the ASEWU Finance Vice President, the ASEWU President shall appoint, with the advice and consent of the ASEWU Council, an ASEWU member to assume the office of ASEWU Finance Vice President to serve with full authority and power until the next regularly scheduled election, at which time a member of ASEWU shall be elected to serve the balance of the term.

(e) In the case of a vacancy of a Council position, ((~~a member of the ASEWU shall be elected at the next regularly scheduled election to serve for the balance of that term~~)) the ASEWU President may recommend a member of ASEWU to fill the vacant position with a 3/4 (three-fourths) vote approval by the ASEWU Council. The appointee shall take office immediately upon approval of the ASEWU Council, and serve until the regularly scheduled election.

(11) Terms.

(a) The terms of the ASEWU President and the ASEWU Executive Vice President shall be for one year and shall be elected winter quarter and take office the last day of winter quarter.

(b) The term of the ASEWU Finance Vice President shall be for one academic year and one quarter (excluding summer quarter), taking office the last day of winter quarter to the last day of spring quarter. During the overlapping terms of the outgoing and incoming of the ASEWU Finance Vice President, it shall be the duty of the incumbent ASEWU Finance Vice President to prepare and present a proposed budget for ASEWU to the ASEWU Council. The incoming ASEWU Finance Vice President shall have no authority or power to execute transactions during this overlapping period. It shall be the duty of the incumbent ASEWU Financial Vice President to serve as chair of the Finance Subcommittee of the ASEWU Council. The incoming ASEWU Finance Vice President shall serve as a member of the ASEWU Council and the Finance Subcommittee of the ASEWU Council.

WSR 82-16-053
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-95—Filed July 29, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation is necessary to protect spawning spring/summer chinook salmon.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 29, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-073E0C HOH RIVER—CLOSED AREA Effective 5:00 P.M. July 31, 1982 until 11:59 P.M. September 11, 1982, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon for commercial purposes from the waters of the Hoh River.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-073E0B HOH RIVER

WSR 82-16-054
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-96—Filed July 29, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the harvestable share of commercial salmon has been taken.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 29, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-24-02000R LAWFUL ACTS - TROLL FISHERY Notwithstanding the provisions of WAC 220-24-020, effective 12:00 noon July 30, 1982, it is unlawful to take or fish for salmon from the waters of the Pacific Ocean and effective 12:00 noon August 1, 1982, it is unlawful to land salmon taken for commercial purposes from the waters of the Pacific Ocean.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon July 30, 1982:

WAC 220-24-02000P LAWFUL ACTS - TROLL FISHERY (82-77)

WAC 220-24-0200Q LAWFUL ACTS - TROLL FISHERY (82-80)

WSR 82-16-055
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed July 29, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning pupils, chapter 180-40 WAC;

that the agency will at 9:00 a.m., Thursday, September 30, 1982, in Conference Rooms A, B and C, State Modular Building, 7510 Armstrong Street S.W., Tumwater, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Friday, October 1, 1982.

The authority under which these rules are proposed is RCW 28A.04.132.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 30, 1982.

Dated: July 29, 1982
By: Monica Schmidt
Executive Director

STATEMENT OF PURPOSE

Rule: Chapter 180-40 WAC, Pupils.

Rule Section(s): WAC 180-40-200 Purpose and application.

Statutory Authority: RCW 28A.04.132.

Purpose of the Rule(s): Purpose section of rule with cross-reference to chapter 392-145 WAC.

Summary of the Rule(s) and/or Amendments: Corrects improper cross-reference to WAC 392-145-035.

Reasons Which Support the Proposed Action(s): Correct improper cross-reference.

Person or Organization Proposing the Rule(s): SPI, Government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, Legal Services, Room 1500, 753-2298; Enforcement: Court; and Implementation: Local Districts.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Change corrects an error.

AMENDATORY SECTION (Amending Order 6-77, filed 6/2/77, effective 8/1/77)

WAC 180-40-200 PURPOSE AND APPLICATION. The purpose of this chapter is to implement RCW 28A.04.132 by prescribing the substantive and procedural due process rights of students served by any program or activity conducted by or in behalf of a common school district: PROVIDED, That the enforcement of rules promulgated by the Washington Interscholastic Activity Association and like organizations that govern the participation of students in interschool activities, and appeals in connection therewith, shall be governed by rules of the organization that have been adopted pursuant to RCW 28A.58.125 and approved by the state board of education—not by this chapter. The procedures and standards set forth in this chapter and those adopted by a school district in conformance with this chapter shall govern the imposition of corrective action or punishment (i.e., discipline, suspension, and expulsion) upon any student by a school district and its agents.

The provisions of this chapter are intended to establish the minimum procedural and substantive due process rights of students. School districts are free to establish additional due process requirements and limitations and shall do so as necessary to accommodate the constitutional rights of students as now or hereafter established.

For rules regarding student conduct which supplement this chapter see chapter 392-145 WAC governing the operation of school buses, particularly WAC 392-145-015(4) regarding the responsibility of bus drivers and certificated staff members who accompany students for the behavior of students, and WAC 392-145-035 regarding the duty to adopt and post rules, including rules of conduct, governing school bus passengers.

WSR 82-16-056
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
[Order DE 82-25—Filed July 29, 1982]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to the amending of WAC 173-14-090, filing with department and attorney general and WAC 173-14-115, letter of exemption.

I, Donald W. Moos, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is because of budget reductions, effective immediately the Department of Ecology is changing some of its internal procedures for reviewing shoreline substantial development, conditional use, and variance permits pursuant to chapter 90.58 RCW. The amendments change the place of filing such items from the regional offices to the headquarters office. Local governments have been advised of the needed change.

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

This rule is promulgated pursuant to RCW 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 29, 1982.

By Donald W. Moos
Director

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-090 FILING WITH DEPARTMENT AND ATTORNEY GENERAL. Any ruling by

local government ((~~or~~)) on an application for a substantial development, conditional use or variance permit, whether it be an ((~~approved~~)) approval or denial, shall be filed with the department and attorney general. When a substantial development permit and a conditional use or variance permit are required for a development, the filing of local government's rulings on the permits shall be made concurrently.

Copies of the original application, affidavit of public notice, site plan, vicinity map, permit, and final order shall be filed with the ((~~regional office of the~~)) department and attorney general within eight days of the local government final decision. Where applicable, local government shall also file the following materials required by chapter 43.21C RCW, the state environmental policy act((;)): environmental checklist, threshold determination, and environmental impact statement, or in lieu thereof, a statement summarizing the actions and dates of such actions taken pursuant to chapter 43.21C RCW.

Filing shall not be complete until the required documents have actually been received by the ((~~regional office of the~~)) department ((~~within which the project lies;~~)) and by the attorney general. This same rule shall apply to conditional uses, variances, rescissions and revisions of permits.

"Date of filing" of a local government final order involving approval or denial of a substantial development permit, or involving a denial of a variance or conditional use permit, shall be the date of actual receipt by the ((~~regional office of the~~)) department. With regard to a permit for a conditional use or variance approved by local government and such permits which also involve concurrent filing by local government of a substantial development permit, the "date of filing" shall mean the date the ((~~departments~~)) department's final decision on the variance or conditional use permit is transmitted to local government and the applicant. The department shall in all circumstances notify in writing the local government and the applicant of the "date of filing".

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

AMENDATORY SECTION (Amending Order DE 78-7, filed 6/14/78)

WAC 173-14-115 LETTER OF EXEMPTION. Whenever a development falls within the exemptions stated in WAC 173-14-040 and the development is subject to a U.S. Corps of Engineers section 10 permit under the Rivers and Harbors Act of 1899, or a section 404 permit under the Federal Water Pollution Control Act of 1972, the local government shall prepare a letter addressed to the applicant and the ((~~appropriate regional office of the~~)) department, exempting the development from the substantial development permit requirements of chapter 90.58 RCW. This exemption shall be in substantially the following form. Such forms will be supplied by local government.

EXEMPTION FROM SHORELINE MANAGEMENT ACT SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENT

To: .....
(name and address of the applicant)

The proposal by (name of applicant) to undertake the following development (please be specific)

.....

upon the following property (please list legal description, i.e., section to the nearest quarter section)

.....

.....

within (name of water area) and/or its associated wetlands is exempt from the requirement of a substantial development permit because the development

.....
(Identify exemptions as outlined in WAC 173-14-040)

.....
(Corps Public Notice Number)

The proposed development is consistent or inconsistent with:

CHECK ONE		
CONSISTENT	*INCONSISTENT*	
☐	☐	*Policies of the Shoreline Management Act.*
☐	☐	*The guidelines of the Department of Ecology where no master program has been finally approved or adopted by the department.*
☐	☐	*The master program.*
.....		.....
(Date)		*(Signature of Authorized Local Government Official)*

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 82-16-057
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Order FT-82-4—Filed July 30, 1982]

I, Don Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 458-40-18670 Definitions for 7/1/82 through 12/31/82.
Amd WAC 458-40-18677 Definitions for small harvester option for 7/1/82 through 12/31/82.

I, Don Burrows, find that an emergency exists and that this order is necessary for the preservation of the

public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chapter 4, Laws of 1982 2nd ex. sess. extends the Forest Excise Tax to timber harvested from public lands effective August 1, 1982; therefore it is necessary to amend these rules to permit the collection of the tax in a timely manner.

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

This rule is promulgated pursuant to RCW 82.01.060, 84.33.030 and 84.33.071 as amended by chapter 4, Laws of 1982 2nd ex. sess. and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 30, 1982.

By John B. Conklin
Forest Tax Supervisor

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-18670 DEFINITIONS FOR 7/1/82 THROUGH 12/31/82. (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 or public 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 458-40-18671, 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 or public 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 458-40-18671, 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 or public 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 or publicly 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~~)) of this section 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 volume 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 458-40-18674.

(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 458-40-18674.

(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 458-40-18671. 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 458-40-18674.

(17) Timber. Timber shall include forest trees, standing or down, on privately or publicly 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 458-40-18673, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

(19) This amendatory rule shall take effect on August 1, 1982, and shall not be construed to affect any timber contracts in effect prior to that date.

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-18677 DEFINITIONS FOR SMALL HARVESTER OPTION FOR 7/1/82 THROUGH 12/31/82. (1) Small Harvester. Small harvester means every person who from his own ((~~privately owned~~)) land or from the ((~~privately owned~~)) land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use in an amount not exceeding 500 MBF in a calendar quarter and not exceeding 1,000 MBF in a calendar year. It does not include persons performing under contract the necessary labor or mechanical services for a harvester, and it does not include harvests of forest products classified by the department of revenue as special forest products including Christmas trees, posts, shake boards, bolts, flatsawn and shingle blocks.

(2) Timber. Timber means forest trees, standing or down, on privately or publicly owned land.

(3) Harvested Timber. Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(4) Harvesting and Marketing. Harvesting and marketing costs means only those costs directly associated with harvesting the timber from the land and delivering it to the buyer and may include the costs of disposing of logging residues but it does not include any other costs which are not directly and exclusively related to harvesting and marketing of the timber such as costs of permanent roads or costs of reforesting the land following harvest.

(5) Timber Values. Timber values shall be determined by the following methods, whichever is most appropriate to the circumstances of the harvest:

(a) When timber is sold on contract with a percentage share of gross receipts the timber owners share of actual gross receipts will be the taxable stumpage value. No harvest costs deduction is allowable.

(b) When timber is sold after it has been harvested the taxable stumpage value is the actual gross receipts from the harvested timber less the costs of harvesting and marketing.

(c) When standing timber is sold the taxable stumpage value is the actual gross receipts received by the timber owner from the most recent sale prior to harvest. No harvest costs deduction is allowable.

(6) This amendatory rule shall take effect on August 1, 1982, and shall not be construed to affect any timber contracts in effect prior to that date.

WSR 82-16-058
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed July 30, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

Amd WAC 458-40-18670 Definitions for 7/1/82 through 12/31/82.
Amd WAC 458-40-18677 Definitions for small harvester option for 7/1/82 through 12/31/82;

that the agency will at 10:00 a.m., Tuesday, September 7, 1982, in the Conference Room, 2nd Floor, Evergreen Plaza Building, 711 South Capitol Way, Olympia, 98501, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 7, 1982.

The authority under which these rules are proposed is chapter 84.33 RCW as amended by chapter 4, Laws of 1982 2nd ex. sess.

The specific statute these rules are intended to implement is RCW 84.33.071 as amended by chapter 4, Laws of 1982 2nd ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 7, 1982.

Dated: July 30, 1982
By: John B. Conklin
Forest Tax Supervisor

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, amending WAC 458-40-18670 and 458-40-18677.

Purpose: To establish administrative rules to permit the use of the stumpage value tables to determine forest excise tax liability on timber harvested from public lands under the provisions of chapter 4, Laws of 1982 2nd ex. sess.

Statutory Authority: Chapter 4, Laws of 1982 2nd ex. sess. which extends the forest excise tax to timber harvested from public lands.

Summary and Reasons for the Rule: The tables for determination of stumpage values currently indicate the values apply only to timber harvested from privately owned land. Effective August 1, 1982, the Department of Revenue is required to collect the forest excise tax from timber harvested from publicly owned land provided that the contract to harvest timber from publicly owned land was not in effect prior to the effective date of the law. The tables are amended to permit the administrative rules to properly reflect the effective date and liability for the forest excise tax on timber harvested from publicly owned lands.

Drafters of the Rule: John Conklin, Evergreen Plaza Building, Room 303, 711 South Capitol Way, Olympia,

WA 98501, (206) 753-2871; and Robert Smith, Evergreen Plaza Building, Room 303, 711 South Capitol Way, Olympia, WA 98501, (206) 753-1385.

Rule Implementation and Enforcement: Trevor W. Thompson, Evergreen Plaza Building, Room 301, 711 South Capitol Way, Olympia, WA 98501, (206) 753-5503.

Proposer of the Rule: Department of Revenue, General Administration Building, Olympia, WA 98504.

Comments and Recommendation: None.

Federal Law or Court Action Citation: No federal laws involved or action requested by the courts.

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-18670 DEFINITIONS FOR 7/1/82 THROUGH 12/31/82. (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 or public 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 458-40-18671, 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 or public 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 458-40-18671, 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 or public 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 or publicly 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~~)) of this section 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 volume 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 458-40-18674.

(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 458-40-18674.

(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 458-40-18671. 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 458-40-18674.

(17) Timber. Timber shall include forest trees, standing or down, on privately or publicly 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 458-40-18673, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

(19) This amendatory rule shall take effect on August 1, 1982, and shall not be construed to affect any timber contracts in effect prior to that date.

AMENDATORY SECTION (Amending Order FT-82-3, filed 6/30/82)

WAC 458-40-18677 DEFINITIONS FOR SMALL HARVESTER OPTION FOR 7/1/82 THROUGH 12/31/82. (1) Small Harvester. Small harvester means every person who from his own ((~~privately owned~~)) land or from the ((~~privately owned~~)) land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use in an amount not exceeding 500 MBF in a calendar quarter and not exceeding 1,000 MBF in a calendar year. It does not include persons performing under contract the necessary labor or mechanical services for a harvester, and it does not include harvests of forest products classified by the department of revenue as special forest products including Christmas trees, posts, shake boards, bolts, flatsawn and shingle blocks.

(2) Timber. Timber means forest trees, standing or down, on privately or publicly owned land.

(3) Harvested Timber. Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(4) Harvesting and Marketing. Harvesting and marketing costs means only those costs directly associated with harvesting the timber from the land and delivering it to the buyer and may include the costs of disposing of logging residues but it does not include any other costs which are not directly and exclusively related to harvesting and marketing of the timber such as costs of permanent roads or costs of reforesting the land following harvest.

(5) Timber Values. Timber values shall be determined by the following methods, whichever is most appropriate to the circumstances of the harvest:

(a) When timber is sold on contract with a percentage share of gross receipts the timber owners share of actual gross receipts will be the taxable stumpage value. No harvest costs deduction is allowable.

(b) When timber is sold after it has been harvested the taxable stumpage value is the actual gross receipts from the harvested timber less the costs of harvesting and marketing.

(c) When standing timber is sold the taxable stumpage value is the actual gross receipts received by the timber owner from the most recent sale prior to harvest. No harvest costs deduction is allowable.

(6) This amendatory rule shall take effect on August 1, 1982, and shall not be construed to affect any timber contracts in effect prior to that date.

WSR 82-16-059
ADOPTED RULES
SECRETARY OF STATE
[Order 82-1—Filed July 30, 1982]

I, Ralph Munro, director of the Office of the Secretary of State, do promulgate and adopt at Olympia, Washington, the annexed rules relating to office hours, office procedures, special service fee schedules, document signature requirements, mailing address requirements and related procedural requirements for the corporate and trademark filings to be made at the Corporations Division of the Office of the Secretary of State.

This action is taken pursuant to Notice No. WSR 82-12-072 filed with the code reviser on June 2, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to sections 67, 114, 159 and 187, chapter 35, Laws of 1982, 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 Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED July 30, 1982.

By Ralph Munro
Secretary of State

NEW SECTION

WAC 434-50-010 PURPOSE These rules are adopted to establish certain procedures and fee schedules applicable to filings made at the Corporations, Trademarks and Limited Partnerships Division of the Office of the Secretary of State, and to provide general information concerning that division. These rules are adopted pursuant to the corporations laws of Washington, including Sec. 67, 114, 159 and 187, Ch. 35, Laws of 1982.

NEW SECTION

WAC 434-50-015 OFFICE ADDRESS (1) Mailing address for the Corporations Division is: Corporations Division, Office of the Secretary of State, Olympia,

Washington 98504. Use of any other address may delay mail delivery.

(2) The offices of the Corporations Division are located at 500-A State Modular Office Building, Airdustrial Way and Armstrong Street SW, Tumwater, Washington. To reach the division's offices, take Exit 102, Interstate 5 (Trosper Road exit), go east two blocks to Capitol Boulevard, turn south on Capitol Boulevard, drive one mile to Airdustrial Way, turn on Airdustrial Way, go one-half mile. The State Modular Office Building is on the south side of Airdustrial Way; the Division is located in the northwest corner of the building.

NEW SECTION

WAC 434-50-020 OFFICE HOURS (1) Hours of operation for personnel in the division are from 8:00 a.m. to 12:00 noon and 1:00 to 4:30 p.m. daily, Monday through Friday.

(2) Over-the-counter or walk-in, same-day processing of documents, or inspection of public records is available between 8:30 to 11:30 a.m. and 1:00 to 3:30 p.m. each day. Counter service at other times is available only under exigent circumstances or by approval of the Supervisor of Corporations.

(3) Certain expedited or over-the-counter services are subject to the special service fees established elsewhere in these regulations.

(4) Documents, including substitute service-of-process on the Secretary of State, which are delivered after normal working hours will be deemed to have been received on the next working day. As used in this section, "received after normal working hours" includes delivery by posting/taping/tacking documents to the office's doors, placing documents on doormats or in office mailboxes, or other forms of delivery not physically received by an employee of the Office of the Secretary of State during working hours.

NEW SECTION

WAC 434-50-025 TELEPHONE SERVICES (1) The telephone number for corporation information is 206/753-7115.

(2) The following information on active corporations is available by telephone:

(a) Exact name of corporation according to Secretary of State's records;

(b) Expiration date of corporate license;

(c) Registered agent's name;

(d) Registered office address;

(e) Date Washington firm incorporated;

(f) Date out-of-state corporation qualified to do business in Washington;

(g) Amount of capital corporation is authorized to issue;

(h) Filing period of most recent annual report (list of officers and directors).

(3) Name availability review is not available by telephone. Names and addresses of officers and directors, records of very recent incorporations, dissolutions or other information requiring file and/or archival research cannot be responded to immediately by telephone.

(4) The corporations division receptionist does not have access to corporate information records. Receptionist's phone number, for general information, is 206/753-7120.

NEW SECTION

WAC 434-50-030 MAIL-IN SERVICE (1) Expedited services for mail-in requests are currently not available.

(2) Documents for filing are processed in order of date of receipt. If acceptable, documents will be marked "filed" as of the date of receipt, under RCW 23A.04.010(18). If requested in a cover letter, personnel will call (collect) and advise when documents are filed. Requests for specific filing dates not more than thirty days in advance will be observed; documents must be received in proper order with correct fees by the specified date.

(3) Information requests are processed in order of date of receipt, when related to active files. However, inquiries requiring search of non-active or archived files are processed on a time-available basis.

NEW SECTION

WAC 434-50-035 IN-PERSON OR EXPEDITED COUNTER SERVICE - SPECIAL FEES (1) Same-day processing of corporate documents is available during counter-service hours (8:30-11:30 a.m., 1:00-3:30 p.m.) at the offices of the corporations division. Expedited services available include charter document review and filing, name reservation review and filing, document certification, document copying, processing of service-of-process filings, trademark filings and other services related to corporation records and filings. Special service fees apply to same-day services.

(2) Fees for same-day services provided in-person, over-the-counter at the corporations division are as follows:

(a) A copy of corporate or other records: Five dollars expedited service fee plus statutory fees (one dollar for first page copied, twenty cents per page thereafter);

(b) Certificate or certified copies: Five dollars expedited service fee, plus statutory fee ($5.00 each certificate, plus twenty cents per page copied);

(c) Same-day processing of corporate charter documents, such as articles of incorporation, amendments, mergers, dissolutions, qualification of foreign corporation: Ten dollars expedited service fee per document, plus statutory fees for the form of the filing;

(d) Same-day processing of name reservation or registration requests: Ten dollars expedited service fee, plus regular statutory filing fee for each action or document processed;

(e) Processing of trademark filing, same-day basis: Ten dollars expedited service fee, plus statutory fee for the form of the filing, for each action or document processed;

(f) Processing of service-of-process on the Secretary of State under Ch. 23A RCW or RCW 46.64.040, on a

same-day basis: Ten dollars expedited service fee, plus statutory $25.00 service-of-process fee, for each action or document filed;

(g) Same-day processing of any other documents or materials submitted for filing under the corporations, trademarks or limited partnership laws: Ten dollars expedited service fee, plus any other applicable statutory fee, for each action or document processed;

(h) Search of non-active corporation or trademark archival files (corporations dissolved, merged out of existence or otherwise defunct): Ten dollars expedited search fee, for each request.

(3) (a) Special service fees, as established above, will be charged when same-day, over-the-counter service is requested. (Allow four-hour turn-around time for same-day service.) If the Office of the Secretary of State is unable to complete the requested action, by approval, denial or other definite disposition of the matter, by 4:30 p.m. of the day of receipt, the documents or other work will be processed first on the following business day.

(b) If special emergency services beyond same-day or over-the-counter services are provided by the division, including but not limited to delivery of documents, employee overtime, special copying, certifying or approval of materials, special research, or making long-distance phone calls related to the emergency situation, a special emergency fee of $75.00 per hour will be charged, in addition to regular fees which may be due for the form of the filing. When a request qualifying as an emergency is received by the agency, the agency will notify the requestor of the emergency service fee. The requestor must agree to the fee and any other reasonable conditions set by the agency before emergency services will be provided. Emergency requests require intensive amounts of agency effort for a short period, and will not be accepted by the agency except under exigent and compelling circumstances.

(4) Because of limited staff, the corporations division reserves the right to limit the availability of counter service or to limit the number of service requests submitted by one person during one day. Generally, the agency will limit to three the separate service requests which may be submitted by one person in one day. In the case of documents submitted by courier services or document-handling companies, no more than five separate service requests may be submitted per day for handling the same day unless alternate arrangements have been made with the agency or unless agency workload permits.

(5) There are no special fees or other expedited service charges for:

(a) In-person inspection or review of corporate or other public records located at the corporation division offices;

(b) Documents or other service requests left at the corporations division for regular, non-expedited processing. Such documents will be receipt-stamped only, and reviewed and processed as if otherwise received in the mail.

NEW SECTION

WAC 434-50-040 MISCELLANEOUS CHARGES - SPECIAL SERVICE FEES (1) Dishonored Checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the Secretary of State by means of a check, and the check is dishonored by the financial institution when presented, the Secretary of State will impose a seven-dollar reprocessing fee, payable to the Secretary of State.

In the event a valid replacement check and dishonor charge is not received in the Office of the Secretary of State within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

(2) Error in Document - Resubmission Fees. If a person, corporation or other entity submits a document for filing to the Office of the Secretary of State and the document contains one or more of the errors listed below, sub-sections (a) - (e), a three-dollar resubmittal fee to cover postage and handling will be charged each time the Office of the Secretary of State must return the documents to sender for correction or completion and the corrected documents are subsequently resubmitted to the Office of the Secretary of State for action. Reasons for document rejection which will trigger a resubmission fee are:

(a) Submission corporate charter document(s) lacking required signature(s) on any copy of the document, or not accompanied by supportive documents, such as certificate of good standing, second set of charter documents;

(b) Submission of corporate charter document(s) without required filing or license fees;

(c) Submission of corporate charter documents which fail to state a registered office address or to appoint a registered agent, if the document filing is of a type which requires such designation (i.e., articles of incorporation), or if agent's signed consent to serve is not included;

(d) Submission of articles of incorporation wherein the name of the corporation is not consistently spelled in the same manner throughout the articles (i.e., where page one refers to the "ABC Company," but page six refers to "ABCD Company").

(e) Submission of documents wherein the capital value is inconsistent or which fail to set an aggregate value for non-par shares.

(3) The Office of the Secretary of State may provide certain photocopies or services free of charge as a cost-effective measure and convenience of office administration.

NEW SECTION

WAC 434-50-045 FEE PREPAYMENT, WHEN REQUIRED (1) The following fees due to the Office of the Secretary of State must be prepaid (check or money submitted concurrently with the document(s)) before action can be taken:

(a) Filing fees, under RCW 23A, RCW 18, RCW 23 and RCW 24;

(b) Corporate annual license fees;

(c) Trademark filing fees;
(d) Special service fees for expedited document processing;
(e) Service-of-process fees;
(f) Copy or copying charges;
(g) Certificate or certified copy charges;
(h) Special archival search service fees;
(i) Document resubmission fees or dishonored check fees;
(j) Purchase of publications, such as the corporate laws or microfiche subscription.

(2) Anyone desiring a certificate, certified copies or photocopies or other service for which the statutes have set a variable rate may send in his request accompanied by a check made payable to the "Secretary of State," with the phrase "not to exceed (specified dollar amount)" above the space intended for the written dollar amount. The clerk who processes the request will fill in the exact fee amount, and a memo indicating the exact amount filled in on the check will accompany the returned certificate or other document.

NEW SECTION

WAC 434-50-050 ORIGINAL SIGNATURE REQUIREMENT - ORIGINAL RETAINED RCW 23A.04.010(16) and related sections in the Washington profit and non-profit corporation statutes permit documents which are to be submitted to the Office of the Secretary of State in duplicate original form to be submitted as "one original with original signatures and one copy thereof." In the case of documents submitted with only one original-signature version and one copy thereof, the Office of the Secretary of State will retain as its official file copy the document version bearing the original signature(s), and will return to the submitter that document version bearing the copy of the signature(s).

NEW SECTION

WAC 434-50-055 REGISTERED OFFICE ADDRESS - REQUIREMENTS By law, the registered office address for a corporation registered in Washington State must be at a geographic location in this state. However, a post office box address may be used in conjunction with the registered office address. A post office address may be used when: (1) The U. S. Postal Service cannot or will not deliver to the "street address," and the agent will therefore not receive mail communications from the Office of the Secretary of State, including the annual license fee billing; and

(2) The post office box address the agent desires to use is in the same Washington city or town as the registered office address; and

(3) The agent notifies the Office of the Secretary of State and the corporation of any changes in address, whether of the official registered office address or of the mail (post office box) address.

WSR 82-16-060
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed July 30, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning Unfair Cigarette Sales Below Cost Act Rules and Regulations, chapter 458-24 WAC;

that the agency will at 10:30 a.m., Wednesday, September 8, 1982, in the Revenue Conference Room, 415 General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 10, 1982.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is chapter 19.91 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 8, 1982.

Dated: July 30, 1982
By: Don R. McCuiston
Director, Interpretation and Appeals Division

STATEMENT OF PURPOSE

Title: Chapter 458-24 WAC, Unfair Cigarette Sales Below Cost Act Rules and Regulations.

Statutory Authority: RCW 82.32.300.

Summary: This chapter defines what are the unlawful practices of retailers and wholesalers of cigarettes and provides penalties for any unlawful acts. This chapter has been amended to implement the amended law effective July 10, 1982.

Drafters of the Rule: Don R. McCuiston, Director, Interpretation and Appeals Division, 415 General Administration Building, Olympia, Washington 98504, phone: (206) 753-5525; Department of Revenue, 415 General Administration Building, Olympia, Washington 98504, phone: (206) 753-5540.

Chapter 458-24 WAC
UNFAIR CIGARETTE SALES BELOW COST ACT RULES AND REGULATIONS

WAC

458-24-020 Unlawful practices.
458-24-030 Licenses, bond.
458-24-050 Administrative remedies.
458-24-060 Form and contents of ((~~petition~~)) complaint.
458-24-070 Penalties.

AMENDATORY SECTION (Amending Order ET 72-2, filed 9/29/72)

WAC 458-24-020 UNLAWFUL PRACTICES. (1) It is unlawful for any retailer or wholesaler of cigarettes with intent to injure competitors, destroy or substantially lessen competition to:

(a) Advertise, offer, or sell at less than cost;

(b) Offer or give a rebate in price, the effect of which would be a sale at less than cost((;)); or((;))

(c) Offer or give a concession of any kind, the effect of which would be a sale at less than cost.

(2) It is unlawful for a cigarette retailer with intent to injure competitors, destroy or substantially lessen competition to:

(a) Purchase or attempt to purchase cigarettes at less than cost to wholesalers((;)); or

(b) Get or attempt to get a rebate or concession, the effect of which would be a purchase at less than cost to wholesalers.

(3) It is unlawful to engage in the business of purchasing, selling, consigning or distributing cigarettes without holding a current and valid cigarette wholesalers or retailers license issued by the department of ((~~revenue~~)) licensing.

(4) Commission of any of the unlawful practices proscribed by RCW 19.91.020 is a misdemeanor and, in addition, the law provides for a fine up to $500 for each offense.

AMENDATORY SECTION (Amending Order ET 72-2, filed 9/29/72)

WAC 458-24-030 LICENSES, BOND. (1) "Wholesaler" means any person who:

(a) Purchases cigarettes directly from the manufacturer((;)); or

(b) Purchases cigarettes from others for sale to persons who will resell such cigarettes in the regular course of business((;)); or

(c) Services retail outlets through an established place of business for the purchase, warehousing, and distribution of cigarettes.

Each wholesaler shall((~~, prior to July 1 of each year,~~)) renew or make application for a wholesale cigarette dealer's license on forms supplied by the department of ((~~revenue (SF 8695)~~)) licensing and remit therewith the annual license fee of $((~~300~~)) 650 to the department of licensing. If the wholesaler sells, or intends to sell, cigarettes at more than one place of business, whether temporary or established, a separate license with a license fee of $((~~25~~)) 115 shall be required for each additional place of business. Each license shall be exhibited in the place of business for which it is issued. "Place of business" means any location where business is transacted with, or sales are made to, customers. It includes any vehicle, truck, vessel, or the like at which sales are made.

Each licensed wholesaler shall file a bond with the department of revenue in an amount determined by the department of revenue, which amount shall not be less than $((~~1,000~~)) 5,000. The bond shall be executed by the wholesaler as principal, and by a corporation approved by the department of revenue and authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license.

(2) "Retailer" means any person who makes sales of cigarettes at retail whether by operation of a store, stand, booth, concession, vending machine or other manner whatsoever.

Each retailer shall((~~, prior to July 1 of each year,~~)) renew or make application for a retail cigarette dealer's license on forms supplied by the department of licensing and remit therewith the annual license fee of $((~~5~~)) 10 to the department of licensing. Retailers operating cigarette vending machines are required to pay an additional annual license fee of $1 for each such vending machine.

(3) Persons may sell cigarettes both at retail and wholesale only if appropriate licenses are first secured for both such capacities.

AMENDATORY SECTION (Amending Order ET 72-2, filed 9/29/72)

WAC 458-24-050 ADMINISTRATIVE REMEDIES. (1) Any licensed cigarette retailer or wholesaler, believing ((~~himself injured by a competitor violating any provision of chapter 19.91 RCW or chapter 458-24 WAC, may file with the department of revenue, Olympia, Washington, a petition for a hearing and request an opportunity to present the evidence referred to in RCW 19.91.080 pertaining to "cost to the retailer" or "cost to the wholesaler", or in RCW 19.91.020(4) pertaining to evidence of advertisements, offers, or sales at less than cost, evidence of rebates or concessions given or offered resulting in sales at less than cost, or such other evidence as may tend to show that the competitor complained against has violated the law with intent to injure, destroy, or substantially lessen competition. Such petition shall conform to WAC 458-24-060 as to form and contents.~~

~~(2) Upon receipt of such a petition the department will promptly consider the petition and may grant or deny it, depending on whether in its judgment sufficient probable cause exists that a violation has occurred. One copy of the petition shall be furnished by the petitioner to the dealer complained against.~~

~~(3) If the hearing is granted, the department will give written notice to the petitioner and the dealer complained against of the time and date of hearing. All such hearings will be held before the director of the Interpretation and Appeals Division or his designee in the department's Olympia offices unless otherwise specified in the notice of hearing.~~

~~(4) The hearing will be conducted in accordance with the provisions of chapter 34.04 RCW and the petitioner and person complained against will each be given an opportunity to present evidence and argument at the hearing. The right to appear in a representative capacity in such hearings shall be limited to~~

~~(a) taxpayers who are natural persons representing themselves;~~

~~(b) attorneys duly qualified and entitled to practice in the courts of the state of Washington; or~~

~~(c) attorneys entitled to practice before the highest court of record of any other state, if attorneys licensed in Washington state are permitted to appear before the courts of such other state in a representative capacity.~~

~~(5) After the hearing the department will issue an order setting out such determination as may appear to it to be just and lawful and will mail a copy thereof to the petitioner and the person complained against. The department may revoke or suspend the license or permit of any wholesale or retail dealer found to have violated the provisions of chapter 19.91 RCW or chapter 458-24 WAC. Upon a finding by the department of a failure to comply with the provisions of either, it shall~~

~~(a) for the first offense, suspend the license or licenses of the offender for not less than 5 nor more than 20 consecutive business days;~~

~~(b) in the case of a second or plural offender, suspend the license or licenses of the offender for not less than 20 consecutive days nor more than 12 months;~~

~~(c) in the event of finding the offender guilty of wilful and persistent violations, revoke the offender's license or licenses.~~)) that a competitor is violating any provision of chapter 19.91 RCW or chapter 458-24 WAC, may file with the Department of Revenue, Excise Tax Division, Olympia, Washington 98504, a complaint in writing setting forth the basis upon which it believes the competitor is violating the provisions of chapter 19.91 RCW. The complaint shall conform to the requirements of WAC 458-24-060 as to form and contents.

(2) Upon receipt of a complaint the department will determine if it is frivolous or unsubstantiated, and if so found, shall promptly notify the complaining party that there is no basis upon which the department will act.

(3) If the department determines that the complaint is not frivolous or unsubstantiated, the department shall notify the complaining party of its intent to investigate the matter. The complaining party will not receive any other notification of departmental action in the case unless requested. The department shall notify the party complained against that a complaint has been filed and that an investigation will commence in order to determine whether violations of chapter 19.91 RCW or chapter 458-24 WAC have occurred.

(4) The party complained against shall make available to the department of revenue, upon request, all business records pertaining to its operations and sales of cigarettes. All such business records will be subject to review and verification by the department as it may by law conduct.

(5) The department of revenue shall notify the party complained against of the result of its investigation in a written report. If the department determines that a violation of any provision of chapter 19.91 RCW has occurred, a hearing will be scheduled to consider the pending license revocation or suspension of the party complained against (hereinafter known as petitioner).

(6) All such hearings will be held before the director of the interpretation and appeals division or his designee in the department's Olympia offices unless otherwise specified in the Notice of Hearing. The department of revenue will schedule the hearing within thirty days of the issuance of its written report, or any extension requested by the petitioner and granted by the department.

(7) The hearing will be conducted in accordance with the provisions of chapter 34.04 RCW. The petitioner will be given an opportunity to present evidence and argument in opposition to the written report and pending license revocation or suspension. The right to appear in a representative capacity in such hearings shall be limited to:

(a) Individuals, officers, or employees of the business;

(b) Attorneys duly qualified and entitled to practice in the courts of the state of Washington; or

(c) Attorneys entitled to practice before the highest court of record of any other state, if attorneys licensed in Washington state are permitted to appear before the courts of such other state in a representative capacity.

(8) Following the hearing, the director of interpretation and appeals or his designee will issue an order in accordance with the provisions of chapter 19.91 RCW, chapter 458-24 WAC, and RCW 34.04.120. The order shall state the penalties (see WAC 458-24-070), if any, to be imposed against the petitioner. The department shall mail a copy of its order to the petitioner. The order shall represent the official position of the department of revenue and shall be binding unless timely appealed.

(9) Appeals from orders of the department of revenue may be taken to the superior court of Thurston county.

AMENDATORY SECTION (Amending order ET 72-2, filed 9/29/72)

WAC 458-24-060 FORM AND CONTENTS OF ((~~PETITION~~)) COMPLAINT. (1) The ((~~petition~~)) complaint shall set forth the following:

(a) The name and address of the complaining party ((~~who shall be the petitioner~~));

(b) The name and address of the person against whom the complaint is made;

(c) The nature of the complaint in clear and concise language with sufficient detail to notify the department of the specific violation or violations which constitute the subject matter of the complaint; and

(d) Those facts which complainant alleges as of his own knowledge and those facts that are alleged on information and belief.

(2) The ((~~petition~~)) complaint shall be signed by the party making the complaint and the facts alleged in the complaint, except those facts alleged to be on information and belief, shall be sworn to by the ((~~petitioner~~)) complaining party.

NEW SECTION

WAC 458-24-070 PENALTIES. The department shall revoke or suspend the license or permit of any wholesale or retail cigarette dealer found to have violated the provisions of chapter 19.91 RCW or chapter 458-24 WAC. Upon a finding by the department of a failure to comply with the provisions of chapter 19.91 RCW or chapter 458-24 WAC, it shall:

(1) For the first offense, suspend the license or licenses of the offender for a period of not less than thirty consecutive business days;

(2) In the case of a second or plural offender, suspend the license or licenses of the offender for not less than ninety consecutive business days nor more than twelve months;

(3) In the event of finding the offender guilty of wilful and persistent violations, revoke the offender's license or licenses.

WSR 82-16-061
ADOPTED RULES
DEPARTMENT OF REVENUE
[Order ET 82-7—Filed July 30, 1982]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	WAC 458-20-119	Sales of meals.
Amd	WAC 458-20-237	Retail sales tax collection schedules.
Amd	WAC 458-20-244	Food products.

This action is taken pursuant to Notice Nos. WSR 82-13-090, 82-13-091 and 82-13-092 filed with the code reviser on June 23, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 30, 1982.

By Don R. McCuiston
Director, Interpretation and Appeals Division

AMENDATORY SECTION (Amending Order ET 78-4, filed 6/27/78)

WAC 458-20-119 SALES OF MEALS.

BUSINESS AND OCCUPATION TAX

All persons making sales of meals, upon which the retail sales tax applies under the provisions set forth in this ruling, are required to pay the business and occupation tax under the retailing classification upon the gross proceeds derived from such sales.

RETAIL SALES TAX

RESTAURANTS AND OTHER EATING PLACES. Sales of meals by hotels, restaurants, cafeterias, clubs, boarding houses and other eating places are subject to the retail sales tax. Sales to such eating places of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

In the case of boarding houses and American plan hotels the price of meals must be segregated from the charges made for rooms on bills rendered guests and on the books of the taxpayer. (See WAC 458-20-124—Restaurants, etc.)

RAILROAD, PULLMAN CAR, STEAMSHIP, AIRPLANE, OR OTHER TRANSPORTATION ((~~COMPANIES~~)) COMPANY DINERS. Sales of meals by railroad, Pullman car, steamship, airplane, or other transportation companies served at fixed locations in this state, or served upon the carrier itself while within this state, are subject to the retail sales tax.

Where no specific charge is made for meals separate and apart from the transportation charge, the entire amount so charged is deemed a charge for transportation and the retail sales tax is not applicable to any portion thereof. In such case the transportation company will be liable to its vendors for retail sales tax upon the purchase of the food supplies or meals.

((~~MEALS FURNISHED TO EMPLOYEES. Except as provided by WAC 458-20-244 (Rule 244), sales of meals by employers to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served, based upon the actual cost of the food, but in no event may such tax be reported on a value of less than 75¢ per meal. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue, based upon a value of no~~

~~less than 75¢ for each meal furnished. Where meals furnished are not recorded as sales the 75¢ value per meal shall be presumed to apply according to the following formula for determining meal count: (a) Those employees working shifts up to five hours, one meal. (b) Employees working shifts of more than five hours, two meals.~~

~~Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.~~))

HOSPITALS AND INSTITUTIONS. The serving of meals by hospitals, rest homes, sanitariums and similar institutions to patients as a part of the service rendered in the conduct of such institutions is not subject to the retail sales tax. ((~~See WAC 458-20-244 (Rule 244).~~)) In cases where compensation of nurses or attendants employed by hospitals includes the furnishing of meals in addition to the stated cash wage, the same rule applies. Sales of food and beverage products to such institutions for use in preparing such meals are sales for consumption and are subject to the tax.

However, many hospitals have cafeterias or restaurants through which meals are sold for cash or credit to doctors, visitors, nurses and other employees, and certain hospitals have agreements whereby nurses employed are paid a fixed cash wage in full payment for services rendered, which does not include the charge made for meals. Under those circumstances, all sales of meals to such persons are subject to the retail sales tax.

Since it is impracticable for hospitals, at the time of purchasing food products, to determine the portion that will be used in furnishing the services rendered by them, hospitals may, in lieu of accurate accounting, determine sales tax liability, upon sales of meals served to other than patients, in the following manner:

(1) Retail sales tax should be paid to hospitals' vendors upon all purchases of food products, irrespective of the amount thereof to be served to patients.

(2) Retail sales tax should be collected upon all sales of meals made to doctors and visitors and to nurses and all other employees whose compensation does not include the furnishing of meals.

(3) In computing sales tax liability, hospitals may take a deduction of 50% from the gross sales, in lieu of refund of sales tax paid by them to their vendors upon the original purchase of food used in preparing meals for sale to doctors and visitors and to nurses and others whose compensation does not include the furnishing of meals.

FRATERNITIES AND SORORITIES. Fraternities, sororities and other groups of individuals who reside in one place and jointly share the expenses of the household including expense of meals are not considered to be making sales when meals are furnished to members. ((~~See WAC 458-20-244 (Rule 244).~~)) Sales of food and beverage products to such groups to be used in preparing meals are sales for consumption and are subject to the retail sales tax.

However, when such groups do not provide their own meals, but the meals are provided by caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax. Sales to such caterers or concessionaires of food and beverage products for use in preparing meals are sales for resale and are not subject to the tax.

MEALS FURNISHED TO EMPLOYEES. Sales of meals by logging companies, mills, contractors, transportation companies and other business and industrial concerns to employees are sales at retail and subject to the retail sales tax. This is true whether individual meals are sold, whether a flat charge is made, or whether meals are furnished as a part of the compensation for services rendered. Where no specific charge is made for each meal, the measure of the tax will be average cost per meal served to each employee, based upon the actual cost of the food. In view of the fact that it is often impracticable to collect the retail sales tax from employees on such sales, persons engaged in the business of furnishing meals to the public may, in lieu of collecting such tax from employees, pay the tax directly to the Department of Revenue. Where meals furnished are not recorded as sales the tax due on meals shall be presumed to apply according to the following formula for determining meal count: (a) Those employees working shifts up to five hours, one meal; (b) employees working shifts of more than five hours, two meals.

Persons engaged in the business of furnishing meals to the public, generally pay their employees a fixed cash wage and, in addition thereto, furnish one or more meals per day to such employees, as compensation for their services. The furnishing of such meals constitutes a retail sale, irrespective of whether or not a specific charge is made therefor. Where a specific charge is made, the retail sales tax must be collected and accounted for on the selling price.

SCHOOL, COLLEGE, OR UNIVERSITY DINING ROOMS. Public schools, high schools, colleges, universities or private schools operating lunch rooms, cafeterias or dining rooms for the exclusive purpose of providing students and faculty with meals are not considered to be engaged in the business of making retail sales. ((~~See WAC 458-20-244 (Rule 244).~~))

Where any such cafeteria, lunch or dining room caters to the public the school, college or university operating it is considered to be making retail sales and the retail sales tax must be collected from all persons to whom the meals are furnished.

SALES OF ALCOHOLIC BEVERAGES BY CLASS H LICENSEES, TAVERNS, AND CONCESSIONAIRES. Businesses authorized under license or permit issued by the Washington State Liquor Control Board to sell liquor, beer, and wine by the drink under conditions of business such as to render impracticable the separate collection of the retail sales tax may, upon compliance with the following requirements and conditions, include the retail sales tax in the selling price of the item sold: (a) The establishment

must display a chart, in type large enough to be read by customers, posted in a conspicuous place, which separately lists each item by name, the selling price, sales tax, and total charge, and (b) the chart must be posted at a location where the customer can easily read the chart without being required to enter employee work areas or without special request that the chart be furnished to him. This procedure is permissible only for sale of alcoholic beverages and not to sales of meals or other menu items. A list of prices which merely shows number combinations which add up to even nickel or dime amounts does not meet the foregoing requirements. An operator who elects to report sales tax in the manner herein provided but fails to follow the foregoing requirements shall be subject to business and occupation tax and retail sales tax upon gross receipts.

CLASS H LICENSE LOCATIONS. When an operator elects pursuant to the foregoing, to sell drinks at a price which, after addition of sales tax is rounded off to an even amount, this pricing method must be used in all areas of the location. This means that the price posting requirements must be met wherever drinks are sold so that the customer can identify readily the items billed inclusive of tax and those billed exclusive of tax. Therefore, drink totals and food totals must be shown separately so that all dinner checks involving both food and liquor charges shall be presented to the customer with amounts due shown in the following order: Food, sales tax on food, liquor, total. Persons who elect to post prices to show amounts of tax included but who fail to comply with these requirements are subject to business and occupation tax and retail sales tax measured by the gross bar and cocktail lounge receipts.

GRATUITIES. Tips or gratuities representing donations or gifts by customers under circumstances which are clearly voluntary are not part of the selling price subject to tax. However, mandatory additions to the price by the seller, whether labeled service charges, tips, gratuities or otherwise must be included in the selling price and are subject to both the retailing classification of the business and occupation tax and the retail sales tax.

((~~Revised April 28, 1978.~~))

Effective ((~~July 1, 1978~~)) May 1, 1982.

AMENDATORY SECTION (Amending Order 82-1, filed 2/24/82)

WAC 458-20-237 RETAIL SALES TAX COLLECTION SCHEDULES. Under the provisions of chapter ((~~8~~)) 35, Laws of ((~~1981 2nd~~)) 1982 1st ex. sess., the state retail sales tax was ((~~increased~~)) decreased to ((~~5.5~~)) 5.4% effective ((~~December 4, 1981~~)) May 1, 1982. RCW 82.14.030 authorizes counties and cities to levy a local sales and use tax of .5%, such local tax to be collected along with the ((~~5.5~~)) 5.4% state tax, making a total combined tax of ((6)) 5.9% in areas imposing the local tax. By RCW 82.14.045 all cities and counties, after voter approval, are authorized to levy an additional sales and use tax of .1%, .2%, or .3%, and, in the case of a class AA county, .4%, .5%, or .6%, to finance public transportation systems, which tax is also to be collected along with the state tax, making a total combined tax of 6.1%, 6.2%, ((~~6.3%, 6.4%,~~)) or 6.5%((~~; or 6.6%~~)).

Under the authority of RCW 82.08.060 and 82.14-.070, and in accordance with chapter 34.04 RCW, the department of revenue has adopted the following ((~~5.5~~)) 5.4%, ((~~6.0~~)) 5.9%, 6.1%, 6.2%, ((~~6.3%, 6.4%,~~)) and ((~~6.6~~)) 6.5% schedules to govern the collection of retail sales tax on all retail sales. Also, under chapter 49, Laws of 1982 1st extraordinary session, counties and cities are authorized to impose optional sales tax or use tax at rates up to five-tenths of one percent. Imposition of these taxes will affect the foregoing collection schedules accordingly.

((~~RETAIL SALES TAX COLLECTION SCHEDULE~~

~~December 4, 1981~~

~~5.5 Percent~~

~~SALE~~	~~TAX~~
~~.10- .27~~	~~.01~~
~~.28- .45~~	~~.02~~
~~.46- .63~~	~~.03~~
~~.64- .81~~	~~.04~~
~~.82- .99~~	~~.05~~
~~1.00- 1.18~~	~~.06~~
~~1.19- 1.36~~	~~.07~~
~~1.37- 1.54~~	~~.08~~
~~1.55- 1.72~~	~~.09~~
~~1.73- 1.90~~	~~.10~~
~~1.91- 2.09~~	~~.11~~
~~2.10- 2.27~~	~~.12~~
~~2.28- 2.45~~	~~.13~~
~~2.46- 2.63~~	~~.14~~
~~2.64- 2.81~~	~~.15~~
~~2.82- 2.99~~	~~.16~~
~~3.00- 3.18~~	~~.17~~
~~3.19- 3.36~~	~~.18~~
~~3.37- 3.54~~	~~.19~~
~~3.55- 3.72~~	~~.20~~
~~3.73- 3.90~~	~~.21~~
~~3.91- 4.09~~	~~.22~~
~~4.10- 4.27~~	~~.23~~
~~4.28- 4.45~~	~~.24~~
~~4.46- 4.63~~	~~.25~~
~~4.64- 4.81~~	~~.26~~
~~4.82- 4.99~~	~~.27~~
~~5.00- 5.18~~	~~.28~~
~~5.19- 5.36~~	~~.29~~
~~5.37- 5.54~~	~~.30~~
~~5.55- 5.72~~	~~.31~~
~~5.73- 5.90~~	~~.32~~
~~5.91- 6.09~~	~~.33~~
~~6.10- 6.27~~	~~.34~~
~~6.28- 6.45~~	~~.35~~
~~6.46- 6.63~~	~~.36~~
~~6.64- 6.81~~	~~.37~~
~~6.82- 6.99~~	~~.38~~
~~7.00- 7.18~~	~~.39~~
~~7.19- 7.36~~	~~.40~~
~~7.37- 7.54~~	~~.41~~
~~7.55- 7.72~~	~~.42~~
~~7.73- 7.90~~	~~.43~~

~~SALE TAX~~

~~7.91- 8.09 .44~~
~~8.10- 8.27 .45~~
~~8.28- 8.45 .46~~
~~8.46- 8.63 .47~~
~~8.64- 8.81 .48~~
~~8.82- 8.99 .49~~
~~9.00- 9.18 .50~~
~~9.19- 9.36 .51~~
~~9.37- 9.54 .52~~
~~9.55- 9.72 .53~~
~~9.73- 9.90 .54~~
~~9.91-10.09 .55~~

~~RETAIL SALES TAX COLLECTION SCHEDULE~~
~~December 4, 1981~~

~~6.0 Percent~~

~~SALE TAX~~

~~.09- .24 .01~~
~~.25- .41 .02~~
~~.42- .58 .03~~
~~.59- .74 .04~~
~~.75- .91 .05~~
~~.92- 1.08 .06~~
~~1.09- 1.24 .07~~
~~1.25- 1.41 .08~~
~~1.42- 1.58 .09~~
~~1.59- 1.74 .10~~
~~1.75- 1.91 .11~~
~~1.92- 2.08 .12~~
~~2.09- 2.24 .13~~
~~2.25- 2.41 .14~~
~~2.42- 2.58 .15~~
~~2.59- 2.74 .16~~
~~2.75- 2.91 .17~~
~~2.92- 3.08 .18~~
~~3.09- 3.24 .19~~
~~3.25- 3.41 .20~~
~~3.42- 3.58 .21~~
~~3.59- 3.74 .22~~
~~3.75- 3.91 .23~~
~~3.92- 4.08 .24~~
~~4.09- 4.24 .25~~
~~4.25- 4.41 .26~~
~~4.42- 4.58 .27~~
~~4.59- 4.74 .28~~
~~4.75- 4.91 .29~~
~~4.92- 5.08 .30~~
~~5.09- 5.24 .31~~
~~5.25- 5.41 .32~~
~~5.42- 5.58 .33~~
~~5.59- 5.74 .34~~
~~5.75- 5.91 .35~~
~~5.92- 6.08 .36~~
~~6.09- 6.24 .37~~
~~6.25- 6.41 .38~~
~~6.42- 6.58 .39~~
~~6.59- 6.74 .40~~
~~6.75- 6.91 .41~~

~~SALE TAX~~

~~6.92- 7.08 .42~~
~~7.09- 7.24 .43~~
~~7.25- 7.41 .44~~
~~7.42- 7.58 .45~~
~~7.59- 7.74 .46~~
~~7.75- 7.91 .47~~
~~7.92- 8.08 .48~~
~~8.09- 8.24 .49~~
~~8.25- 8.41 .50~~
~~8.42- 8.58 .51~~
~~8.59- 8.74 .52~~
~~8.75- 8.91 .53~~
~~8.92- 9.08 .54~~
~~9.09- 9.24 .55~~
~~9.25- 9.41 .56~~
~~9.42- 9.59 .57~~
~~9.60- 9.74 .58~~
~~9.75- 9.91 .59~~
~~9.92-10.08 .60~~))

RETAIL SALES TAX COLLECTION SCHEDULE
May 1, 1982

5.4 Percent

SALE		TAX
.10-	.27	.01
.28-	.46	.02
.47-	.64	.03
.65-	.83	.04
.84-	1.01	.05
1.02-	1.20	.06
1.21-	1.38	.07
1.39-	1.57	.08
1.58-	1.75	.09
1.76-	1.94	.10
1.95-	2.12	.11
2.13-	2.31	.12
2.32-	2.49	.13
2.50-	2.68	.14
2.69-	2.87	.15
2.88-	3.05	.16
3.06-	3.24	.17
3.25-	3.42	.18
3.43-	3.61	.19
3.62-	3.79	.20
3.80-	3.98	.21
3.99-	4.16	.22
4.17-	4.35	.23
4.36-	4.53	.24
4.54-	4.72	.25
4.73-	4.90	.26
4.91-	5.09	.27
5.10-	5.27	.28
5.28-	5.46	.29
5.47-	5.64	.30
5.65-	5.83	.31
5.84-	6.01	.32
6.02-	6.20	.33
6.21-	6.38	.34

SALE		TAX
6.39–	6.57	.35
6.58–	6.75	.36
6.76–	6.94	.37
6.95–	7.12	.38
7.13–	7.31	.39
7.32–	7.49	.40
7.50–	7.68	.41
7.69–	7.87	.42
7.88–	8.05	.43
8.06–	8.24	.44
8.25–	8.42	.45
8.43–	8.61	.46
8.62–	8.79	.47
8.80–	8.98	.48
8.99–	9.16	.49
9.17–	9.35	.50
9.36–	9.53	.51
9.54–	9.72	.52
9.73–	9.90	.53
9.91–	10.09	.54

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

5.9 Percent

SALE		TAX
.09–	.25	.01
.26–	.42	.02
.43–	.59	.03
.60–	.76	.04
.77–	.93	.05
.94–	1.10	.06
1.11–	1.27	.07
1.28–	1.44	.08
1.45–	1.61	.09
1.62–	1.77	.10
1.78–	1.94	.11
1.95–	2.11	.12
2.12–	2.28	.13
2.29–	2.45	.14
2.46–	2.62	.15
2.63–	2.79	.16
2.80–	2.96	.17
2.97–	3.13	.18
3.14–	3.30	.19
3.31–	3.47	.20
3.48–	3.64	.21
3.65–	3.81	.22
3.82–	3.98	.23
3.99–	4.15	.24
4.16–	4.32	.25
4.33–	4.49	.26
4.50–	4.66	.27
4.67–	4.83	.28
4.84–	4.99	.29
5.00–	5.16	.30
5.17–	5.33	.31
5.34–	5.50	.32
5.51–	5.67	.33

SALE		TAX
5.68–	5.84	.34
5.85–	6.01	.35
6.02–	6.18	.36
6.19–	6.35	.37
6.36–	6.52	.38
6.53–	6.69	.39
6.70–	6.86	.40
6.87–	7.03	.41
7.04–	7.20	.42
7.21–	7.37	.43
7.38–	7.54	.44
7.55–	7.71	.45
7.72–	7.88	.46
7.89–	8.05	.47
8.06–	8.22	.48
8.23–	8.38	.49
8.39–	8.55	.50
8.56–	8.72	.51
8.73–	8.89	.52
8.90–	9.06	.53
9.07–	9.23	.54
9.24–	9.40	.55
9.41–	9.57	.56
9.58–	9.74	.57
9.75–	9.91	.58
9.92–	10.08	.59

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

6.1 Percent

SALE		TAX
.09–	.24	.01
.25–	.40	.02
.41–	.57	.03
.58–	.73	.04
.74–	.90	.05
.91–	1.06	.06
1.07–	1.22	.07
1.23–	1.39	.08
1.40–	1.55	.09
1.56–	1.72	.10
1.73–	1.88	.11
1.89–	2.04	.12
2.05–	2.21	.13
2.22–	2.37	.14
2.38–	2.54	.15
2.55–	2.70	.16
2.71–	2.86	.17
2.87–	3.03	.18
3.04–	3.19	.19
3.20–	3.36	.20
3.37–	3.52	.21
3.53–	3.68	.22
3.69–	3.85	.23
3.86–	4.01	.24
4.02–	4.18	.25
4.19–	4.34	.26
4.35–	4.50	.27

SALE		TAX
4.51–	4.67	.28
4.68–	4.83	.29
4.84–	4.99	.30
5.00–	5.16	.31
5.17–	5.32	.32
5.33–	5.49	.33
5.50–	5.65	.34
5.66–	5.81	.35
5.82–	5.98	.36
5.99–	6.14	.37
6.15–	6.31	.38
6.32–	6.47	.39
6.48–	6.63	.40
6.64–	6.80	.41
6.81–	6.96	.42
6.97–	7.13	.43
7.14–	7.29	.44
7.30–	7.45	.45
7.46–	7.62	.46
7.63–	7.78	.47
7.79–	7.95	.48
7.96–	8.11	.49
8.12–	8.27	.50
8.28–	8.44	.51
8.45–	8.60	.52
8.61–	8.77	.53
8.78–	8.93	.54
8.94–	9.09	.55
9.10–	9.26	.56
9.27–	9.42	.57
9.43–	9.59	.58
9.60–	9.75	.59
9.76–	9.91	.60
9.92–	10.08	.61

RETAIL SALES TAX COLLECTION SCHEDULE
((~~December 4, 1981~~))

May 1, 1982

6.2 Percent

SALE		TAX
.09–	.24	.01
.25–	.40	.02
.41–	.56	.03
.57–	.72	.04
.73–	.88	.05
.89–	1.04	.06
1.05–	1.20	.07
1.21–	1.37	.08
1.38–	1.53	.09
1.54–	1.69	.10
1.70–	1.85	.11
1.86–	2.01	.12
2.02–	2.17	.13
2.18–	2.33	.14
2.34–	2.49	.15
2.50–	2.66	.16
2.67–	2.82	.17
2.83–	2.98	.18
2.99–	3.14	.19
3.15–	3.30	.20
3.31–	3.46	.21
3.47–	3.62	.22
3.63–	3.79	.23
3.80–	3.95	.24
3.96–	4.11	.25
4.12–	4.27	.26
4.28–	4.43	.27
4.44–	4.59	.28
4.60–	4.75	.29
4.76–	4.91	.30
4.92–	5.08	.31
5.09–	5.24	.32
5.25–	5.40	.33
5.41–	5.56	.34
5.57–	5.72	.35
5.73–	5.88	.36
5.89–	6.04	.37
6.05–	6.20	.38
6.21–	6.37	.39
6.38–	6.53	.40
6.54–	6.69	.41
6.70–	6.85	.42
6.86–	7.01	.43
7.02–	7.17	.44
7.18–	7.33	.45
7.34–	7.49	.46
7.50–	7.66	.47
7.67–	7.82	.48
7.83–	7.98	.49
7.99–	8.14	.50
8.15–	8.30	.51
8.31–	8.46	.52
8.47–	8.62	.53
8.63–	8.79	.54
8.80–	8.95	.55
8.96–	9.11	.56
9.12–	9.27	.57
9.28–	9.43	.58
9.44–	9.59	.59
9.60–	9.75	.60
9.76–	9.91	.61
9.92–	10.08	.62

((~~RETAIL SALES TAX COLLECTION SCHEDULE~~
~~December 4, 1981~~

~~6.3 Percent~~

~~SALE~~		~~TAX~~
~~.08–~~	~~.23~~	~~.01~~
~~.24–~~	~~.39~~	~~.02~~
~~.40–~~	~~.55~~	~~.03~~
~~.56–~~	~~.71~~	~~.04~~
~~.72–~~	~~.87~~	~~.05~~
~~.88–~~	~~1.03~~	~~.06~~
~~1.04–~~	~~1.19~~	~~.07~~
~~1.20–~~	~~1.34~~	~~.08~~

~~SALE TAX~~

~~1.35- 1.50 .09~~
~~1.51- 1.66 .10~~
~~1.67- 1.82 .11~~
~~1.83- 1.98 .12~~
~~1.99- 2.14 .13~~
~~2.15- 2.30 .14~~
~~2.31- 2.46 .15~~
~~2.47- 2.61 .16~~
~~2.62- 2.77 .17~~
~~2.78- 2.93 .18~~
~~2.94- 3.09 .19~~
~~3.10- 3.25 .20~~
~~3.26- 3.41 .21~~
~~3.42- 3.57 .22~~
~~3.58- 3.73 .23~~
~~3.74- 3.88 .24~~
~~3.89- 4.04 .25~~
~~4.05- 4.20 .26~~
~~4.21- 4.36 .27~~
~~4.37- 4.52 .28~~
~~4.53- 4.68 .29~~
~~4.69- 4.84 .30~~
~~4.85- 4.99 .31~~
~~5.00- 5.15 .32~~
~~5.16- 5.31 .33~~
~~5.32- 5.47 .34~~
~~5.48- 5.63 .35~~
~~5.64- 5.79 .36~~
~~5.80- 5.95 .37~~
~~5.96- 6.11 .38~~
~~6.12- 6.26 .39~~
~~6.27- 6.42 .40~~
~~6.43- 6.58 .41~~
~~6.59- 6.74 .42~~
~~6.75- 6.90 .43~~
~~6.91- 7.06 .44~~
~~7.07- 7.22 .45~~
~~7.23- 7.38 .46~~
~~7.39- 7.53 .47~~
~~7.54- 7.69 .48~~
~~7.70- 7.85 .49~~
~~7.86- 8.01 .50~~
~~8.02- 8.17 .51~~
~~8.18- 8.33 .52~~
~~8.34- 8.49 .53~~
~~8.50- 8.65 .54~~
~~8.66- 8.80 .55~~
~~8.81- 8.96 .56~~
~~8.97- 9.12 .57~~
~~9.13- 9.28 .58~~
~~9.29- 9.44 .59~~
~~9.45- 9.60 .60~~
~~9.61- 9.76 .61~~
~~9.77- 9.92 .62~~
~~9.93-10.07 .63~~))

RETAIL SALES TAX COLLECTION SCHEDULE

May 1, 1982

6.5 Percent

SALE		TAX
.08-	.23	.01
.24-	.38	.02
.39-	.53	.03
.54-	.69	.04
.70-	.84	.05
.85-	.99	.06
1.00-	1.15	.07
1.16-	1.30	.08
1.31-	1.46	.09
1.47-	1.61	.10
1.62-	1.76	.11
1.77-	1.92	.12
1.93-	2.07	.13
2.08-	2.23	.14
2.24-	2.38	.15
2.39-	2.53	.16
2.54-	2.69	.17
2.70-	2.84	.18
2.85-	2.99	.19
3.00-	3.15	.20
3.16-	3.30	.21
3.31-	3.46	.22
3.47-	3.61	.23
3.62-	3.76	.24
3.77-	3.92	.25
3.93-	4.07	.26
4.08-	4.23	.27
4.24-	4.38	.28
4.39-	4.53	.29
4.54-	4.69	.30
4.70-	4.84	.31
4.85-	4.99	.32
5.00-	5.15	.33
5.16-	5.30	.34
5.31-	5.46	.35
5.47-	5.61	.36
5.62-	5.76	.37
5.77-	5.92	.38
5.93-	6.07	.39
6.08-	6.23	.40
6.24-	6.38	.41
6.39-	6.53	.42
6.54-	6.69	.43
6.70-	6.84	.44
6.85-	6.99	.45
7.00-	7.15	.46
7.16-	7.30	.47
7.31-	7.46	.48
7.47-	7.61	.49
7.62-	7.76	.50
7.77-	7.92	.51
7.93-	8.07	.52
8.08-	8.23	.53
8.24-	8.38	.54
8.39-	8.53	.55
8.54-	8.69	.56

SALE		TAX
8.70–	8.84	.57
8.85–	8.99	.58
9.00–	9.15	.59
9.16–	9.30	.60
9.31–	9.46	.61
9.47–	9.61	.62
9.62–	9.76	.63
9.77–	9.92	.64
9.93–	10.07	.65

((~~RETAIL SALES TAX COLLECTION SCHEDULE~~
~~December 4, 1981~~

~~6.6 Percent~~

~~SALE~~		~~TAX~~
~~.08–~~	~~.22~~	~~.01~~
~~.23–~~	~~.37~~	~~.02~~
~~.38–~~	~~.53~~	~~.03~~
~~.54–~~	~~.68~~	~~.04~~
~~.69–~~	~~.83~~	~~.05~~
~~.84–~~	~~.98~~	~~.06~~
~~.99–~~	~~1.13~~	~~.07~~
~~1.14–~~	~~1.28~~	~~.08~~
~~1.29–~~	~~1.43~~	~~.09~~
~~1.44–~~	~~1.59~~	~~.10~~
~~1.60–~~	~~1.74~~	~~.11~~
~~1.75–~~	~~1.89~~	~~.12~~
~~1.90–~~	~~2.04~~	~~.13~~
~~2.05–~~	~~2.19~~	~~.14~~
~~2.20–~~	~~2.34~~	~~.15~~
~~2.35–~~	~~2.49~~	~~.16~~
~~2.50–~~	~~2.65~~	~~.17~~
~~2.66–~~	~~2.80~~	~~.18~~
~~2.81–~~	~~2.95~~	~~.19~~
~~2.96–~~	~~3.10~~	~~.20~~
~~3.11–~~	~~3.25~~	~~.21~~
~~3.26–~~	~~3.40~~	~~.22~~
~~3.41–~~	~~3.56~~	~~.23~~
~~3.57–~~	~~3.71~~	~~.24~~
~~3.72–~~	~~3.86~~	~~.25~~
~~3.87–~~	~~4.01~~	~~.26~~
~~4.02–~~	~~4.16~~	~~.27~~
~~4.17–~~	~~4.31~~	~~.28~~
~~4.32–~~	~~4.46~~	~~.29~~
~~4.47–~~	~~4.62~~	~~.30~~
~~4.63–~~	~~4.77~~	~~.31~~
~~4.78–~~	~~4.92~~	~~.32~~
~~4.93–~~	~~5.07~~	~~.33~~
~~5.08–~~	~~5.22~~	~~.34~~
~~5.23–~~	~~5.37~~	~~.35~~
~~5.38–~~	~~5.53~~	~~.36~~
~~5.54–~~	~~5.68~~	~~.37~~
~~5.69–~~	~~5.83~~	~~.38~~
~~5.84–~~	~~5.98~~	~~.39~~
~~5.99–~~	~~6.13~~	~~.40~~
~~6.14–~~	~~6.28~~	~~.41~~
~~6.29–~~	~~6.43~~	~~.42~~
~~6.44–~~	~~6.59~~	~~.43~~
~~6.60–~~	~~6.74~~	~~.44~~

~~SALE~~		~~TAX~~
~~6.75–~~	~~6.89~~	~~.45~~
~~6.90–~~	~~7.04~~	~~.46~~
~~7.05–~~	~~7.19~~	~~.47~~
~~7.20–~~	~~7.34~~	~~.48~~
~~7.35–~~	~~7.49~~	~~.49~~
~~7.50–~~	~~7.65~~	~~.50~~
~~7.66–~~	~~7.80~~	~~.51~~
~~7.81–~~	~~7.95~~	~~.52~~
~~7.96–~~	~~8.10~~	~~.53~~
~~8.11–~~	~~8.25~~	~~.54~~
~~8.26–~~	~~8.40~~	~~.55~~
~~8.41–~~	~~8.56~~	~~.56~~
~~8.57–~~	~~8.71~~	~~.57~~
~~8.72–~~	~~8.86~~	~~.58~~
~~8.87–~~	~~9.01~~	~~.59~~
~~9.02–~~	~~9.16~~	~~.60~~
~~9.17–~~	~~9.31~~	~~.61~~
~~9.32–~~	~~9.46~~	~~.62~~
~~9.47–~~	~~9.62~~	~~.63~~
~~9.63–~~	~~9.77~~	~~.64~~
~~9.78–~~	~~9.92~~	~~.65~~
~~9.93–~~	~~10.07~~	~~.66~~))

Note: Brackets are repetitive above $10.

((~~Revised November 19, 1980~~))

AMENDATORY SECTION (Amending Order ET 78-1, filed 4/21/78)

WAC 458-20-244 FOOD PRODUCTS. ((~~Initiative Measure No. 345, approved November 8, 1977, added new subsections to RCW 82.08.030 and 82.12.030 exempting certain food products for human consumption away from the retailer's premises from retail sales tax and use tax. There is no food products exemption for business and occupation tax. The effective date of these exemptions is July 1, 1978. The word "tax" as used hereafter in this rule means retail sales tax. "Food products" include generally those products normally ingested by humans for nourishment, but the term excludes seeds, seedlings, trees, and the like, for home gardens, as well as breeding stock of animals, birds, insects, and other animate creatures.~~

~~The law exempts most, but not all, food products from tax, but even the food products qualified for exemption are made subject to tax by the law if any one of the following circumstances is present:~~

~~a. The food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the seller or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others;~~

~~OR,~~

~~b. The food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided~~

primarily for the use of patrons in consuming the products purchased at the location. Where such facilities are provided the tax applies even if the food products are sold on a "take out" or "to go" order and it is immaterial that the products are actually packaged or wrapped and that they are in fact taken from the premises of the retailer;

OR;

c. The food products are sold for consumption within a place (except national or state parks or monuments), the entrance to which is subject to an admission charge. But, even if the admission-charged place is a national or state park or monument such that the admission charge does not negate the exemption, the tax will apply if either circumstances a or b above are present.

VENDORS WHO ARE REQUIRED TO COLLECT TAX:

1. Sales of food products are subject to tax when sold by cafes, caterers, restaurants, pizza parlors, food drive-ins, vending machine operators, and businesses which are operated in such a way as to invite or permit consumption of the food at or near the premises where the food is sold. This circumstance is presumed to occur where customers are provided facilities for immediate consumption of food sold, such as tables, chairs, or counters, trays, glasses, dishes, or tableware (whether reusable or not); or a nearby parking area available for immediate use of customers in consuming the food. It is the intent of the law that tax be charged by retailers who sell food products ready for consumption at or near the premises of the vendor by furnishing cups, spoons, straws or the like to facilitate immediate consumption. If such facilities are provided the tax applies even though the food is sold, packaged, or wrapped "to go" and even if the food is in fact removed from the premises of the retailer and is consumed elsewhere. The test is not where the food is actually consumed but whether the customer is provided any of the described facilities for consumption of the food.

2. Sales by theaters, fair grounds concessions, athletic arena concessions, and any other businesses selling food products within a place to which an admission price is charged are taxable. The only exceptions as to admission-charged areas are national or state parks or monuments, but even sales of food products within such state or national areas are taxable if customers are provided facilities for consumption as described in paragraph #1.

EXEMPT AND TAXABLE SALES BY GROCERS:

The following are lists of exempt and taxable items normally sold by grocery stores, supermarkets, and similar businesses. The examples are meant to be illustrative and are not all inclusive.

The exempt products listed are exempt when sold for off premises consumption but are taxable if sold for immediate consumption as described in paragraph #1 above.

Exempt if Consumption Facilities Not Provided

Baby foods	Marshmallows
Bakery products	Mayonnaise
Baking Soda	Meat, meat products
Bouillon cubes	Milk, milk products
Candy	Mustard
Cereal products	Noncarbonated soft drinks
Chocolate	Nuts
Cocoa	Oleomargarine
Coffee and coffee substitutes	Olives, olive oil
Condiments	Peanut butter
Crackers	Popcorn
*Diet food	Popsicles
Eggs, egg products	Potato chips
Extracts and flavoring for food	Powdered drink mixes
Fish, fish products	Sandwich spreads
Flour	Sauces
Food coloring	Sherbet
Frozen foods	Shortening
Fruit, fruit products	Soup
Gelatin	Sugar, sugar products, *Health foods sugar substitutes
Honey	Syrups
Ice cream, toppings	Tea
Jam, jelly, jello	Vegetables, vegetable products
	Yeast

The products listed as taxable are subject to tax however sold or prepared.

Specific Classes Of Items Taxable In All Cases

Alcoholic beverages	First aid products
Aspirin	Ice, bottled water (mineral or otherwise)
Beer or wine making supplies	Mouthwashes
Calcium tablets	Nonedible cake decorations
Carbonated beverages	Nonprescription medicines
Chewing tobacco	Patent medicines
Cod liver oil	Pet food and supplies
Cough medicines (liquid or lozenge)	Seeds and plants for gardens
*Dietary supplements or adjuncts	Tonics, vitamins
	Toothpaste

*NOTE: Sales of dietary supplements which are subject to regulation by the U.S. Federal Drug Administration are subject to tax. Regulated dietary supplements are those preparations which provide 50 percent or more of the U.S. Recommended Daily Allowance (U.S. RDA) of essential vitamins and minerals per serving.

Health foods or dietary preparations containing less than 50 percent of U.S. RDAs per serving may be sold tax exempt as food and FDA regulations (21 CFR, chapter I, Part 80) adopted October 12, 1976, effective January 1, 1978, prohibit any claim that such preparations are "dietary supplements." Dietary supplements do not include any food in its raw or natural state, which means that nothing has been done to the product, other than superficial treatment (such as washing its surface), to change the product physically or chemically before marketing.

Dietary adjuncts are vitamin/mineral preparations taken to meet special vitamin or mineral needs occasioned by drug therapy.

~~Dietary adjuncts are not tax exempt food products.~~

~~Retailers of food products are required to keep adequate records to demonstrate that any sales claimed tax exempt in fact qualify for exemption under this rule and the law.~~

~~COMBINATION BUSINESS:~~

~~Persons operating a combination of two businesses at one location, one of which provides facilities for consumption on the premises (see paragraph #1, "Vendors Who Are Required to Collect Tax"), such as a lunch counter along with a grocery store or a cafe along with a bakery, are required to keep their inventories, accounting records, and sales receipts segregated between the two businesses. If the two businesses are commingled in operation and accounting, all sales will be deemed subject to tax.~~

~~COMBINATION PACKAGES:~~

~~When a package consists of both food and nonfood products, such as a holiday or picnic basket containing beer and pretzels, cups or glasses containing food items, or carbonated beverages along with cheese and crackers, the food portion may be tax exempt if its price is stated separately; if the price is a lump sum, the tax applies to the entire price.~~

~~However, promotional give-aways of nonfood items to enhance food sales, such as coffee sold in a decorative apothecary container or cheese sold in a serving dish are not taxable and are not deemed combination packages where it is clear that the container or dish is simply a gift furnished as a sales inducement for the food. In the same way, promotional give-aways of food items as an inducement for sales of nonfood items are not exempt (e.g., the sale of fancy crystal ware containing candy or nuts is fully subject to sales tax).~~

~~COMMISSARIES OR GROCERY SHOPS IN INSTITUTIONS OR OTHER RESTRICTED (NOT OPEN TO THE PUBLIC) AREAS:~~

~~Food products sold by commissaries which restrict sales generally to residents, inmates, or a similarly limited group of customers are tax exempt if the food products are for consumption away from the general area reserved for merchandizing such products.~~

~~OTHER FOOD VENDORS:~~

~~1. Restaurants and transportation companies (e.g., air, rail, water), and businesses furnishing meals to employees, see Rule 119 [WAC 458-20-119].~~

~~2. Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see Rule 166 [WAC 458-20-166].~~

~~3. Religious, charitable, benevolent, and nonprofit service organizations, see Rule 169 [WAC 458-20-169].~~

~~4. Certain persons, groups, or institutions purchase food products for purposes of serving meals to individuals and historically have been required to pay sales tax as consumers on such purchases because of a unique relationship between the food purchases and the nature of the services rendered by such groups. Food sales taxed in this way were the following:~~

~~(a) Furnishing of meals by hospitals, rest homes, sanitariums, and similar institutions to patients as a part of the service rendered in the conduct of such institutions.~~

~~(b) Serving of meals to members by fraternities, sororities, and other similar groups who reside in one place and jointly share the expenses of the household including expenses of meals provided by them.~~

~~(c) Providing of meals by public schools, high schools, colleges, universities, or private schools operating lunch rooms, cafeterias, or dining rooms for the exclusive purpose of providing students and faculty with meals as a part of the educational program.~~

~~(d) Providing of meals by guest ranches or summer camps which, in addition to supplying meals and lodging, offer special recreation facilities and instruction in sports, boating, riding, outdoor living, etc., and which make an unsegregated charge for meals, lodging, and services, and report such charges under the service classification as provided by Rule 166 [WAC 458-20-166].~~

~~Since purchase of food products in any of these four situations has been subject to sales tax in the past, the food products exemption applies to these purchases of food products for human consumption. However, sales of meals by such groups in circumstances other than furnishing them in connection with services in the four situations described above are governed by Rule 119 [WAC 458-20-119]. Further, when such groups do not provide their own meals, but the meals are purchased from caterers or concessionaires, the caterers or concessionaires are making retail sales subject to the tax.~~

~~USE TAX:~~

~~All of the foregoing provisions of this rule dealing with sales tax are equally applicable with respect to the use tax of chapter 82.12 RCW.~~))

Effective May 1, 1982, chapter 35 (P.V.), Laws of 1982 1st extraordinary session, reimposes retail sales tax on sales of food products for human consumption except for food purchased with food stamps. Included with exempt food stamp purchases are purchases made with W.I.C. food vouchers. W.I.C. stands for Women, Infants and Children and is a special supplemental food program sponsored by the United States Department of Agriculture.

Retailers who accept food stamps and W.I.C. vouchers for purchases of food products are required to keep suitable records (per RCW 82.32.070) to demonstrate that any sales claimed sales tax exempt qualify for exemption under this rule and law.

Retailers will be required to retain totals of exempt sales recorded on daily cash register tapes. Additionally,

all bank deposits must include a breakdown to disclose the totals of food stamps and W.I.C. vouchers.

TAX APPLICATION EXAMPLES:

(1) A customer who buys $49.50 worth of groceries and pays with $50.00 worth of food stamps would pay no sales tax; however, the retailer would record the $49.50 sale as retail sales tax exempt, not the $50.00 in stamps received;

(2) Where a customer buys $60 worth of groceries and tenders $50 in food stamps and $10 in cash, the $50 of groceries purchased with food stamps is tax exempt while the additional $10 in purchases is subject to the retail sales tax.

((~~Adopted April 21, 1978.~~)) Effective May 1, 1982

WSR 82-16-062
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Order ET 82-8—Filed July 30, 1982]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to public utility tax, WAC 458-20-179.

I, Donald R. Burrows, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is to implement the amended law which is effective August 1, 1982.

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

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 30, 1982.

By Don R. McCuiston
Director, Interpretation and Appeals Division

AMENDATORY SECTION (Amending Order ET 71-1, filed 7/22/71)

WAC 458-20-179 PUBLIC UTILITY TAX. Persons engaged in certain public service businesses are taxable under the public utility tax, and are exempt from tax under the business and occupation tax with respect to such businesses. However, many persons taxable under the public utility tax are also engaged in some other business which is taxable under the business and occupation tax. For example, a light and power company engaged in operating a plant or system for distribution of electrical energy for sale, may also be engaged in selling at retail various electrical appliances. Such a company would be taxable under the public utility tax with respect to ((~~the sale~~)) its last distribution of electric energy, and also taxable under the business and occupation tax with respect to ((~~the~~)) its sale of electrical appliances.

Persons who are taxable under the public utility tax, and the rate of such tax, which is applied to gross income, are those engaged in the following businesses:

1. Railroad, express, railroad car, water distribution, light and power, telephone and telegraph. Rate of tax 3.6%.

2. Gas distribution. Rate of tax 3.6%.

3. Urban transportation and common carrier vessels under 65 feet in length except tug boats operating upon the waters of the State of Washington. Rate of tax .6%.

4. Motor transportation, tugboat businesses, and all public service businesses other than those heretofore mentioned. Rate of tax 1.8%.

The rates of tax shown are imposed under RCW 82.16.020.

The term "public service businesses" includes any of the businesses defined in RCW 82.16.010(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (12) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business declared by the legislature to be a public utility, irrespective of whether eminent domain powers are had or state control is exercised. It includes, among others, without limiting the scope thereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, warehouse, toll bridge, toll logging road, water transportation and wharf businesses.

The term "subject to control by the state" means control by the Utilities and Transportation Commission or any other state department required by law to exercise control of business of a public service nature as to rates charged or services rendered.

The term "gross income" means the "value proceeding or accruing from the performance of the particular public service or transportation businesses involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses." The term "gross income" of a light and power business means those amounts or value accruing to a taxpayer from the "last distribution" of electrical energy which is a taxable event within this state. RCW 82.16.010(13).

LIGHT AND POWER BUSINESS - SPECIAL PROVISIONS. RCW 82.16.010(5) defines "Light and power business" to mean the business of operating a plant or system for the generation, production, or distribution of electrical energy for hire or sale. The measure of public utility tax upon the business of operating such electrical energy plants or systems is the amount or value derived from the "last distribution" of the electrical energy within this state which is subject to this state's taxing jurisdiction. Sales of electrical energy to persons outside this state or deliveries of electrical energy across the boundaries of this state are interstate transactions which do not constitute "last distributions" within this

state. Thus, such sale and delivery transactions are not taxable events. Rather, it is the intent of the law that all electrical energy generated, or produced, or distributed within this state shall be subject to the uniform tax rate for light and power business, but only at the time of its "last distribution" here.

The term "last distribution" means the final transmission or transfer of electrical energy before it is consumed in this state or before it is transmitted or transferred to any point outside of this state. Thus, the taxable last distribution of electrical energy consumed within this state is the transmission or transfer of such energy to the consumer. The taxable last distribution of electrical energy for sale or consumption outside of this state is the transmission or transfer of such energy to the transmission system, bus bar, substation, tie line, grid, or power pool from which it will be directly further transmitted or transferred to points outside this state whether under any wheeling arrangement or through the distributor's own transmission or transfer system or the transmission or transfer system of any out-of-state person.

The taxpayer liable for the payment of public utility tax under the light and power business classification is the "person" (as defined by RCW 82.04.030) who last distributes electrical energy within this state as explained above.

For purposes of measuring the light and power business tax liability, the "amount or value derived from the last distribution of electrical energy" (RCW 82.16.010(13) definition of "gross income") is the total consideration in terms of money, credits, or other value, however designated, received by or accruing to the taxpayer, PROVIDED, That for electrical energy generated in this state and transmitted or transferred by the person who generated the same to points outside this state over its own transmission lines, without prior sale, the tax measure is the value of the electrical energy at the time it is generated here.

In distinguishing gross income taxable under the public utility tax from gross income taxable under the business and occupation tax, the Department of Revenue will be guided by the Uniform System of Accounts established for the specific type of utility concerned. However, because of differences in the Uniform System((s)) of Accounts established for various types of utility businesses, such guides will not be deemed controlling for the purposes of classifying revenue under the Revenue Act.

VOLUME EXEMPTION. Persons subject to the public utility tax are exempt from the payment of this tax for any reporting period in which taxable income reported under the combined total of all public utility tax classifications does not equal or exceed the minimum taxable amount for the reporting periods assigned to such persons according to the following schedule:

Monthly reporting basis	$500 per month
Quarterly reporting basis	$1500 per quarter
Annual reporting basis	$6000 per annum

DEDUCTIONS. Amounts derived from the following sources do not constitute taxable income in computing tax under the public utility tax:

1. Amounts derived by municipally owned or operated public services businesses directly from taxes levied for the support thereof, but not including service charges which are spread on the property tax rolls and collected as taxes.

2. Amounts derived by persons engaged in the water distribution ((~~light and power,~~)) or gas distribution business, from the sale of commodities to persons in the same public service business for resale as such within this state.

3. Amounts actually paid by a taxpayer to another person taxable under Chapter 82.16 RCW as the latter's portion of the consideration due for services jointly furnished by both. This includes the amount paid to a ferry company for the transportation of a vehicle and its contents (but not amounts paid to state owned or operated ferries) when such vehicle is carrying freight or passengers for hire and is being operated by a person engaged in the business of urban transportation or motor transportation. It does not include amounts paid for the privilege of moving such vehicles over toll bridges.

4. Amounts derived from the distribution of water through an irrigation system, solely for irrigation purposes.

5. Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or shipside on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destination: PROVIDED, That no deduction will be allowed when the point of origin and the point of delivery to such export elevator, wharf, dock, or shipside are located within the corporate limits of the same city or town.

6. Amounts or value paid or contributed to any county, city, town, political subdivision, or municipal or quasi municipal corporation of the State of Washington representing payments of special assessments or installments thereof and interests and penalties thereon, charges in lieu of assessments, or any other charges, payments or contributions representing a share of the cost of capital facilities constructed or to be constructed or for the retirement of obligations and payment of interest thereon issued for capital purposes. The business and occupation tax is likewise inapplicable to such amounts. Service charges shall not be included in this exemption even though used wholly or in part for capital purposes.

When revenue derived from any of the foregoing sources is included within the reported gross income, the amount thereof may be deducted in computing tax liability.

~~((Business tax is imposed under the Manufacturing—Other classification upon the generation or production of electrical energy for resale or consumption outside the state. Electrical energy so taxed is not subject to public utility tax.))~~

Contributions in aid of construction not falling within item "6" above are subject to public utility tax, except that amounts received for line extensions, connection fees, and other charges for services rendered prior to the receipt of utility services by the customer against whom the charges are made are subject to business and occupation tax under the Service and Other Activities classification rather than the public utility tax.

In addition to the foregoing deductions there also may be deducted from the reported gross income (if included therein), the following:

a. The amount of cash discount actually taken by the purchaser or customer.

b. The amount of credit losses actually sustained.

c. Amounts received from insurance companies in payment of losses.

d. Amounts received from individuals and others in payment of damages caused by them to the utility's plant or equipment.

(For specific rule pertaining to the classifications of "urban transportation" and "motor transportation," see Rule 180, and of "warehouses," see Rule 182.)

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

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 82-16-063
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed July 30, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Additional requirements for emergent situations—AFDC, amending WAC 388-29-270.

It is the intention of the secretary to adopt these rules on an emergency basis on September 1, 1982.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33 C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by August 25, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, September 8, 1982, in the General Administration Building Auditorium, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 15, 1982.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is RCW 74.04.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 8, 1982.

Dated: July 21, 1982
By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-29-070.

The Purpose of the Rule Change: To eliminate certain public assistance payments.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Lost or stolen cash will no longer be replaced.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-3177.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1355, filed 11/3/78)

WAC 388-29-270 ADDITIONAL REQUIREMENTS FOR EMERGENT SITUATIONS—AFDC. (1) Additional requirements shall be allowed in the following emergent situations. In no instances is the payment under this section to exceed one month's assistance standards as set in WAC 388-29-100.

(a) To secure housing and necessary clothing in the event of a natural disaster such as flood or fire and relief is not available under WAC 388-53-010 et seq.;

(b) ((~~In case of loss or theft of the cash proceeds of a warrant, assistance will be limited to the emergent need only;~~

~~(c)~~)) Imminent eviction, where a formal notice of eviction has been received, only in an amount needed to prevent the eviction or to secure new housing, but only if the basis of eviction is not a delinquency in payment resulting from a fault of the client;

((~~(d)~~)) (c) Sudden malfunction resulting in loss of heat, water, electricity or cooking facilities and the recipient is legally responsible for the repairs and winterization funds are not available; limited to actual costs of repairs or replacement when there is no other alternative;

((~~(e)~~)) (d) A notice of impending utility shutoff issued by the company providing the service, and only in the amount needed to prevent shutoff; or it is otherwise verified by the CSO that the applicant or recipient is without necessary fuel for heating or cooking and only in the amount to meet the emergent need. Assistance is limited to situations where the emergent need occurred due to conditions beyond the control of the recipient;

((~~(f)~~)) (e) Housing needs caused by an abusive spouse will be limited to established fees paid to shelters especially for abused spouses;

((~~(g)~~)) (f) Inoperable vehicle which is necessary to continue employment and where public transportation is not available; limited to actual costs of repairs.

(2) Emergency assistance as defined in WAC 388-24-260, shall be provided to AFDC recipients from another state when it is determined that such individuals are detained in Washington for reasons beyond their control and as a result of events which could not have been reasonably anticipated or they have decided to become residents.

WSR 82-16-064
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Order 1849—Filed July 30, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-70-013 Authorization of foster care placement.
Amd WAC 388-70-024 Payment of foster care—Effective date.

This action is taken pursuant to Notice No. WSR 82-12-048 filed with the code reviser on June 1, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.12.340 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 19, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1764, filed 2/18/82)

WAC 388-70-013 AUTHORIZATION FOR FOSTER CARE PLACEMENT. A child may be placed in foster care only under the following circumstances:

(1) The child has been placed in temporary residential care after having been taken into custody pursuant to chapter 13.32A RCW, runaway youth act. A child shall in no event remain in temporary residential care for more than seventy-two hours from the time of initial contact with the law enforcement officer, except as otherwise provided in this section.

(2) A petition, by child, parent(s), or the department requesting alternative residential placement for the child has been filed pursuant to RCW 13.32A.120 or 13.32A-.140, or approved pursuant to RCW 13.32A.170 or upon a child having been admitted directly by RCW 13.32A.090.

(3) A child has been placed in shelter care as provided in the following:

(a) The child has been taken into custody, and placed in shelter care when there is probable cause to believe, pursuant to RCW 26.44.050, that the child is abused or neglected and the child would be injured or could not be taken into custody as provided in RCW 13.34.050.

(b) A petition has been filed with the juvenile court alleging the child is dependent; that the child's health, safety and welfare will be seriously endangered if not taken into custody and the juvenile court enters an order placing the child in shelter care. See RCW 13.34.050 and 13.34.060.

(c) No child shall be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody, unless a court order has been entered for continued shelter care.

(d) No child shall be detained for longer than thirty days without a court order, authorizing continued shelter care.

(4) A juvenile court has determined a child is dependent and the court's order of disposition issued pursuant to RCW 13.34.130 removes the child from his or her home.

(5) A juvenile court has terminated the parent and child relationship pursuant to chapter 13.34 RCW, and placed the custody of the child with the department or a licensed child placing agency.

(6) The child and his or her parent(s) agree to the arrangement and/or continuation of alternative residential placement pursuant to RCW 74.13.031, as evidenced by a written consent to placement.

(7) ((~~When otherwise authorized by court order~~)) If a child is to be placed in group care, such placement shall only be made when the department has assessed the child's and family's needs and determined that group care is the most appropriate placement option.

(a) The department will only provide financial support for a child's group care placement when the placement is in a licensed group care facility, and

(b) The department has custody of the child, and the authority to remove the child in a cooperative manner after at least seventy-two hours notice to the child care provider; such notice may be waived in emergency situations.

(8) The child's parent(s) or legal guardian(s) has voluntarily requested, on forms prescribed by the department, the placement of the child by the department or a licensed child placement agency into foster care and the department concurs that such placement is currently necessary, provided that the maximum time period for the voluntary placement shall be three months. Such requests shall comply with foster care placement criteria as developed by the department.

AMENDATORY SECTION (Amending Order 1753, filed 2/3/82)

WAC 388-70-024 PAYMENT OF FOSTER CARE—EFFECTIVE DATE. (1) A foster care payment is effective the date a child is placed in care if an application for foster care payment is received within seven working days of placement. If an application is not received within seven working days of placement, the effective date of care is the date the application is received.

(2) The effective date of termination of family foster care payments for children in family foster care is the date:

(a) The child no longer needs foster care.

(b) The child reaches the age of eighteen. If the child is attending but has not finished high school or ((~~its~~)) equivalent at the age of eighteen and has a need for continued family foster care services, payments ((~~shall be terminated on~~)) may be continued until the date the high school program or ((~~its~~)) equivalent is completed. Such payments shall not be extended beyond age twenty-one.

(3) Payment for group foster care is limited to children who are at least six years of age but under the age of eighteen. The effective date of termination of foster care payments for children in group foster care is the date:

(a) The child no longer needs group foster care.

(b) The child has been in group care eighteen consecutive months.

(c) The child reaches the age of eighteen. If the child is attending but has not finished high school or ((~~its~~)) equivalent at the age of eighteen and has a need for continued group care services, ((~~payment shall be terminated on~~)) payments may be continued until the date the high school program or ((~~its~~)) equivalent is completed or the child has spent eighteen consecutive months in group care, whichever comes first.

WSR 82-16-065
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1852—Filed July 30, 1982—Eff. September 1, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to AFDC and GA-U—Grant or vendor payment, amending chapter 388-33 WAC.

This action is taken pursuant to Notice No. WSR 82-13-102 filed with the code reviser on June 23, 1982. These rules shall take effect at a later date, such date being September 1, 1982.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 30, 1982.

By David A. Hogan
Director, Division of Administration

AMENDATORY SECTION (Amending Order 1058, filed 10/1/75)

WAC 388-33-140 EFFECTIVE DATE OF INCREASE OR DECREASE IN GRANT. (1) Increase or reduction in grant:

(a) When a change in circumstances results in an increase or reduction of the assistance grant the effective date of change is the first of the following month providing that the change is reported to the local office by the 21st day of the month.

(b) If the change in circumstances is not reported to the local office by the 21st day of the month the effective date of change is the first of the ((~~2nd~~)) second month following the month in which the change of circumstances occurred.

(c) If a change of circumstances resulting in a decrease in the grant amount is not reported until the month following its occurrence and after the 21st day of the month in which it is reported an overpayment shall be established.

(d) When a person is added to a grant, the effective date of change shall be the first of the month following the month in which the person entered the household.

(2) The effective date shall never precede the date the circumstances actually changed.

(3) Change in grant involving a cancelled warrant:

When a warrant is cancelled and assistance is to be reissued by an adjusting payment, the effective date of the grant as recomputed by the state office is the first of the month covered by the cancelled warrant. If, according to the rule in subsection (1) of this section, any assistance is due the recipient for a month prior to that covered by the cancelled warrant, the local office shall authorize a one-time grant.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-33-595 ONE-TIME GRANT—AUTHORIZATION—DISBURSEMENT. (1) See WAC 388-22-030 for definition of "one-time grant."

(2) A one-time grant may be authorized and disbursed in the amount necessary subject to the following rules:

(a) A one-time grant shall be authorized for a recipient of continuing assistance only.

(b) A one-time grant authorization is a single payment procedure. It expires when the warrant is mailed. It does not change the amount of the continuing (regular) grant currently authorized.

(c) A one-time grant shall be authorized when:

(i) An additional requirement recognized by department standards will be needed.

(ii) Income or assistance budgeted as available to the assistance unit or family is not received.

(iii) Supplemental assistance is needed from the date a recipient leaves an institution to the receipt of the regular, adjusting, or reinstated grant.

(iv) The fair hearing decision or the court decision on an appeal requires initiating, reinstating or increasing a grant.

(v) A recipient is to be compensated for an underpayment.

(vi) Any one-time grant that is approved by the state office under chapter 388-20 WAC for reasons other than those listed in this section.

(vii) ((~~A person who is added to an assistance unit requires assistance prior to the effective date of his inclusion in a regular grant.~~

~~(viii)~~)) A canceled warrant is to be reissued and the recipient cannot wait for payment by adjusting grant.

((~~(ix)~~)) (viii) A change in the basic requirements which results in an increase in the regular grant occurs.

((~~(x)~~)) (ix) Assistance is being continued in compliance with the ((~~10-day~~)) ten-day advance notice rules on reduction, suspension or termination of a grant and a partial month payment is required.

(d) Except as provided in ((~~items~~)) subsection (2)(c)(iv) and ((~~(2)(c)~~))(v) of this section, a retroactive one-time grant shall not cover a period of more than sixty days before the date of authorization.

(e) The effective date of a one-time grant shall be the date the circumstances change, subject to the limitations and conditions stated in this section.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-33-577 LOSS, THEFT OR DESTRUCTION OF CASH PROCEEDS FROM WARRANT.

WSR 82-16-066
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-97—Filed July 30, 1982]

I, Rolland A. Schmitten, director of the 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 this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Areas 4B, 5, 6, 6A, 6C, 7, 7A and 7D provide the least restrictive regulations that allow protection of adult Canadian chinook. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish Hatchery. Restrictions in Areas 6B, 9 and 10 protect the validity of the in season update for Lake Washington sockeye conducted at the Ballard locks. Restrictions in Area 10C and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Areas 6D, 10B, 10D, 12D, 13A, Minter Creek, Skagit River, above Old Faber Ferry Landing, White River, Dungeness River, Hoko River, Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creek provide protection for local chinook stocks. The closures of Area 8 and Skagit River below the Old Faber Ferry Landing are repealed to allow opportunity to harvest summer/fall chinook. Chinook management needs predominate in the western portion of Area 10D effective July 31, in Areas 6B, 9 and 10 effective August 1, in Area 8 and the Skagit River effective August 2.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 30, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-28-208 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. It is unlawful for treaty Indian fishermen to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, and 6C – Drift gill net gear restricted to 5-7/8-inch maximum mesh, when open.

Areas 6, 6A, 7, 7A, and 7D – All gill net gear restricted to 5-7/8-inch maximum mesh, when open.

Area 6D – Closed to all commercial fishing.

Area 7C – Closed to all commercial fishing southeasterly of a line projected from the mouth of the Oyster Creek 237 degrees true to a fishing boundary marker on the Samish Island.

**Areas 6B, 9 and 10 – Effective through July 31, gill nets restricted to 6-1/2-inch minimum mesh and other gear must release all sockeye, when open.*

**Area 8 and the Skagit River downstream of Old Faber Ferry Landing – Effective through August 1, gill nets restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye, when open.*

**Areas 10B – Closed to all commercial fishing through July 31.*

Area 10C – Closed to all commercial fishing.

**Area 10D – Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek and that portion south of a line projected true east from Greenwood Point. Gill nets restricted to 6-1/2-inch minimum mesh and all other gear must release all sockeye, when open.*

Area 12D – Closed to all commercial fishing.
Area 13A – Closed to all net fishing through July 31, 1982, in that portion north of a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove.
Cedar River – Closed to all commercial fishing.
Minter Creek – Closed to all net fishing through July 31, 1982.
Samish River – Closed to all commercial fishing.
Skagit River – Closed to all commercial fishing above Old Faber Ferry Landing including all tributaries until further notice.
White River – Closed to all commercial fishing through July 31, 1982.
Dungeness River, Hoko River, East and West Twin Rivers, Clallam River, Lyre River, Sekiu River, Sail River, Pysht River, Salt and Deep Creeks – Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-207 Puget Sound Commercial Fishery Restrictions (82-89)

WSR 82-16-067
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-98—Filed July 30, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restrictions in Areas 4B, 5, 6, 6A, 6C, 7, 7A, 7D provide the least restrictive regulations that allow protection of adult Canadian chinook salmon and allow fisheries under IPSFC control. Scheduled fisheries in Areas 7B and 7C outside the Oyster Creek line allow a harvest of chinook salmon. All other Puget Sound areas are closed to all-citizen commercial fishing to prevent overharvest of salmon stocks.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 30, 1982.

By Rolland A. Schmitten
Director

NEW SECTION

WAC 220-47-703 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective July 23, 1982, until further notice it is unlawful to take, fish for or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5, and 6C – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Drift gill nets restricted to 5-7/8-inch maximum mesh, when open.
Area 6B – Closed.
Area 6D – Closed.
Areas 6, 6A, 7, 7A, and 7D – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill nets restricted to 5-7/8-inch maximum mesh, when open.
**Areas 7B and 7C – Closed except gill nets may fish from 7:00 PM to 9:30 AM nightly August 2 through the morning of August 5 with 7-inch minimum mesh. The Fidalgo Bay Preserve and that portion of Area 7C southeasterly of the Oyster Creek line are closed as provided in WAC 220-47-307.*
Areas 8, 8A, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-702 Puget Sound All-Citizen Commercial Salmon Fishery (82-90)

WSR 82-16-068
NOTICE OF PUBLIC MEETINGS
WESTERN WASHINGTON UNIVERSITY
[Memorandum—July 28, 1982]

The board of trustees of Western Washington University have cancelled their regular meeting on Thursday, August 5, 1982, at 1:30 p.m., in Old Main 340 on the campus of the university.

There will be a special meeting of the board of trustees on Friday, August 6, 1982, at 1:30 p.m., in Old Main 340 on the campus of the university.

WSR 82-16-069
ADOPTED RULES
LIQUOR CONTROL BOARD
[Order 91, Resolution No. 100—Filed August 2, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does adopt the annexed rules relating to:

Amd	WAC 314-20-100	Beer wholesale price posting.
Amd	WAC 314-20-105	Beer suppliers' price filings, contracts and memoranda.
Amd	WAC 314-24-190	Wine wholesale price posting.
Amd	WAC 314-24-200	Wine suppliers' price filings, contracts and memoranda.

This action is taken pursuant to Notice Nos. WSR 82-10-068 and 82-13-104 filed with the code reviser on May 5, 1982 and June 23, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 7, 1982.

By Robert D. Hannah
Chairman

AMENDATORY SECTION (Amending Order 62, filed 1/20/78, effective 7/1/78)

WAC 314-20-100 BEER WHOLESALE PRICE POSTING ((~~(RULE 49)~~)). (1) Every beer wholesaler shall file with the board at its office in Olympia a price posting showing the wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.

(2) ((~~No price posting shall become effective until fifteen days after the actual filing thereof with the board. In the event a price posting is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting.~~)) All price postings must be received by the board not later than the first day of the month, and if approved will become effective on the fifteenth day of the same calendar month. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the fifth day of the month in order to become effective on the fifteenth day of the same calendar month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the first day of the month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a beer wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a beer wholesaler elects to file postings listing selected items on which prices are temporarily reduced for one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

((~~(3)~~)) (5) Each price posting shall be made on a form prepared and furnished by the board or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types, packages and containers of beer offered for sale by such beer wholesaler.

(b) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

((~~(4)~~)) (6) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.

((~~(5)~~)) (7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader," as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such act.

((~~(6)~~)) (8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

((~~(7)~~)) (9) If an existing written contract or memorandum of oral agreement between a licensed brewer,

certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with WAC 314-20-105 (((~~Rule 49.5~~))), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly-designated beer wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and WAC 314-20-105 (((~~Rule 49.5~~))).

(((~~8~~))) (10) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(((~~9~~))) (11) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(((~~10~~))) (12) Any beer wholesaler or employee authorized by his wholesaler-employer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

(b) Beer sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both such places of delivery.

(13) When a new beer wholesaler's license is issued by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-20-105.

AMENDATORY SECTION (Amending Order 54, filed 5/24/77, effective 7/1/77)

WAC 314-20-105 BEER SUPPLIERS' PRICE FILINGS, CONTRACTS AND MEMORANDA (((~~RULE 49.5~~))). (1) Every licensed brewer shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewer may have with any beer wholesaler, which contracts or memoranda shall contain a schedule of prices charged to wholesalers for all items, all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances and incentive programs; all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised contracts or memoranda shall forthwith be filed with the board as provided in this regulation.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages and containers of beer offered for sale by such licensed brewer; all additional information required may be filed as a supplement to said price schedule forms.

(2) ((~~No contract or memorandum of oral agreement shall become effective until fifteen days after the actual filing thereof with the board. In the event a contract or memorandum of oral agreement is filed before a previous one has become effective, the subsequent filing shall nullify said previous price posting.~~

~~(a) An exception is set forth in subsection (7) of WAC 314-20-100 which provides for a change in wholesalers.~~)) Filing date—All written contracts and memoranda of oral agreements must be received by the board not later than the fifteenth day of the month, and if approved will become effective on the fifteenth day of the month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the twentieth day of the month in order to become effective on the fifteenth day of the following month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

(a) When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it, or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(b) Exceptions for changes in wholesalers and newly licensed wholesalers are set forth in subsections (9) and (13) in WAC 314-20-100.

(3) Filing date exception—Whenever the fifteenth day of the month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) In the event that a brewer determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a licensed brewer elects to file postings listing selected items on which prices are temporarily reduced for a period of one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

((~~(3)~~)) (5) Prices filed by a licensed brewer shall be uniform prices to all wholesalers on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such act.

((~~(4)~~)) (6) No licensed brewer shall sell or offer to sell any beer to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

((~~(5)~~)) (7) No licensed brewer shall sell or offer to sell any package or container of beer to any wholesaler at a price differing from the price for such package or container as shown in the schedule of prices filed by the brewer and then in effect.

((~~(6)~~)) (8) The provisions set forth in the foregoing subsections of this regulation shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by every certificate of approval holder who sells beer to a beer importer, every beer importer who sells beer to another beer importer or to a beer wholesaler, and every beer wholesaler who sells beer to another beer wholesaler: PROVIDED, That the provisions of this subsection shall not apply, and filings will not be required in the instance of beer wholesalers making accommodation sales to other beer wholesalers when such sales are made at a selling price not to exceed the laid-in cost of the beer being sold. Accommodation sales may only be made when the wholesaler purchasing the beer is an authorized purchaser of the brand and product being sold, having been designated as an authorized purchaser by the manufacturer or importer of the product being sold, as demonstrated by an existing contract or memoranda on file and in effect under the provisions of this rule.

((~~(7)~~)) (9) Holders of certificates of approval may ship beer into this state when the beer has been sold and consigned to the holder of a beer importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the beer diverted unless such diversion is to another beer importer, and the board so notified immediately.

((~~(8)~~)) (10) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any such price filing, contract or memorandum the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected, the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

((~~(9)~~)) (11) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

AMENDATORY SECTION (Amending Order 85, Resolution 94, filed 10/28/81)

WAC 314-24-190 WINE WHOLESALE PRICE POSTING. (1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the ((~~fifteenth~~)) tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of ((~~a price~~)) such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the ((~~twentieth~~)) fifteenth day of the month in order to become effective on the first day of the next calendar month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the ((~~fifteenth~~)) tenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a wine wholesaler elects to file postings listing selected items on which prices are temporarily reduced for a period of one calendar month only such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the month for which the price reductions will be in effect. At the expiration of the month during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in WAC 314-24-080 ((~~Rule 66~~)).

(b) The wholesale prices thereof within the state, which prices shall include the state wine tax of twenty and one-fourth cents per liter imposed under RCW 66.24.210.

(6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such act.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if in compliance with chapter 19-.90 RCW and the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with WAC 314-24-200 ((~~Rule 82~~)), is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-24-200 ((~~Rule 82~~)).

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) Any wine wholesaler or employee authorized by his wholesaler-employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(b) Wine sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both places of delivery.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

AMENDATORY SECTION (Amending Order 85, Resolution 94, filed 10/28/81)

WAC 314-24-200 WINE SUPPLIERS' PRICE FILINGS, CONTRACTS AND MEMORANDA. (1) Every domestic winery shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such winery may have with any wine wholesaler, which contracts or memoranda shall contain a schedule of the prices charged to wholesalers for all items. Requirements for including or omitting from such prices the wine tax of twenty and one-fourth cents per liter, imposed under RCW 66.24.210, are set forth in subsection (8) of this

regulation. Contracts and memoranda required to be filed under this subsection must list all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances; and all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised prices, contracts or memoranda shall be filed with the board, as provided in this regulation.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages and containers of wine offered for sale by such licensed domestic winery; all additional information required may be filed as a supplement to said price schedule forms.

(2) Filing date—All written contracts and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the first day of the month in order to become effective on the first day of the next calendar month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the twenty-fifth day of any month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) Exceptions for changes in wholesalers and newly licensed wholesalers are set forth in subsections (9) and (10) in WAC 314-24-190.

(5) In the event that a domestic winery determines to make no changes in any contracts or memoranda last filed and then in effect, such contracts or memoranda shall remain in effect for each succeeding calendar month until revised or amended contracts or memoranda are filed and placed into effect as provided herein.

Provision for filing of temporary price reductions—In the event a licensed domestic winery elects to file postings listing selected items on which prices are temporarily reduced for a period of one calendar month only such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the month for which the price reductions will be in effect. At the expiration of the month during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(6) Prices filed by a domestic winery shall be uniform prices to all wholesalers on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below "cost," or below "cost of doing business," or a "loss leader" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such act.

(7) The provisions set forth in subsections (1), (2), (3), (4), (5) and (6) shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by certificate of approval holders who sell wine to wine importers; wine importers who sell to wine wholesalers; and wine wholesalers who sell to other wine wholesalers: PROVIDED, That the provisions of this subsection shall not apply, and filing will not be required, in the instance of wine wholesalers making accommodation sales to other wine wholesalers when such sales are made at a selling price not to exceed the laid-in cost of the wine being sold. Accommodation sales may only be made when the wholesaler purchasing the wine is an authorized purchaser of the brand and product being sold, having been designated as an authorized purchaser by the manufacturer or importer of the product being sold, as demonstrated by an existing contract or memoranda on file and in effect under the provisions of this rule.

(8) The wine tax, imposed under RCW 66.24.210, is not to be included in the prices filed as required by subsection (1) of this regulation by (a) a domestic winery, nor (b) by a certificate of approval holder who is not licensed as a wine wholesaler, nor (c) a wine importer who is not licensed as a wine wholesaler.

Every wine wholesaler who sells wine to another wine wholesaler shall include such tax in the prices posted on such required schedules.

(9) No domestic wineries, certificate of approval holders, wine importers, or wine wholesalers shall sell any wine to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(10) Certificate of approval holders may ship wine into this state when the same has been sold and consigned to the holder of an importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the wine diverted unless such diversion is to another importer, and the board so notified immediately.

(11) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any such price filing, contract or memorandum of oral agreement the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly

sale and distribution of wine. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(12) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

WSR 82-16-070
PROPOSED RULES
HUMAN RIGHTS COMMISSION
[Filed August 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Human Rights Commission intends to adopt, amend, or repeal rules concerning new chapter 162-06 WAC, rules of general application, including WAC 162-06-030, rulings granting exceptions to rules; new chapter 162-26 WAC, public accommodations, handicap discrimination; and new chapter 162-38 WAC, real estate transactions, handicap discrimination. Chapters 162-26 and 162-38 WAC implement the 1969 amendments to the law against discrimination, chapter 49.60 RCW, adding discrimination because of handicap to the coverage of the public accommodations section (RCW 49.60.215) and the real estate transactions section (RCW 49.60.222) of the law against discrimination;

that the agency will at 1:30 p.m., Thursday, September 16, 1982, in the Commission Hearing Room, 1601 Second Avenue Building, Fourth Floor, Seattle, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 49.60.120(3).

The specific statute these rules are intended to implement is RCW 49.60.215, 49.60.222, 49.60.223, 49.60-.224, 49.60.225 and 49.60.226.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 16, 1982.

This notice is connected to and continues the matter in Notice No. WSR 82-12-053 filed with the code reviser's office on June 1, 1982.

Dated: August 2, 1982
By: Morton M. Tytler
Senior Assistant Attorney General

WSR 82-16-071
PROPOSED RULES
CENTRAL WASHINGTON UNIVERSITY
[Filed August 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Central Washington University intends to adopt, amend, or repeal rules concerning parking and traffic regulations, chapter 106-116 WAC;

that the institution will at 1:30 p.m., Wednesday, September 8, 1982, in the Kachess Room, Samuelson Union Building, Central Washington University, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.19.030 and 28B.35.120.

The specific statute these rules are intended to implement is none.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before Wednesday, September 8, 1982.

Dated: July 28, 1982
By: Judy Couture
Administrative Secretary

STATEMENT OF PURPOSE

Title: Chapter 106-116 WAC, Parking and Traffic Regulations.

Description of Purpose: These rules are for the purpose of regulating vehicular traffic on the campus of Central Washington University.

Statutory Authority: RCW 28B.50.852.

Summary of Rule: Parking and Traffic Regulations.

Reasons Supporting Proposed Action: These changes will enable Central Washington University to collect fines for traffic infractions cited on campus. The Judge of the Lower Kittitas County District Court has declined to continue collecting such fines and has requested that the university accept responsibility for this activity. These revisions also reflect changes in the penalty schedule for such infractions.

Agency Personnel Responsible for Drafting: Judy Couture, Administrative Secretary, Assistant Attorney General's Office, Central Washington University, Ellensburg, WA 98926, (509) 963-2111 or Scan 453-2111; Implementation and Enforcement: Mr. Alfred J. Teeples, Chief of Campus Safety, Central Washington University, Ellensburg, WA 98926.

Organization Proposing Rule: None.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

AMENDATORY SECTION (Amending Order 46, filed 3/23/81)

WAC 106-116-042 INFRACTIONS. ((~~[(1)]~~)) (1) The entire campus, including parking and traffic areas, is patrolled by the Campus Safety Department with authority to issue infractions for on-campus violations. This authority is further shown in WAC ((~~[106-116-040] [106-114-040]~~)) 106-116-040 of this policy.

(2) The Campus Safety Department and its duly sworn officers have authority to issue infractions for violations of Washington Administrative Codes and ordinances and laws of the city of Ellensburg, county of

Kittitas, and state of Washington, which violations occur on university owned property.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-103 ADDITIONAL VEHICLES. When a new or different motor vehicle is acquired, it shall be necessary to obtain a new permit for that vehicle. When such a change of vehicles has been accomplished, the old permit will be surrendered to the Campus Safety Department((~~,~~)) and a new permit with the same expiration date assigned will be issued at no charge by the cashier's office.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-201 PERMITTED PARKING AREAS. (1) University owned parking areas are marked with signs reading, "Parking by University Permit Only." Vehicles parked without valid parking permits will be ticketed from 7:30 a.m. to 4:00 p.m. Monday through Friday, except:

(2) No parking permitted daily in C-1 lot from 4:00 a.m. to 5:00 a.m.

(3) No parking permitted daily in B lot from 4:00 a.m. to 5:00 a.m.

(4) Enforcement shall be in effect twenty-four hours a day in the following parking areas:

(a) Residence hall staff parking areas,

(b) Buttons Apartments,

(c) Limited time zones,

(d) J Lot,

(e) Handicapped areas.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-203 SPECIFIC PARKING PROHIBITIONS. (1) Parking in areas and places normally used for moving traffic is a specific violation of these regulations.

(2) Parking in such a position with relation to other parked cars or marked parking spaces as to impede, restrict, or prevent free ingress or egress by other automobiles violates these regulations.

(3) Parking in areas marked for a special permit or clearly designated by signing for special use not available to the general public or regular permit holders is prohibited. Examples: parking in a space marked "Handicapped Permits Only," in spaces reserved for residence hall personnel ((~~or~~)) Health Center permit only and library parking lot.

(4) Parking and/or driving on sidewalks adjacent to streets is prohibited.

(5) Parking or driving on lawns or flower beds is prohibited.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-213 PARKING OF TRAILERS, CAMPERS, AND SIMILAR PURPOSE VEHICLES ON CAMPUS. It shall be unlawful for any individual, firm((~~,~~)), or corporation to park any type of vehicle on the grounds of Central Washington University((~~,~~)) for the purpose of using such vehicle as a living unit.

Any exception must be approved by the Chief of Campus Safety, in writing.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-310 CONTRACTOR PARKING PERMITS. ((~~(1)~~)) All contractors responsible for construction projects on the campus or for repair and maintenance contracts and those who make continuous deliveries of supplies must contact the Campus Safety Department prior to starting work to obtain permits for the parking of those vehicles necessary to carry on the work.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-403 VISITOR PARKING PERMITS. Visitors may obtain parking permits from the automatic permit dispensers.

Visitors on official business may obtain a courtesy permit from the Campus Safety Office, located ((~~at 11th and D Street near the entrance to "B" Lot~~)) 1/2 block west of D Street on 11th Avenue.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-404 VISITOR PARKING AREAS. Visitors, after obtaining a proper permit, may park in any university owned and designated parking area except staff and faculty reserved areas and "J" lot. ((~~They may park at any metered parking area, if meter fee is paid.~~))

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-514 ELECTION TO FORFEIT OR CONTEST. The notice of infraction issued pursuant to WAC 106-116-513 of these regulations shall inform the alleged violator that he/she may elect either to forfeit the monetary penalty to the infraction(s) charged or to contest the matter(s) ((~~in the manner described by the court of the Judge of the Lower Kittitas County District Court~~)).

(1) If the alleged violator chooses to forfeit the penalty, he/she may do so by paying the appropriate amount to ((~~Judge of the Lower Kittitas County District Court~~)) the cashier's office. Payment will be in cash, by certified check, or by money order. Such payment may also be made by mail. Such forfeiture shall constitute a waiver of a right to a hearing.

(2) If the alleged violator chooses to contest, he/she may do so by contacting the office of the ((~~Judge of the Lower Kittitas County District Court~~)) Cashier's Office, Mitchell Hall, CWU in accordance with directions given on the infraction notice.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-601 TRAFFIC REGULATION SIGNS, MARKINGS, BARRICADES, ETC. (1) The Campus Safety ((~~Department~~)) Office and the Physical Plant Department are authorized to erect signs, barricades and other structures and to paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Central Washington University. Such signs, barricades, structures, markings((~~,~~)), and directions shall be so made and placed as to, in the opinion of the Chief of Campus Safety and the Director of Physical Plant, best effectuate the objectives stated in WAC 106-116-020 of these regulations.

(2) No sign, barricade, structure, marking, or direction for the purpose of ((~~regulation] [regulating~~)) regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the Chief of Campus Safety.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

WAC 106-116-603 MONETARY PENALTY SCHEDULE FOR COURT.

Offense	Fine
(1) Improper display of permit	$((~~1.00~~)) 2.00
(2) Parking faculty-staff area	$((~~1.00~~)) 2.00
(3) Parking yellow stripe or curb	$((~~2.00~~)) 3.00
(4) Parking outside designated parking area	$ 2.00
(5) ((~~Live parking area~~	$ 2.00
~~(6)~~)) Obstructing traffic	$((~~2.00~~)) 5.00
(((~~(7)~~))) (6) Double parking	$((~~2.00~~)) 5.00
(((~~(8)~~))) (7) Parking at improper angle or using more than one stall, or backing into parking stall	$ 2.00
(((~~(9)~~))) (8) Violation of the bicycle parking rules in WAC 106-116-901	$((~~1.00~~)) 2.00
(((~~(10)~~))) (9) Reserved parking area	$((~~2.00~~)) 3.00
(((~~(11)~~))) (10) No parking area	$((~~2.00~~)) 5.00
(((~~(12) Failure to remove keys from ignition~~	$ 2.00
~~(13)~~))) (11) Overtime parking	$((~~1.00~~)) 2.00
(((~~(14) Vehicle not registered~~	$ 2.00
~~(15) Falsification of vehicle registration~~	$ 5.00
~~(16)~~))) (12) Using counterfeit, falsely made or altered permit	$((~~10.00~~)) 50.00
(((~~(17)~~))) (13) Illegal use of permit	$((~~10.00~~)) 20.00
(((~~(18)~~))) (14) No current permit	$((~~2.00~~))

Offense	Fine
	3.00
(((~~(19)~~))) (15) Parking service drive	$((~~2.00~~)) 5.00
(((~~(20)~~))) (16) Parking/driving sidewalks, malls	$((~~5.00~~)) 10.00
(((~~(21)~~))) (17) Parking/driving lawns	$((~~10.00~~)) 15.00
(((~~(22)~~))) (18) Parking fire lane	$((~~10.00~~)) 15.00
(((~~(23)~~))) (19) Parking fire hydrant	$((~~10.00~~)) 15.00
(((~~(24)~~))) (20) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	$10.00
(((~~(25)~~))) (21) Other violations of the objectives of the CWU Parking and Traffic Regulations	(($1.00 to $10.00)) $2.00 to $10.00
(((~~(26)~~))) (22) Parking in a space marked "Handicapped Permits Only"	(($10.00)) $15.00

~~(((27) (a) When an infraction notice for offenses (1), (2), (9), and (13) is issued, any violator may, within one full business day of the issuance thereof, present such notice to the District Court office in the Kittitas County Courthouse and therewith pay $.75 and no additional fine or penalty shall be imposed for such violation.~~

~~(b) The Court Commissioner of the [Lower] Kittitas County District Court and authorized deputies, or during nonbusiness hours of said court the office of the Sheriff of Kittitas County will accept payments made under this rule.~~

~~(c) This schedule of monetary penalties and provisions for their payment corresponds with rules laid down by the Lower Kittitas County District Court.~~))

WSR 82-16-072
EMERGENCY RULES
CENTRAL WASHINGTON UNIVERSITY
[Order 48—Filed August 2, 1982]

I, Donald L. Garrity, President of the Central Washington University, do promulgate and adopt at Ellensburg, Washington, the annexed rules relating to parking and traffic regulations, chapter 106-116 WAC.

I, Donald L. Garrity, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the Judge of the Lower Kittitas County District Court has declined to continue collecting fines for traffic infractions effective July 1, 1982. These revisions allow the university to collect such fines and adoption on an emergency basis allows this to be done during the interim period needed to adopt them as permanent rules.

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

This rule is promulgated under the general rule-making authority of the Central Washington University as authorized in RCW 28B.35.120(11).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED July 28, 1982.

By Donald L. Garrity
President

AMENDATORY SECTION (Amending Order 46, filed 3/23/81)

WAC 106-116-042 INFRACTIONS. (((~~(1)~~))) (1) The entire campus, including parking and traffic areas, is patrolled by the Campus Safety Department with authority to issue infractions for on-campus violations. This authority is further shown in WAC (((~~106-116-040] [106-114-040~~))) 106-116-040 of this policy.

(2) The Campus Safety Department and its duly sworn officers have authority to issue infractions for violations of Washington Administrative Codes and ordinances and laws of the city of Ellensburg, county of Kittitas, and state of Washington, which violations occur on university owned property.

AMENDATORY SECTION (Amending Order 45, filed 8/14/80)

WAC 106-116-103 ADDITIONAL VEHICLES. When a new or different motor vehicle is acquired, it shall be necessary to obtain a new permit for that vehicle. When such a change of vehicles has been accomplished, the old permit will be surrendered to the Campus Safety Department(((~~,~~))) and a new permit with the same expiration date assigned will be issued at no charge by the cashier's office.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

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(2) No parking permitted daily in C-1 lot from 4:00 a.m. to 5:00 a.m.

(3) No parking permitted daily in B lot from 4:00 a.m. to 5:00 a.m.

(4) Enforcement shall be in effect twenty-four hours a day in the following parking areas:

(a) Residence hall staff parking areas,
(b) Buttons Apartments,
(c) Limited time zones,
(d) J Lot,
(e) Handicapped areas.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

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(2) No sign, barricade, structure, marking, or direction for the purpose of ((~~[regulation] [regulating]~~)) regulating traffic or parking shall be moved, defaced, or in any way changed by any person without authorization from the Chief of Campus Safety.

AMENDATORY SECTION (Amending Order 47, filed 11/3/81)

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(5) ((~~Live parking area~~	$ 2.00

Offense	Fine
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((~~(7)~~)) (6) Double parking	$((~~2.00~~)) 5.00
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((~~(11)~~)) (10) No parking area	$((~~2.00~~)) 5.00
~~((12) Failure to remove keys from ignition~~	~~$ 2.00~~
~~(13)~~)) (11) Overtime parking	$((~~1.00~~)) 2.00
~~((14) Vehicle not registered~~	~~$ 2.00~~
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((~~(18)~~)) (14) No current permit	$((~~2.00~~)) 3.00
((~~(19)~~)) (15) Parking service drive	$((~~2.00~~)) 5.00
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((~~(24)~~)) (20) Driving, walking, leading, etc., certain animals on campus without permit (WAC 106-116-10401)	$10.00
((~~(25)~~)) (21) Other violations of the objectives of the CWU Parking and Traffic Regulations	((~~$1.00 to $10.00~~)) $2.00 to $10.00
((~~(26)~~)) (22) Parking in a space marked "Handicapped Permits Only"	((~~$10.00~~)) $15.00

~~((27) (a) When an infraction notice for offenses (1), (2), (9), and (13) is issued, any violator may, within one full business day of the issuance thereof, present such notice to the District Court office in the Kittitas County Courthouse and therewith pay $.75 and no additional fine or penalty shall be imposed for such violation.~~

~~(b) The Court Commissioner of the [Lower] Kittitas County District Court and authorized deputies, or during nonbusiness hours of said court the office of the Sheriff of Kittitas County will accept payments made under this rule.~~

~~(c) This schedule of monetary penalties and provisions for their payment corresponds with rules laid down by the Lower Kittitas County District Court.))~~

WSR 82-16-073
ATTORNEY GENERAL OPINION
Cite as: AGLO 1982 No. 19
[July 30, 1982]

OFFICES AND OFFICERS—COUNTY—CLERK—FEES—JUDGMENTS—IMPOSITION OF ADDITIONAL FILING FEE UPON COMMENCEMENT OF SUPPLEMENTAL PROCEEDINGS

A county clerk is not authorized to impose an additional filing fee, pursuant to RCW 36.18.020 when a judgment creditor, after filing the abstract of judgment (and paying the fee which is then required) commences supplemental proceedings.

Requested by:
Honorable Paul Klasen
Prosecuting Attorney
Grant County
P.O. Box 37
Ephrata, Washington 98823

WSR 82-16-074
ATTORNEY GENERAL OPINION
Cite as: ALGO 1982 No. 20
[July 30, 1982]

COURTS—SUPERIOR—CRIMES—PROBATION—FEES—ASSESSMENT FOR SUPERVISION OF PROBATIONERS

The provisions of § 2, chapter 207, Laws of 1982, relating to the imposition of a monetary assessment upon a criminal offender to pay for certain probation services, will not become legally operative until July 1, 1984, when the pertinent provisions of chapter 9.94A RCW themselves take effect in accordance with § 28, chapter 137, Laws of 1981.

Requested by:
Honorable David F. Thiele
Island County Prosecuting Attorney
Courthouse
Coupeville, Washington 98239

WSR 82-16-075
PROPOSED RULES
EDMONDS COMMUNITY COLLEGE DISTRICT 23
[Filed August 2, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Edmonds Community College District 23 intends to adopt, amend, or repeal rules concerning policy for dismissal of tenured and probationary faculty members, chapter 132Y-140 WAC;

that the institution will at 2:00 p.m., Thursday, September 16, 1982, in the Lynnwood Hall, Room 424, Lynnwood, Washington 98036, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 16, 1982.

The authority under which these rules are proposed is RCW 28B.50.140.

The specific statute these rules are intended to implement is RCW 28B.50.140, 28B.50.850, etc.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before April 15, 1982.

Dated: July 29, 1982
By: Jennis J. Bapst
Vice President for Administrative Services

STATEMENT OF PURPOSE

Chapter 132Y-140 WAC, A Policy for Dismissal of Tenured and Probationary Faculty Members, is proposed under the authority of RCW 28B.50.140 to establish policies and procedures to implement RCW 28B.50.140, 28B.50.850 through 28B.50.869 and chapter 13, Laws of 1981 2nd ex. sess.

The purpose of the rule is to establish the conditions and procedures which would govern the dismissal of tenured faculty members and faculty members who hold a probationary appointment prior to the written term of their individual appointment. The rule addresses the informal procedures and formal hearings pertaining to the dismissal of faculty members for sufficient cause including but not limited to reduction-in-force.

The rule is necessary to permit an orderly, timely and expeditious dismissal of faculty members within the protection afforded them by chapter 28B.50 RCW and by the principles of due process.

The College Officials Responsible for Developing These Rules are: Thomas Nielsen, President, Scan 241-0280; Jennis Bapst, Vice President for Administrative Services, Scan 241-0280; Vincent DeLeers, Dean of Instruction, Scan 241-0280; and Jean Floten, Dean of Students, Scan 241-0280.

Responsible for Enforcing the Rules: Thomas Nielsen, President, Edmonds Community College.

These rules are being proposed by Edmonds Community College.

Chapter 132Y-140 WAC
POLICY FOR DISMISSAL OF TENURED
AND PROBATIONARY FACULTY MEMBERS

WAC
132Y-140-001 Purpose
132Y-140-101 Reasons for Dismissal
132Y-140-104 Reduction in Force Units and Procedure for Assignment
132Y-140-108 Order of Reduction
132Y-140-112 Procedures Relating to the Dismissal of a Tenured or Probationary Faculty Member
132Y-140-116 Recall

Chapter 132Y-140 WAC
POLICY FOR DISMISSAL OF TENURED
AND PROBATIONARY FACULTY MEMBERS

NEW SECTION

WAC 132Y-140-001 PURPOSE. This rule shall govern the dismissal of tenured faculty members and faculty members who hold a probationary appointment prior to the written term of their individual appointment.

NEW SECTION

WAC 132Y-140-101 REASONS FOR DISMISSAL. (1) Sufficient Cause. A tenured faculty member shall not be dismissed from his or her appointment except for sufficient cause, nor shall a faculty member who holds a probationary appointment be dismissed prior to the written terms of the appointment except for sufficient cause.

(2) Reduction in Force. Reduction in force is deemed to constitute sufficient or adequate cause for dismissal/termination of probationary faculty employees prior to the written term of their individual appointment or tenured faculty employees. Reduction in force shall include, but not be limited to, any of the following grounds:

(a) Lack of funds
(b) Elimination and/or reduction of programs, courses or services
(c) Decreased enrollment
(d) Overstaffing
(e) Reduction of allotments pursuant to chapter 43.88 RCW, as now or hereafter amended
(f) Changes in educational policy and/or goals
(g) State Board for Community College Education declaration of financial emergency pursuant to Laws of 1981, ch. 13, § 1 under the following conditions:
(i) Reduction of allotments by the governor pursuant to RCW 43.88.110(2), or
(ii) Reduction by the legislature from one biennium to the next or within a biennium of appropriated funds based on constant dollars using the implicit price deflator

(3) Tenure Refusal Excluded. Nothing in this dismissal policy shall be construed to affect the decision and right of the Board of Trustees not to renew a probationary academic employee appointment without cause pursuant to RCW 28B.50.857.

NEW SECTION

WAC 132Y-140-104 REDUCTION IN FORCE UNITS AND PROCEDURE FOR ASSIGNMENT. (1) Definition of Units. Reduction in force units shall be established as follows and each tenured employee and each employee holding a probationary faculty appointment shall be assigned by the district president to only one of these units.

Art	Management
Music	Office Administration
Photography	Travel
English	Small Business Management
Foreign Language	Electronics
Humanities	Heavy Equipment
Speech	Horticulture
Anthropology	Clothing and Textiles
History	Energy Management
Psychology	Earth and Rock Drilling
Sociology	Dental Assisting
Biology	Medical Assisting
Chemistry	Early Childhood Education
Mathematics	Legal Assisting
Physics	Social and Human Services
Health	Family Life Education

Physical Education	Developmental Education
Accounting	Adult Basic Education
Data Processing	Counseling
Economics	Library
Court Reporting	Media

(2) Reduction in force Lists. A reduction in force list will be developed annually by the district president. Assignment will be based upon both seniority and the employee's major duties and the relationship of the duties to the appropriate program or departments. This list will be published on or about November 1 of each year. An employee having an objection to his or her placement on the list must notify the district president in writing within 15 days of the date of publication. The district president will consider the objection and respond within a reasonable period of time. The district president's decision on reduction in force list assignments shall be final.

NEW SECTION

WAC 132Y-140-108 ORDER OF REDUCTION. (1) Courses, Programs and Services.

(a) If the number of full time contracted employees subject to this policy is to be reduced, the district president with such advice as he or she deems necessary, shall determine in the case of each affected division department, or program what courses, programs and services are most necessary to maintain quality education and services.

(b) Decision Factors. In making decisions on reductions, the president may consider factors including but not limited to:

(i) Budget limitations, lack of funds, change in instructional or service programs or courses, or lack of students participating in particular programs, courses, or services

(ii) The enrollment, the trends in enrollment, and their effect upon the department or program

(iii) The present and anticipated service needs of the college and its students and prospective students, including staffing needs

(iv) Information concerning faculty and administrative vacancies occurring through retirement, resignation, and professional and other leave

(v) Changes in educational policies and goals

(vi) Other similar relevant considerations

(2) Individuals

(a) If a reduction is determined to be necessary, within a reduction in force unit, the order of reduction will be based on seniority provided that there are qualified academic employees to replace and perform all the employment needs of the affected department or program. An employee affected by this reduction in force policy shall be qualified to replace and perform the employment needs of the department or program which the president, with advice from the appropriate dean and appropriate division director, determines he or she is qualified to instruct

(3) Seniority

(a) Seniority shall be based on the number of years of employment beginning with the date of the signing of the first full-time contract for continuous full-time professional services for Community College District 5 and/or 23 and continuous professional services for the Edmonds School District prior to July, 1967. Continuous service shall include leaves of absence, professional leaves, and periods of lay-offs. The longest term of employment as thus established shall be considered the highest level of seniority. In instances where faculty members have the same beginning date of full-time professional service, seniority shall be determined in the following order:

(i) First date of signature of an employment contract

(ii) First date of signature of letter of intent

(iii) First date of application for employment

(b) When an employee leaves the bargaining unit to permanently accept a position with the district, seniority shall continue to accrue.

NEW SECTION

WAC 132Y-140-112 PROCEDURES RELATING TO THE DISMISSAL OF A TENURED OR PROBATIONARY FACULTY MEMBER. (1) Informal Hearing.

(a) Excluding reduction inforce applications, reasons to consider the dismissal of a faculty member shall be documented by letter to the faculty member. The district president shall discuss the letter with him or her in a personal conference. The matter may be settled by mutual consent at this point. The district president shall place the letter in the employee's personnel file unless mutually agreed otherwise.

(b) When the president determines that a reduction in force is necessary for the reasons 1 through 6 in Section I, C above and has selected the affected employees to be reduced, the initial step shall be for the president to meet with each employee and discuss the proposed termination/dismissal with the individual employee in personal conference which shall be an informal proceeding. The matter may be resolved at this step by the use of alternatives such as reassignment, leave of absence, retirement, resignation, etc.

(c) When the Board of Trustees determines that a reduction in force is necessary for the reasons set forth in Section I, C, (7) above, the president shall select the affected employees to be reduced and meet with the employee in personal conference, which is an informal proceeding, to discuss the proposed termination dismissal. The matter may at such time be resolved by the use of alternatives, such as reassignment, leave of absence, retirement, resignation, etc.

(2) Formal notice.

(a) After determining that dismissal poroceedings should be initiated, the district president shall specify the grounds constituting sufficient cause for dismissal, serve written notice of the cause(s) to the affected employee and provide copies to the dismissal review committee. The notice shall include:

(i) A statement of the time, place and nature of the hearing (the hearing must be held on not less than 10 days written notice);

(ii) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(iii) A reference to the particular rules of the college that are involved;

(iv) A short and plain statement of the matters asserted. In the case of a reduction in force for the reasons set forth in Section I, C, (1)-(6) above, this shall include a statement of (a) the grounds for reduction in force as delineated in Section I, C, (1)-(6) and (b) the basis for selection of the affected employee. In the case of a reduction in force for reasons set forth in Section I, C, (7) above, this shall clearly indicate the separation is not due to job performance of the employee and hence is without prejudice to such employee and, in addition, shall indicate the basis for reduction in force as one or both of the reasons set forth in Section I, C, (7) above. The notice must also indicate the effective date of separation from service.

(b) The affected employee(s) shall have ten (10) days from the date of the notice of dismissal to make a written request to the district president for a hearing. If the affected employee does not request such a hearing from the president of the college within seven (7) days, the president will request a written determination from the employee as to whether he/she wishes to avail himself/herself of the right to a hearing. if the employee fails to respond within the ten days provided herein, such failure to request a hearing shall constitute acceptance of dismissal and waiver of any right to a hearing. The decision of an employee not to request a hearing shall be communicated to the dismissal review committee and board of trustees. Furthermore, a timely written request for a hearing within the above ten-day period is deemed jurisdictional.

(3) Composition of Dismissal Review Committee.

(a) A five member dismissal review committee created for the express purpose of hearing dismissal cases shall be established no later than October 15 of any academic year. The members shall include one (1) administrator choosen by the president, one (1) full-time student chosen by the Student association in such manner as the members thereof shall determine, and three (3) faculty members representing the faculty who shall be selected by a majority of the faculty and faculty department heads acting in a body. The faculty members on the initial dismissal review committee shall serve a one-year, two-year and three-year term respectively. Subsequent elections will be for three-year terms so that the committee members shall have staggered terms.

(b) In no case shall a member of the committee sit in judgement of her or his own case, or the case of her or his spouse.

(c) In the event there is a vacancy on the committee, a replacement shall be selected within 15 days of the vacancy in the manner outlined above.

(4) Responsibilities of Dismissal Review Committee. The responsibilities of the committee shall be:

(a) To review the case of the proposed dismissal.

(b) To attend the hearing and, at the discretion of the hearing officer, to call and/or examine any witness.

(c) To hear testimony from all interested parties, including but not limited to other faculty members and students, and review any evidence offered by same;

(d) To arrive at its recommendations in conference on the basis of the hearing. As soon as practical, but in no event longer than 30 days after the conclusion of the formal hearing and within seven days in the case of a reduction in force for reasons set forth in Section I(7) above, the written recommendations of the committee will be presented to the hearing officer, president, the affected academic employee, and the board of trustees.

(5) Hearing Officer.

(a) Appointment

(i) Upon receipt of a request for a hearing from an affected employee, the district president shall notify the board of trustees and request that the board of trustees appoint an impartial hearing officer.

(ii) In the case of a reduction in force for reasons set forth in Section I, C, (7) above, at the time of a faculty member's or members' request for a formal hearing said faculty member's or members' may ask for participation in the choosing of the hearing officer in the manner provided in RCW 28A.58.455(4), said employee therein being a faculty member for the purposes hereof, and said board of directors therein being the board of trustees for purposes hereof: PROVIDED, That where there is more than one faculty member affected by the board of trustees' reduction in force such faculty members requesting hearing must act collectively in making such request: PROVIDED FURTHER, That costs incurred for the services and expenses of such hearing officer shall be shared equally by the community college and the faculty member or faculty members requesting hearing.

(b) Duties. It shall be the role of the impartial hearing officer to conduct the hearing in accordance with RCW 28B.19 and any procedural rules adopted by the district. The duties of the hearing officer include:

(i) Administering oaths and affirmations, examining witnesses, and receiving evidence. No person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;

(ii) Issuing subpoenas;

(iii) Taking or causing depositions to be taken pursuant to rules promulgated by the district;

(iv) Regulating the course of the hearing;

(v) Holding conferences for the settlement or simplification of the issues by consent of the parties;

(vi) Disposing of procedural requests or similar matters;

(vii) Making all rulings regarding the evidentiary issues presented during the course of the dismissal review committee hearings;

(viii) Appointing a court reporter, who shall operate at the direction of the hearing officer and shall record all testimony, receive all documents and other evidence introduced during the course of the hearing, and record any other matters related to the hearing as directed by the hearing officer;

(ix) Allowing the dismissal review commite to hear testimony and any oral argument from all interested parties, including but not limited to faculty members and students, and review any evidence offered by same.

(x) Preparing findings of fact and conclusions of law and a recommended decision. As soon as reasonably practicable, but in no event longer than 30 days after the hearing, or within ten days in the case of a reduction in force for reasons set forth in Section I, C, (7) above, the written recommendation of the hearing officer will be presented to the president, committee, affected employee, and the board of trustees.

(xi) Preparing and assembling a record for review by the board of trustees which shall include:

(A) All pleadings, motions and rulings;

(B) All evidence received or considered;

(C) A statement of any matters officially noticed;

(D) All questions and offers of proof, objections and rulings thereon;

(E) The proposed findings, conclusions and recommended decision;

(F) A copy of the recommendations of the dismissal review committee.

(xii) Deciding, with advice from the dismissal review committee, whether the hearing shall be open to the educational community, or whether particular persons should be permitted or excluded from attendance.

(xiii) Assuring that a transcript of the hearing is made, if necessary, and that a copy of the record or any part thereof is transcribed and furnished to any party to the hearing upon request and payment of costs.

(xiv) Consolidating individual reduction in force hearings into a single hearing. In the case of reduction in force for reasons set forth in Section I, C, (7) above, the hearing shall be consolidated; only one such hearing for the affected faculty members shall be held and such consolidated hearing shall be concluded within the time frame set forth herein.

(xv) Taking any other action authorized by rule or regulation of the district.

(xvi) In the case of a reduction in force for reasons set forth in Section I, C, (7) above, the formal hearing (pursuant to RCW 28B.19.120 and conducted by the hearing officer appointed by the board of trustees): (a) shall be concluded by the hearing officer within sixty days after written notice of the reduction in force has been issued; (b) the only issue to be determined shall be whether under the applicable policies, rules or bargaining agreement, the particular faculty member or members advised of severance are the proper ones to be terminated; (c) any findings, conclusions of law and recommended decision shall not be subject to further tenure review committee action.

(6) Procedural Rights of Affected Employees. An affected employee who has requested a hearing shall be entitled to one formal, contested case hearing pursuant to the Higher Education Administration Procedure Act, chapter 28B.19 RCW, and shall have the following procedural rights.:

(a) The right to confront and cross examine adverse witnesses, provided that, when a witness cannot appear and compelling reasons therefore exist, the identity of the witness and a copy of the statement of the witness reduced to writing shall be disclosed to the faculty member at least ten days prior to the hearing on the matter towards which the testimony of the witness is considered material.

(b) The right to be free from compulsion to divulge information which he or she could not be compelled to divulge in a court of law.

(c) The right to be heard in his or her own defense and to present witnesses, testimony, and evidence on all issues involved.

(d) The right to the assistance of the hearing officer in securing the witnesses and evidence pursuant to chapter 28B.19 RCW.

(e) The right to a counsel of her or his choosing who may appear and act on her or his behalf at the hearings.

(f) The right to have witnesses sworn and testify under oath.

(7) Final Decision By the Board of Trustees.

(a) The board of trustees shall be based on the record of the hearing and on any record made before the board of trustees.

(b) The board may permit an opportunity for oral or written argument or both by the parties or their representatives.

(c) The board of trustees may hold such other proceedings as it deems advisable.

(d) The final decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the board of trustees after giving reasonable consideration to the recommendations of the dismissal review committee and the hearing officer. The dismissal review committee's recommendations and the findings, conclusions and recommended decision of the hearing officer shall be advisory only and in no respect binding in fact or law upon the decision maker, the board of trustees. The board of trustees shall within a reasonable time following the conclusion of its review, notify the affected faculty member in writing of its final decision, and the effective date of dismissal.

(8) Effective Date of Dismissals. The effective date of a dismissal for sufficient/adequate cause shall be such date subsequent to notification of the board's final written decision as determined in the discretion of the board of trustees (e.g. immediately, end of any academic quarter, expiration of the individual employment contract, etc.) In the case of a reduction in force for reasons set forth in Section I, C, (7) above, failure to request a hearing shall cause separation from service on the effective date stated in the notice, regardless of the duration of any individual employment contract. In the case of a reduction in force for reasons set forth in Section I, C, (7) above, separation from service after formal hearing shall become effective upon final action by the board of trustees.

(9) Suspension. Suspension by the district president during the administrative proceedings (prior to the final decision of the board of trustees) is justified if immediate harm to the affected employee or others is threatened by his or her continuance. Any such suspension shall be with pay.

(10) Publicity. Except for such simple announcements as may be required covering the time of the hearing and similar matters, no public statements about the case shall be made by the faculty member, the dismissal review committee, administrative officers, or the board of trustees until all administrative proceedings and appeals have been completed.

(11) Appeal From Board of Trustees Decisions. Pursuant to RCW 28B.19.150 as now existing or hereafter amended, any party shall have

the right to appeal the final decision of the board of trustees within 30 days after service of the final decision. The filing of appeal shall not stay enforcement of the decision of the board.

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 132Y-140-116 RECALL. Recall lists shall be created and maintained for each affected reduction in force within District 23. The names of those academic employees laid off shall be placed on the appropriate Recall Lists according to seniority. Recall in each reduction in force unit shall be in order of reverse seniority; those qualified academic employees at the highest levels of seniority will be the first ones considered for recall. The right of recall shall extend three (3) calendar years from the date of actual lay-off. No new hires shall be permitted to fill academic employee vacancies in the reduction in force unit unless there are no qualified academic employees on the Recall Lists to fill the vacancies. The name of any academic employee refusing a recall offer shall be removed from the Recall List, and said academic employee will no longer be considered eligible for recall. It is the responsibility of those academic employees desiring recall to furnish the district with the appropriate addresses to which notices and other pertinent recall information can be sent. Upon recall, academic employees shall retain all benefits such as sick leave, tenure, and salary schedule placement which had accrued up to the date of lay-off. Notice of recall shall be sent by certified mail.

WSR 82-16-076
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 82-99—Filed August 2, 1982]

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

I, Rolland A. Schmitten, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of Soleduck stock summer coho are available in the boat basin.

These 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 the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED August 2, 1982.

By Gary C. Alexander
for Rolland A. Schmitten
Director

NEW SECTION

WAC 220-56-19000L SALTWATER SEASONS AND BAG LIMITS (1) Notwithstanding the provisions of WAC 220-56-190, bag limit code A as defined in WAC 220-56-180 applies from August 15, 1982 through October 31, 1982 in the Westport Boat Basin.

(2) As used in this section, "Westport Boat Basin" means the area inside the breakwater surrounding the boat basin and inside of lines drawn between lighted day markers 10 and 11 and between lighted day markers 1 and 2 which mark the two entrances to the boat basin.

WSR 82-16-077
ADOPTED RULES
FOREST PRACTICES BOARD
[Resolution No. 82-1—Filed August 3, 1982—Eff. October 1, 1982]

Be it resolved by the Forest Practices Board of the state of Washington, acting at Olympia, Washington, that it does promulgate and adopt the annexed rules relating to Title 222 WAC which regulates the conduct of forest practices.

This action is taken pursuant to Notice Nos. WSR 82-09-046 and 82-12-054 filed with the code reviser on April 15, 1982 and June 2, 1982. Such rules shall take effect at a later date, such date being October 1, 1982.

This rule is promulgated pursuant to RCW 76.09.040 and 76.09.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 25, 1982.

By Brian J. Boyle
Chairman, Forest Practices Board

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-12-090 FOREST PRACTICES BOARD MANUAL. When approved by the board the manual serves as an advisory technical supplement to these forest practices regulations. The department, in cooperation with the departments of fisheries, game, agriculture, ecology, and such other agencies as may have appropriate expertise, is directed to prepare, and submit to the board for approval, a Forest Practices Board Manual. The manual shall include((:)):

(1) Temperature sensitive determinations needed for use with WAC 222-16-040.

(2) Procedures for leaving the required ((~~fifty~~ ~~(~~))50((~~)~~)) percent or ((~~seventy-five (~~))75((~~)~~)) percent shade as required in WAC 222-30-040.

(3) A list of "key wildlife habitats" as established under WAC 222-16-010(23).

(4) The standard methods for measuring channel width, stream gradient and flow which are used in the water typing criteria WAC 222-16-030.

(5) A chart for establishing recommended permanent culvert sizes and associated data.

(6) Guidelines for clearing slash and debris from Type 4 Waters.

(7) Guidelines for landing location and construction.

(8) Aerial chemical application guidelines for requiring untreated strips on Type 4 Waters.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-16-010 GENERAL DEFINITIONS. Unless otherwise required by context, as used in these regulations:

(1) "Act" means the Forest Practices Act, chapter 76.09 RCW.

(2) "Appeals board" means the forest practices appeals board established in the act.

(3) "Board" means the forest practices board established by the act.

(4) "Borrow pit" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

(5) "Chemicals" means substances applied to forest lands or timber to accomplish specific purposes and includes pesticides, insecticides, rodenticides, plant-growth regulators, fungicides, fertilizers, ((~~dessicants~~)) desiccants, fire retardants when used in controlled burning, repellents, oil, dust-control agents (other than water), salt and other materials that may present hazards to the environment.

(6) "Commercial tree species" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

(7) "Completion of harvest" means the latest of:

(a) Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas((;)); or

(b) Scheduled completion of any slash disposal operations where the department and the applicant agree within ((~~six~~))6((~~)~~)) months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal((;)); or

(c) Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification((;)): PROVIDED, That delay of reforestation under this subsection (c) is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

(8) "Contamination" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

(9) "Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

(10) "Debris" means woody vegetative residue less than ((~~three~~))3((~~)~~)) cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

(11) "Department" means the department of natural resources.

(12) "End hauling" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

(13) "Erodible soils" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

(14) "Fertilizers" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

(15) "Flood level - ((~~Fifty~~))50((~~)~~)) year." For purposes of field interpretation of these regulations, the ((~~fifty~~))50((~~)~~))-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed ((~~two~~))2((~~)~~)) times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a ((~~two~~))2((~~)~~)) percent chance of occurring in any given year. The ((~~fifty~~))50((~~)~~))-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

(16) "Flood level ((~~Twenty-Five~~)) - ((~~)~~))25((~~)~~)) year." For purposes of field interpretation of these regulations the ((~~twenty-five~~))25((~~)~~))-year flood level shall be considered to be a vertical elevation which is the same height measured from the ordinary high-water mark as the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed ((~~two~~))2((~~)~~)) times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a ((~~four~~))4((~~)~~)) percent chance of occurring in any given year. The ((~~twenty-five~~))25((~~)~~))-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

(17) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

(18) "Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose

of any or all of the timber on such land in any manner: PROVIDED, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(19) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction((;));

(b) Harvesting, final and intermediate((;));

(c) Precommercial thinning((;));

(d) Reforestation((;));

(e) Fertilization((;));

(f) Prevention and suppression of diseases and insects((;));

(g) Salvage of trees((;)); and

(h) Brush control.

"Forest practice" shall not include: Preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

(20) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

(21) "Historic site" includes:

(a) Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality((;)); or

(b) Places associated with a personality important in history((;)); or

(c) Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

(22) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusks.

(23) "Key wildlife habitat" means the habitat of any threatened or endangered species, as such habitat is established by the board in the Forest Practices Board Manual, or other situations as identified by the board, after consultation with the department of game, where specific management practices are needed to prevent critical wildlife habitat destruction.

(24) "Limits of construction" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

(25) "Load bearing portion" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

(26) "Major tractor road" is one which involves extensive sidecasting or similar disturbance of soil which may cause material damage to a public resource or would destroy the integrity of a streamside management zone.

(27) "Merchantable stand of timber" means a stand of trees that will yield logs and/or ((~~fibre~~)) fiber:

(a) Suitable in size and quality for the production of lumber, plywood, pulp or other forest products.

(b) Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

(28) "Notice to comply" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

(29) "Operator" shall mean any person engaging in forest practices except an employee with wages as his sole compensation.

(30) "Ordinary high-water mark" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation((;)): PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

(31) "Park" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2).

(32) "Partial cutting" means the removal of a portion of the merchantable volume in a stand of timber so as to leave a well-distributed stand of residual, healthy trees that will reasonably utilize the productivity of the soil.

((~~(32)~~)) (33) "Pesticide" means any insecticide, herbicide or rodenticide but does not include nontoxic repellents or other chemicals.

((~~(33)~~)) (34) "Plantable area" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of streamside management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

((~~(34)~~)) (35) "Power equipment" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

((~~(35)~~)) (36) "Public resources" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

((~~(36)~~)) (37) "Rehabilitation" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

((~~(37)~~)) (38) "Relief culvert" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

((~~(38)~~)) (39) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, or mitigate rodents or any other vertebrate animal which

the director of the state department of agriculture may declare by regulation to be a pest.

(((~~39~~))) (40) "Salvage" means the removal of snags, down logs, windthrow, or dead and dying material.

(((~~40~~))) (41) "Scarification" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

(((~~41~~))) (42) "Side casting" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

(((~~42~~))) (43) "Shorelines of the state" means all of the water areas of the state, including reservoirs, and their associated wetlands together with the lands underlying them, except:

(a) Shorelines on segments of streams upstream of a point where the mean annual flow is ((~~twenty~~))20((~~)~~)) cubic feet per second or less and the wetlands associated with such upstream segments((~~;~~)); and

(b) Shorelines on lakes less than ((~~twenty~~))20((~~)~~)) acres in size and wetlands associated with such small lakes.

"Wetlands" means those lands extending landward for ((~~two hundred~~))200((~~)~~)) feet in all directions as measured on a horizontal plane from the ordinary high-water mark; floodways and contiguous floodplain areas landward ((~~two hundred~~))200((~~)~~)) feet from such floodways; and means all marshes, bogs and swamps associated with the streams, lakes and tidal waters which are included in the waters defined as "shorelines of the state" in these rules.

"Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, such floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands which can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(((~~43~~))) (44) "Skid trail" means a route used by tracked or wheeled skidders to move logs to a landing or road.

(((~~44~~))) (45) "Slash" means pieces of woody material containing more than ((~~three~~))3((~~)~~)) cubic feet resulting from forest practice activities.

(((~~45~~))) (46) "Spoil" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

(((~~46~~))) (47) "Stop work order" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

(((~~47~~))) (48) "Streamside management zone" means a specified area alongside natural waters where specific attention must be given to the measures, that can be taken to protect water quality. These zones shall be measured from the ordinary high-water mark of the body of water and measure:

(a) ((~~Fifty~~))50((~~)~~)) feet in width on each side of a Type 1 and 2 Water.

(b) ((~~Twenty-five~~))25((~~)~~)) feet in width on each side of a Type 3 Water.

(49) "Threatened or endangered species" applies to all species of wildlife listed as "threatened" or "endangered" by the United States Fish and Wildlife Service, except any species which the Washington department of game determines does not require special protection under the Forest Practices Act because conservation of the species is reasonably assured through a recovery and enhancement program or existence of an adequate population on lands where commercial forestry and land development are prohibited, or through other means. For this purpose, "wildlife" means all members of the animal kingdom except insects and benthic organisms.

(((~~48~~))) (50) "Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

(((~~49~~))) (51) "Water bar" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

(((~~50~~))) (52) "Weed" is any plant which tends to overgrow or choke out more desirable vegetation.

(((~~51~~))) (53) "Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-16-050 CLASSES OF FOREST PRACTICES. There are ((~~four~~))4((~~)~~)) classes of forest practices created by the act. These classes are listed below in the order most convenient for the applicant's use in determining into which class his operations fall. All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "Class IV - Special." Application to conduct forest practices involving the following circumstances ((~~may~~)) requires ((~~submission of additional information~~)) an environmental checklist in compliance with the state environmental policy act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

*(a) Aerial application of pesticides to an "area of water supply interest" as determined according to WAC 222-38-020(4)(h).

(((~~a~~))) (b) Harvesting, road construction, site preparation or aerial application of pesticides ((~~on lands known to contain the nest or breeding grounds of any~~

~~threatened or endangered species of wildlife as designated by the Department of Game in accordance with federal criteria and procedure, and approved by the Board.~~)):

(i) On lands known to contain a breeding pair or the nest or breeding grounds of any threatened or endangered species; or

(ii) Within the critical habitat designated for such species by the United States Fish and Wildlife Service.

((~~(b)~~)) (c) Widespread use of DDT or a similar persistent insecticide.

((~~(c)~~)) (d) Harvesting ((~~or~~)), road construction ((~~on landlocked parcels within the boundaries of any national park, state park or any park of a local governmental entity~~)), aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except park managed salvage of merchantable forest products.

((~~(d)~~)) *(e) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas when conducted on excessively steep slopes or slide prone areas as defined in WAC 222-24-020(6) when such slopes or slide prone areas occur on an uninterrupted slope within 1,000 feet above a Type 1, 2, 3 or 4 Water where there is potential for a substantial debris flow or debris torrent to cause significant impact to fisheries habitat or public capital improvements.

(f) Utilization of an alternate plan except those involving field evaluation of a new forest practice technology or any reforestation practice.

(2) "Class IV - General." Applications involving the following circumstances are "Class IV - General" forest practices unless they are listed in "Class IV - Special." Such applications will not require an environmental evaluation but are subject to a ((~~thirty-day (~~))30-day((~~)~~)) period for approval.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-34-050.)

((~~(c) Harvesting, road construction, site preparation, or aerial application of pesticides on lands known to the Department or applicant to contain active nest trees of the American bald eagle or osprey, or archaeologic or historic sites.~~))

(3) "Class I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV - Special((~~;~~))" ((~~or subparagraph (c) of "Class IV - General"~~)) are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

(b) Road maintenance except: (((~~(1)~~))) (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (((~~(2)~~))) (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(c) Construction of landings less than ((~~one (~~))1((~~)~~)) acre in size, if not within a shoreline area of a Type 1 Water, the streamside management zone of a Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(d) Construction of less than ((~~six hundred (~~))600((~~)~~)) feet of road on a sideslope of ((~~forty (~~))40((~~)~~)) percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the streamside management zone of a Type 2 or Type 3 Water, or the ordinary high-water mark of a Type 4 Water.

(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulics permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Pre-commercial thinning and pruning.

(j) Tree planting and seeding.

(k) Removal of less than ((~~five thousand (~~))5,000((~~)~~)) board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any ((~~twelve~~)) 12-month ((~~(12-month)~~)) period.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 70.94.660).

(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding ((~~forty (~~))40((~~)~~)) percent or off-road use of tractors within the shorelines of a Type 1 Water, the streamside management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(o) Ground application of chemicals. (See WAC 222-38-020.)

(p) Aerial application of chemicals (except insecticides) when applied to not more than ((~~forty (~~))40((~~)~~)) contiguous acres and beyond 50 feet of a Type 1 or 2 Water, beyond 25 feet of a Type 3 Water or beyond 25 feet of the ordinary high water mark of a flowing Type 4 Water and where the application does not take place within ((~~one hundred (~~))100((~~)~~)) feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. (See WAC 222-38-020.)

(q) Forestry research studies and evaluation tests by an established research organization.

(4) "Class II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices((~~:~~)): PROVIDED, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulics project approval (RCW ((~~79.20.100~~)) 75.20.100) or is within a "shorelines of the state," or involves a bond in

lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed((;)); and

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application.

(c) Any of the following if none of the operation or limits of construction takes place within the streamside management zone of a Type 2 or 3 Water, or within the ordinary highwater mark of a Type 4 Water:

(i) Construction of advance fire trails.

~~(((d) Aerial application of chemicals (except insecticides) on more than forty (40) acres but not more than one hundred sixty (160) acres of forest land. Such aerial application shall not take place within one hundred (100) feet of lands used for farming unless such farmland is owned by the forest landowner.~~

~~(e) Any of the following, if none of the operation takes place within the streamside management zone of a Type 2 or 3 Water or within the ordinary high-water mark of a Type 4 Water:~~

~~(i)~~)) (ii) Opening a new pit of, or extending an existing pit by, less than ((~~one (~~))1((~~)~~)) acre.

((~~(ii)~~)) (iii) The following ((~~harvests where not~~)) operations except those involving off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

((~~(aa)~~)) (A) Salvage of logging residue.

((~~(bb)~~)) (B) Salvage of dead, down or dying timber if less than ((~~forty (~~))40((~~)~~)) percent of the total timber volume is removed in any ((~~twelve-month (~~))12-month((~~)~~)) period.

((~~(cc)~~)) (C) West of the Cascade summit, partial cutting of ((~~forty (~~))40((~~)~~)) percent or less of the live timber volume.

((~~(dd)~~)) (D) East of the Cascade summit, partial cutting of ((~~five thousand (~~))5,000((~~)~~)) board feet per acre or less.

((~~(ee)~~)) (E) Any harvest on less than ((~~forty (~~))40((~~)~~)) acres.

~~(((f) Any of the following, if none of the operation or limits of construction take place within the streamside management zone of a Type 2 or 3 Water or within the ordinary high-water mark of a Type 4 Water and the operation takes place on a sideslope of forty (40) percent or less:~~

~~(i) The following harvest involving off-road use of tractor or wheeled skidding systems:~~

~~(aa) Salvage of logging residue.~~

~~(bb) Salvage of dead, down or dying timber, if less than forty (40) percent of the total timber volume is removed in any twelve-month (12-month) period.~~

~~(cc) West of the Cascade Summit, partial cutting of forty (40) percent or less of the live timber volume.~~

~~(dd) East of the Cascade Summit, partial cutting of five thousand (5,000) board feet per acre or less.~~

~~(ee) Any harvest on less than forty (40) acres.~~

~~(ii)~~)) (F) Construction of ((~~six hundred (~~))600((~~)~~)) or more feet of road, provided that the department shall be renotified at least ((~~two (~~))2((~~)~~)) business days before commencement of the construction.

(5) "Class III" forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

(b) Those within the shorelines of the state other than those in a Class I forest practice.

(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

(d) Aerial application of chemicals (except insecticides) ((~~on over one hundred sixty (160) acres or within one hundred (100) feet of lands used for farming~~)), except where classified as Class I or IV forest practices.

(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over ((~~one (~~))1((~~)~~)) acre.

(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain historic or archeological resources which, at the time the application or notification is filed, are on or are eligible for listing on the National Register of Historic Places.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(6) Continuing review of forest practices classification((:)).

(a) RCW 76.09.050 directs the forest practices board to establish by rule which forest practices shall be included in each of the ((~~four (~~))4((~~)~~)) classes, and directs that these rules:

(i) Not include in Class I any categories of forest practice which the board finds to have a direct potential for damage to a public resource((;));

(ii) Exclude from Class II all categories of forest practice which the board finds to have an ordinary or greater than ordinary potential for damage to a public resource((;)); and

(iii) Include in "Class IV - Special" all categories of forest practice which the board finds to have potential for a substantial impact on the environment of the type justifying an evaluation as to whether or not a detailed

statement must be prepared pursuant to chapter 43.21C RCW (SEPA).

(b) The board finds that the regulations contained in subsections (1) through (5) of this section meet those criteria to the maximum extent feasible in light of the limited information now available, but that further refinement of these subsections may be necessary as additional experience develops under the Forest Practices Act. Therefore, the department is requested to report to the forest practices advisory committee and the board at least annually on any categories of forest practice which, in the opinion of the department, should be reclassified:

(i) To make the classifications better conform to these criteria((;)); and

(ii) To provide greater clarity and certainty for potential applicants and others as to which forest practice activities are in Classes I, II, III or IV forest practices.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-20-010 APPLICATIONS AND NOTIFICATIONS—POLICY. (1) No Class II, III or IV forest practices shall be commenced or continued unless the department has received a notification for Class II forest practices, or approved an application for Class III or IV forest practices pursuant to the act. Where the time limit for the department to act on the application has expired, and none of the conditions in WAC 222-20-020(1) exist, the operation may commence. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

(2) At the option of the applicant, applications or notifications may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The department shall prescribe the form and contents of the notification and application, which shall specify what information is needed for a notification, and the information required for the department to approve or disapprove the application.

(4) Applications and notifications for operations not converting to another use shall be signed by the landowner, the timber owner and the operator; or the operator and accompanied by a consent form signed by the timber owner and the landowner. A consent form may be another document if it is signed by the landowner(s) and it contains a statement acknowledging that he is familiar with the Forest Practices Act, including the provisions dealing with conversion to another use (RCW 76.09.060(3)). Where the application is not signed by the landowner, the department shall, provided all the other requirements contained in chapter 222-20 WAC are met, approve the application without the signature of the landowner if:

(a) The operator or timber owner provides legal evidence of timber rights, ownership, or other legal rights;

(b) The timber owner or operator posts a bond, in an amount determined by and a form acceptable to the department, securing compliance with the requirements of the forest practices regulations ((~~as determined necessary by the Department~~);)); and

(c) The operator or timber owner provides evidence of reasonably advance notification to the landowner of the proposed forest practice and that the landowner has been requested to sign the application, a copy of which has been made available to the landowner((;)): PROVIDED, That in lieu of such evidence the applicant may submit a sworn statement indicating inability to locate the landowner after a reasonable good faith attempt to locate and notify the landowner of the proposed forest practice.

(5) Where an application for a conversion is not signed by the landowner or accompanied by a consent form, as outlined in subsection (4) ((~~above~~)) of this section, the department shall not approve the application.

(6) Transfer of the approved application or notification to a new landowner, timber owner or operator requires written notice by the original landowner or applicant to the department and should include the original application or notification number. This written notice shall be in a form acceptable to the department and shall contain an affirmation signed by the new land owner, timber owner, or operator, as applicable, that he agrees to be bound by all conditions on the approved application or notification. In the case of a transfer of an application previously approved without the landowner's signature the new timber owner or operator must submit a bond securing compliance with the requirements of the forest practices regulations as determined necessary by the department. If an application or notification indicates that the landowner or timber owner is also the operator, or an operator signed the application, no notice need be given regarding any change in subcontractors or similar independent contractors working under the supervision of the operator of record.

(7) Applications and notifications must be delivered to the department at the appropriate area office. Delivery should be in person or by registered or certified mail.

(8) Applications and notifications shall be considered received on the date and time shown on any registered or certified mail receipt, or the written receipt given at the time of personal delivery, or at the time of receipt by general mail delivery. Applications or notifications that are not complete, or are inaccurate will not be considered officially received until the applicant furnishes the necessary information to complete the application. If a notification or application is delivered in person to the department by the operator or his authorized agent, the department shall immediately provide a dated receipt. In all other cases, the department shall immediately mail a dated receipt to the applicant.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-20-020 APPLICATION TIME LIMITS. (1) A properly completed application shall be approved or disapproved within ((~~fourteen~~))14((~~)~~)) calendar days for Class III and ((~~thirty~~))30((~~)~~)) calendar days for Class IV forest practices, except:

(a) To the extent the department is prohibited from approving the application by the act.

(b) For "Class IV-Special" applications when the department has within ((~~ten~~))10((~~)~~)) days of the receipt of an acceptable application and environmental checklist (WAC 197-10-310) determined that a detailed environmental statement must be made, the application must be approved or disapproved within ((~~sixty~~))60((~~)~~)) days, unless the commissioner of public lands promulgates a formal order specifying a later date for completion of the detailed environmental statement and final action on the application. At least ((~~ten~~))10((~~)~~)) days before promulgation of such an order extending the time, the applicant shall be given written notice that the department is requesting such extension; giving the reasons the process cannot be completed within such period; and stating that the applicant may comment in writing to the commissioner of public lands or obtain an informal conference with the department regarding the proposed extension.

(c) When they involve lands platted after January 1, 1960 or lands to be converted, the applicable time limit shall be ((~~fourteen~~))14((~~)~~)) business days from transmittal to the county unless the county has waived its right to object or has consented to approval of the application.

(2) Unless the county has waived its rights under the act or consents to approval, the department shall not approve portions of an application involving lands platted after January 1, 1960, in the process of being platted or proposed to be converted to another use until at least ((~~fourteen~~))14((~~)~~)) business days ((~~for Class IV applications;~~)) from the date of transmittal to the county.

(3) Where an application covers both Class III and Class IV forest practices, the department shall have ((~~thirty~~))30((~~)~~)) calendar days to respond, except more time may be required as in subsection (1) ((~~above~~)) of this section.

(4) If the application indicates that it covers only Class III forest practices, and the department determines it involves some Class IV forest practices, within ((~~fourteen~~))14((~~)~~)) calendar days the department shall either so indicate or approve or disapprove the application.

(5) Where a notification is submitted for operations which the department determines involve Class III or IV forest practices, the department shall issue a stop work order or take other appropriate action. If the operations were otherwise in compliance with the act and forest practices regulations, no penalty should be imposed for those operations which occurred prior to the enforcement action((~~;~~)): PROVIDED, That no damage to a public resource resulted from such operations, and the operations commenced more than ((~~five~~))5((~~)~~)) days from receipt by the department of the notification.

(6) If the department fails to approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may commence((~~;~~)): PROVIDED, That this provision shall not apply where:

(a) The county objects and the application involves lands platted after January 1, 1960 or lands to be converted where the ((~~counties~~)) county's right of objection is ((~~fourteen~~))14((~~)~~)) business days which may be longer than the approval time limit.

(b) The department is prohibited from approving the application by the act.

(7) If seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within ((~~sixty~~))60((~~)~~)) days.

NEW SECTION

WAC 222-20-100 NOTICE TO PARKS AND OAHP. (1) Notice to parks. The department shall send to the affected agency, within 2 business days of receipt, a copy of any notification or application for forest practices within 500 feet of the boundary of any park entity registered according to WAC 222-20-100(2).

(2) Parks register. The department shall establish and update every 5 years a parks register listing all publicly owned parks where the affected owner has filed a written request with the department for inclusion on such register. The department shall notify owners of all public parks inventoried on the state comprehensive outdoor recreation plan (SCORP) of the opportunity to register.

(3) DNR to provide information to OAHP. The department shall provide the office of archeology and historic preservation (OAHP) with copies of all applications and notifications for forest practices to be conducted on lands known to contain historic or archeological resources as identified by OAHP.

NEW SECTION

WAC 222-20-110 NOTICE OF FOREST PRACTICES TO CITIES AND TOWNS. The department shall establish and update every 5 years a register listing all incorporated cities and towns which have filed a written request for inclusion on such register. The department shall provide to those listed on the register, copies of all applications and notifications for forest practices on lands within the legal boundaries of the city or town.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-24-010 POLICY. A well designed, located, constructed, and maintained system of forest roads is essential to forest management. This section covers the location, design, construction, maintenance and abandonment of forest roads, bridges; stream crossings, quarries, borrow pits, and disposal sites used for forest road construction. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

((~~The appropriate design standard and the road location should be chosen to best balance economics and environmental objectives, including but not limited to:~~

~~(1) Use the minimum design standard that produces a road sufficient to carry the anticipated traffic load with reasonable safety.~~

~~(2) Fit the road to the topography so that a minimum of alterations to the natural features will occur.~~

~~*(3) Minimize road locations in narrow canyons, marshes, wet meadows, natural drainage channels, in Streamside Management Zones and nesting sites of key wildlife habitats.~~

~~*(4) Minimize the number of stream crossings.~~

~~*(5) Whenever practical, cross streams at right angles to the main channel.~~

~~(6) Avoid duplicative roads by keeping the total amount of construction to a minimum. Use existing roads whenever practical and avoid isolating patches of timber which, when removed, may require unnecessary road construction.~~

~~(7) Avoid locating roads on steep or unstable slopes or known slide prone areas unless approved by the department.~~))

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-24-020 ROAD LOCATION ((~~AND DESIGN~~)). ((~~(1) Subgrade width should average not more than thirty-two feet for double lane roads and twenty feet for single lane roads, exclusive of ditches, plus any additional width necessary for safe operations on curves and turnouts.~~

~~(2) Balance excavation and embankments so that as much of the excavated material as is practical will be deposited in the roadway fill sections. Where full bench construction is necessary, design suitable embankments so that the excavated material may be end hauled to appropriate deposit areas.~~

~~(3) Design or construct cut and fill slopes to the normal angle of repose for the materials involved, or at a lesser angle whenever practical.~~

~~*(4) All roads should be outsloped or ditched on the uphill side and appropriate surface drainage should be provided by the use of adequate cross drains, ditches, relief culverts, water bars, or diversion ditches.~~

~~*(5) Cross drains, relief culverts, and diversion ditches should not discharge onto erodible soils, or over fill slopes unless adequate outfall protection is provided.~~

~~*(6) Install adequate cross drains, culverts, or diversion ditches on all forest roads to minimize erosion of the road bed and cut bank. These drainage structures shall be installed at all low points in the road gradient and spaced no wider than as follows:~~

~~Grade~~	~~Distance Westside~~	~~Distance Eastside~~
~~0 to 8%~~	~~1,000 ft.~~	~~1,500 ft.~~
~~8% to 15%~~	~~800 ft.~~	~~1,000 ft.~~
~~15% to steeper~~	~~600 ft.~~	~~800 ft.~~

~~Except where parent material (example: rock, gravel), or topography justifies a different spacing approved by the Department.~~

~~*(7) Relief culverts installed on forest roads shall meet the following minimum specifications:~~

~~(a) Be at least twelve inches in diameter or the equivalent.~~

~~(b) Be installed sloping toward the outside edge of the road at a minimum gradient of three percent.~~)) (1) Fit the road to the topography so that a minimum of alterations to the natural features will occur.

*(2) Minimize road locations in narrow canyons, marshes, wet meadows, natural drainage channels, in streamside management zones and nesting sites of key wildlife habitats.

*(3) Minimize the number of stream crossings.

*(4) Whenever practical, cross streams at right angles to the main channel.

(5) Avoid duplicative roads by keeping the total amount of construction to a minimum. Use existing roads whenever practical and avoid isolating patches of timber which, when removed, may require unnecessary road construction.

(6) Where feasible, do not locate roads on excessively steep or unstable slopes or known slide prone areas as determined by the department. The department shall determine whether slopes are unstable using available soils information, or from evidence of geologically recent slumps or slides, or where the natural slope exceeds the angle of repose for the particular soil types present, or where springs or seeps may indicate unstable conditions are present in or above the construction site.

Essential road construction will be accomplished by end hauling, over hauling, or other special road construction techniques unless the department determines there is potential for damage to public resources under WAC 222-16-050(1)(e).

NEW SECTION

WAC 222-24-025 ROAD DESIGN. (1) Use the minimum design standard that produces a road sufficient to carry the anticipated traffic load with reasonable safety.

(2) Subgrade width should average not more than 32 feet for double lane roads and 20 feet for single lane roads, exclusive of ditches, plus any additional width necessary for safe operations on curves and turnouts.

(3) Balance excavation and embankments so that as much of the excavated material as is practical will be deposited in the roadway fill sections. Where full bench construction is necessary, design suitable embankments so that the excavated material may be end hauled to appropriate deposit areas.

(4) Design or construct cut and fill slopes to the normal angle of repose for the materials involved, or at a lesser angle whenever practical.

*(5) All roads should be outsloped or ditched on the uphill side and appropriate surface drainage should be provided by the use of adequate cross drains, ditches, relief culverts, water bars, or diversion ditches.

*(6) Cross drains, relief culverts, and diversion ditches should not discharge onto erodible soils, or over fill slopes unless adequate outfall protection is provided.

*(7) Install cross drains, culverts, or diversion ditches on all forest roads to minimize erosion of the road bed, cut bank and fill slope. These drainage structures shall be installed at all low points in the road gradient and spaced no wider than as follows:

Grade	Distance Westside	Distance Eastside
0 to 7%	1,000 ft.	1,500 ft.
8% to 15%	800 ft.	1,000 ft.
over 15%	600 ft.	800 ft.

The department may require more frequent culvert spacing or other drainage improvements where site specific evidence of soil instability makes additional culverts necessary to minimize erosion of the road bed, ditches, cut bank and fill slope or to avoid unreasonable risk to public resources. See Part 5, Table 2 in the Forest Practices Board Manual for "Additional Culvert Spacing Recommendations." On request of the applicant, the department may approve less frequent drainage spacing where parent material (e.g. rock, gravel) or topography justify.

*(8) Relief culverts installed on forest roads shall meet the following minimum specifications:

(a) Be at least 12 inches in diameter or equivalent.

(b) Be installed sloping toward the outside edge of the road at a minimum gradient of 3 percent.

*(9) Ditch diversion. Where roadside ditches slope toward a Type 1, 2, or 3 Water for more than 300 feet and otherwise would discharge into the stream, divert the ditchwater onto the forest floor by relief culvert or other means at the first practical point more than 50 feet from the stream.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-24-030 ROAD CONSTRUCTION. (1) Right-of-way timber. Merchantable right-of-way timber shall be removed or decked in suitable locations where the decks will not be covered by fill material or act as support for the fill or embankment.

*(2) Debris burial.

(a) In permanent road construction, do not bury:

(i) Loose stumps, logs or chunks containing more than ((~~five~~)) 5 cubic feet in the load-bearing portion of the road, except as puncheon across swampy ground or for culvert protection.

(ii) Any significant amount of organic debris within the top ((~~two~~)) 2 feet of the load-bearing portion of the road, except as puncheon across swampy ground or for culvert protection.

(iii) Excessive accumulation of debris or slash in any part of the load-bearing portion of the road fill, except as puncheon across swampy ground or for culvert protection.

(b) In the cases where temporary roads are being constructed across known areas of unstable soils and where possible construction failure would directly impact waters, the requirements in (a), (i), (ii) and (iii) ((~~above~~)) of this subsection shall apply. A temporary road is a roadway which has been opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.

(3) Compact fills. During road construction, fills or embankments shall be built up by layering. Each layer shall be compacted by operating the tractor or other construction equipment over the entire surface of the layer. Chemical compacting agents may be used in accordance with WAC 222-38-020.

*(4) Stabilize soils. When soil, exposed by road construction, appears to be unstable or erodible and is so located that slides, slips, slumps, or washing may reasonably be expected to cause damage to a public resource, then such exposed soil areas shall be seeded with grass, clover, or other ground cover, or be treated by other means acceptable to the department.

*(5) Channel clearance. Clear stream channel of all debris and slash generated during operations prior to the removal of equipment from the vicinity, or the winter season, whichever is first.

*(6) Drainage.

(a) All required ditches, culverts, cross drains, drainage dips, water bars, and diversion ditches shall be installed concurrently with the construction of the roadway.

(b) Uncompleted road construction to be left over the winter season or other extended periods of time shall be drained by outsloping or cross draining. Water bars and/or dispersion ditches may also be used to minimize eroding of the construction area and stream siltation.

((~~(7) Temporary Road. Means a roadway which has been constructed or opened for the purpose of the forest practice operation in question, and thereafter will be an inactive or abandoned road.~~))

*((~~(8)~~)) (7) Moisture conditions. Construction should be accomplished when moisture and soil conditions are least likely to result in excessive erosion and/or soil movement.

*((~~(9)~~)) (8) End haul/sidecasts. End haul or overhaul construction is required where significant amounts of sidecast material would rest below the ((~~twenty-five~~)) 25-year flood level of a Type 1, 2 or 3 Water, below the ordinary high-water mark of Type 4 Water, or where there is a potential for massive soil failure from overloading on unstable slopes or for damage to the public resources as determined by the department.

*((~~(10)~~)) (9) Waste disposal. When spoil, waste and/or other debris is generated during construction, this material may be deposited or wasted in suitable areas or locations and be governed by the following:

(a) Spoil or other debris shall be deposited above the ((~~twenty-five~~)) 25-year flood level of Type 1, 2 or 3 Waters.

(b) Spoil or other debris shall be deposited above the ordinary high-water channel of Type 4 Waters and not in a location from which it will reasonably be expected to ((~~reenter~~)) enter those waters.

(c) When the spoil or other debris is deposited in appropriate location, embankments so formed shall be compacted by layering as in ((~~paragraph~~)) subsection (3) ((~~above~~)) of this section, or so stabilized that the risk of its later entering streams is minimal.

NEW SECTION

WAC 222-24-035 LANDING LOCATION AND CONSTRUCTION. *(1) Landing location:

(a) Locate landings on firm ground above the ordinary high-water mark of any stream. Avoid excessive excavation.

(b) Landings involving sidecast or fill shall be located where the toe of the sidecast or fill does not lie below the 50-year flood level of a Type 1, 2 or 3 Water or below the ordinary high-water mark of a Type 4 Water.

(2) Landing construction.

(a) Landings requiring sidecast or fill shall be no larger than reasonably necessary for safe operation of the equipment expected to be used.

(b) Where the average general slopes exceed 65 percent, fill material used in construction of landings shall be free from loose stumps and excessive accumulations of slash and shall be mechanically compacted where necessary and practical in layers by tractor to prevent soil erosion and mass soil movement. Chemical compacting agents may be used in accordance with WAC 222-38-020.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-24-040 WATER CROSSING STRUCTURES. ((~~Bridge construction and culvert installation within the ordinary high-water mark of the streams of this state are subject to the Hydraulic Projects Approval Law (RCW 75.20.100), administered by the Departments of Fisheries and Game. These agencies may specify conditions for construction of stream crossings, in addition to those described below.~~))

*(1) Bridge construction.

(a) Bridges are required for new crossings of any Type 1 or 2 Waters regularly used for recreational boating.

(b) Permanent bridges shall not constrict clearly defined channels and shall be designed to pass the ((~~fifty~~)) 50-year flood level or the road shall be constructed to provide erosion protection from the ((~~fifty~~)) 50-year flood waters which exceed the water-carrying capacity of the drainage structure.

(c) One end of each new permanent log or wood bridge shall be tied or firmly anchored if any of the bridge structure is within ((~~ten~~)) 10 vertical feet of the ((~~fifty~~)) 50-year flood level.

(d) Excavation for bridges, placement of sills or abutments, and the placement of stringers or girders shall be accomplished from outside the ordinary high-water mark of all waters, except when such operations are authorized by a hydraulics permit or hydraulics agreement.

(e) Earth embankments constructed for use as bridge approaches shall be protected from erosion by high water. Some examples of protection are: Planted or seeded ground cover, bulkheads, rock riprap, or retaining walls.

(f) When earthen materials are used for bridge surfacing, curbs of sufficient size shall be installed to be above the surface material and prevent such surface material from falling into the stream bed.

*(2) Culvert installation: All permanent culverts installed in forest roads shall be of a size that is adequate to carry the ((~~fifty~~)) 50-year flood or the road shall be constructed to provide erosion protection from the ((~~fifty~~)) 50-year flood waters which exceed the water-carrying capacity of the drainage structure. Refer to Part ((~~Five~~)) 5 "Recommended Culvert Sizes" in the Forest Practices Board Manual for the size of permanent culverts recommended for use in forest roads. If the department determines that because of unstable slopes the culvert size shown on that table is inadequate to protect public resources, it may require culvert sizes in accordance with the nomograph (chart) contained in Part 5 of the Forest Practices Board Manual or with other generally accepted engineering principles.

(a) No permanent culverts shall be installed that are smaller than:

(i) ((~~Twenty-four~~)) 24 inches in diameter or the equivalent for anadromous fish streams.

(ii) ((~~Eighteen~~)) 18 inches or the equivalent for the resident game fish streams.

(iii) ((~~Twelve~~)) 12 inches or the equivalent for all other water crossings.

(b) The alignment and slope of the culvert shall parallel the natural flow of the stream whenever possible.

(c) When fish life is present, construct the bottom of the culvert at or below the natural stream bed at the inlet and outlet.

(d) Terminate culverts on materials that will not readily erode, such as riprap, the original stream bed (if stable), or other suitable materials.

(e) If water is diverted from its natural channel, return this water to its natural stream bed via culvert, flume, spillway, or the equivalent.

(f) When flumes, downspouts, downfall culverts, etc., are used to protect fill slopes or to return water to its natural courses, the discharge point must be protected from erosion by: (((~~1~~))) (i) Reducing the velocity of the water, (((~~2~~))) (ii) use of rock spillways, (((~~3~~))) (iii) riprap, (((~~4~~))) (iv) splash plates.

(g) Stream beds shall be cleared for a distance of ((~~fifty~~)) 50 feet upstream from the culvert inlet of such slash or debris that reasonably may be expected to plug the culvert.

(h) The entrance of all culverts should have adequate catch basins and headwalls to minimize the possibility of erosion or fill failure.

*(3) Culverts in anadromous fish streams. In addition to the requirements of subsection (2) of this section, in streams used by anadromous fish:

(a) Culverts shall be either open bottomed or have the bottom covered with gravel and installed at least ((~~six~~)) 6 inches below the natural stream bed at the inlet and outlet.

(b) Closed bottom culverts shall not slope more than ((~~one-half~~)) 1/2 percent; except as provided in (e) ((~~below~~)) of this subsection; open bottom culverts shall not slope more than the natural slope of the stream bed.

(c) Where multiple culverts are used, one culvert shall be at least ((~~six~~)) 6 inches lower than the other(s).

(d) Culverts shall be set to retain normal stream water depth throughout the culvert length. A downstream control may be required to create pooled water back into the culvert and to insure downstream stream bed stability.

(e) Closed bottom culverts, set at existing stream gradients between ((~~one-half~~)) 1/2 percent and ((~~three~~)) 3 percent slope shall be designed with baffles for water velocity control, or have an approved designed fishway.

(f) The department, after consultation with the departments of fisheries and game, shall impose any necessary limitations on the time of year in which such culverts may be installed to prevent interference with migration or spawning of anadromous fish.

(g) Any of the requirements in (a) through (f) ((~~above~~)) of this subsection may be superseded by a hydraulics project approval.

*(4) Temporary water crossings.

(a) Temporary bridges and culverts, adequate to carry the highest anticipated flow in lieu of carrying the ((~~fifty~~)) 50-year flood, may be used:

(i) In the westside region if installed after June 1 and removed by September 30 of the same year.

(ii) In the eastside region if installed after the spring runoff and removed prior to the snow buildup which could feed a heavy runoff.

(iii) At other times, when the department and applicant can agree to specific dates of installation and removal.

(b) Temporary bridges and culverts shall be promptly removed upon completion of use, and the approaches to the crossing shall be water barred and stabilized at the time of the crossing removal.

(5) Properly prepared and maintained fords may be used during periods of low water providing a hydraulics permit is acquired.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-24-050 ROAD MAINTENANCE. *(1) Active roads. An active road is a forest road being actively used for hauling of logs, pulpwood, chips, or other major forest products or rock and other road building materials. To the extent necessary to prevent damage to public resources, the following maintenance shall be conducted on such roads:

(a) Culverts and ditches shall be kept functional.

(b) Road surface shall be maintained as necessary to minimize erosion of the subgrade.

(c) During and on completion of operations, road surface shall be crowned, outsloped, or water barred and berms removed from the outside edge except those intentionally constructed for protection of fills.

*(2) Inactive roads. An inactive road is a forest road the use of which for commercial hauling is discontinued for ((~~one~~)) 1 or more logging seasons, and the forest landowner desires continuation of access for fire control, forest management activities, Christmas tree growing operations, occasional or incidental use for minor forest products harvesting or similar activities on such inactive roads:

(a) Before the first winter rainy season following termination of active use, nonfunctional ditches and culverts shall be cleared and the road surface shall be crowned, outsloped, water barred or otherwise left in a condition not conducive to accelerated erosion; and

(b) Thereafter, except as provided in (c) of this subsection, the landowner shall clear or repair ditches or culverts which he knows or should know to be nonfunctional and causing or likely to cause material damage to a public resource.

(c) The landowner shall not be liable for penalties or monetary damages, under the act, for damage occurring from a condition brought about by public use, unless he fails to make repairs as directed by a notice to comply.

*(3) Additional culverts/maintenance. If the department determines based on physical evidence that the above maintenance has been or will be inadequate to protect public resources and that additional measures will provide adequate protection it shall require the landowner or operator to either elect to:

(a) Install additional or larger culverts or other drainage improvements as deemed necessary by the department; or

(b) Agree to an additional road maintenance program. Such improvements in drainage or maintenance may be required only after a field inspection and opportunity for an informal conference.

*(4) Abandoned roads. An abandoned road is a forest road which the forest landowner does not intend to be used again for commercial hauling of forest products. No subsequent maintenance of an abandoned road is required after the following procedures are completed:

(a) Roads are outsloped, water barred, or otherwise left in a condition suitable to control erosion((~~,~~));; and

(b) Ditches are cleaned((~~,~~));; and

(c) The road is blocked to vehicular traffic or is posted "closed."

(d) The department may request the removal of bridges and culverts on Type 1, 2, 3 and 4 Waters, except where the owner elects to maintain the drainage structures.

*(((~~4~~))) (5) Brush control. Chemical control of roadside brush shall not be done where chemicals will directly enter any Type 1, 2, or 3 or flowing Type 4 Water. Refer to WAC 222-38-020 for additional information.

*(((~~5~~))) (6) Road surface treatment.

(a) Apply oil to the road surface only when the temperature is above ((~~fifty-five~~)) 55 degrees F and during the season when there is a minimal chance of rain for the next ((~~forty-eight~~)) 48 hours.

(b) Water the road surface prior to application of oil to assist in penetration.

(c) Construct a temporary berm along the road shoulder wherever needed to control runoff of the applied chemical.

(d) Take extreme care to avoid excess application of road chemicals. Shut off the flow at all bridges.

(e) When cleaning out chemical storage tanks or the application equipment tanks used for storage and application of road treatment materials, dispose of the rinse water fluids on the road surface or in a place safe from potential contamination of water.

(f) The use of dry road chemicals shall be in compliance with WAC 222-38-020.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-010 POLICY—TIMBER HARVESTING. This section covers all removal of timber from forest lands in commercial operations, commercial thinning, salvage of timber, relogging merchantable material left after prior harvests, post harvest cleanup, and

clearing of merchantable timber from lands being converted to other uses. It does not cover removal of incidental vegetation or removal of firewood for personal use. To the extent practical the department shall coordinate the activities on a multiple disciplinary planning approach. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-040 TEMPERATURE CONTROL. *(1) ((~~Designation of temperature sensitive waters.~~

~~(a) The waters described in WAC 222-16-040 have been determined not to be temperature sensitive.~~

~~(b) Other Type 1 Waters are presumed to be temperature sensitive except where the department determines they are not temperature sensitive based on criteria specified in WAC 222-16-040.~~

~~(c) Other Type 2 or 3 Waters may be designated, prior to the deadline for approval or disapproval of the application to harvest, by the department as temperature sensitive based on field data or criteria set forth in WAC 222-16-040.~~)) Determination of temperature sensitivity for Type 1, 2 and 3 Waters shall be based upon field data or upon criteria set forth in WAC 222-16-040. Any designation as to whether or not waters are temperature sensitive shall be made by the department prior to the deadline for approval or disapproval of the application for harvest.

*(2) Shade requirements. Within the streamside management zone along those Type 1, 2 and 3 Waters designated as temperature sensitive, unless a waiver is granted by the department under subsection (3) ((~~below~~)) of this section, the operator shall:

(a) Leave all nonmerchantable vegetation which provides mid-summer and mid-day shade of the water surface((;)); and

(b) Leave sufficient merchantable timber, if any, necessary to retain ((~~fifty~~)) 50 percent of the summer mid-day shade of the water surface, provided that the department shall require leaving ((~~seventy-five~~)) 75 percent of the shade where it determines that the mean of the maximum summer daily ambient water temperatures, for a ((~~seven~~)) 7-day period, exceeds ((~~sixty~~)) 60 degrees before logging. (See the Forest Practices Board Manual Part 2 for methods of shade determination.)

*(3) Waivers. The department may waive or modify the shade requirements where the applicant:

(a) Shows a high probability of windthrow and agrees to replant the streamside management zone within the first planting season after harvest((;)); or

(b) Agrees to a staggered setting program producing equal or greater temperature control((;)); or

(c) Provides alternative means of stream temperature control satisfactory to the department.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-050 FELLING AND BUCKING. *(1) Felling into stream.

(a) No trees will be felled into Type 1, 2 and ((~~flowing Type~~)) 3 Waters, except trees which cannot practically and safely be felled outside the stream, lake or pond using techniques in general use and these trees must then be removed promptly.

(b) Trees may be felled into ((~~nonflowing intermittent Type 3 and into~~)) Type 4 Water if logs are removed as soon thereafter as practical.

*(2) Bucking in streams.

(a) No bucking or limbing shall be done on trees or portions thereof lying between the banks of Type 1, 2 or 3 Water, except as necessary to remove the timber from the stream, lake or pond.

(b) Where bucking or limbing is done between the banks of a Type 4 Water, care shall be taken to minimize accumulation of slash in the stream, lake or pond.

*(3) Felling in streamside management zones.

(a) Individual trees within a streamside management zone otherwise restricted from cutting may be harvested if reasonably expected to fall into the stream, lake or pond from natural causes.

(b) Care shall be taken to fall any trees cut within the streamside management zone in a manner to prevent damage to the stream, lake or pond and streamside management zone.

*(4) Felling near streamside management zone and setting boundaries. Reasonable care shall be taken to avoid felling trees into streamside management zones and areas outside the harvest unit.

(5) Felling in selective and partial cuts. Reasonable care shall be taken to fall trees in directions that minimize damage to residual trees.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-060 CABLE YARDING. *(1) Type 1, 2 and ((~~flowing Type~~)) 3 Water. No timber shall be cable yarded in or across a Type 1, 2 or ((~~flowing Type~~)) 3 Water except where:

(a) The logs will not materially damage the stream bed, banks or streamside management zone((;)); or

(b) Necessary to remove trees from the stream((;)); or

(c) Part of a stream clearance and improvement project approved by the departments of fisheries or game((;)); or

(d) Approved by the department.

*(2) ((~~Nonflowing Type 3 Water. When cable yarding across nonflowing Type 3 Water, reasonable care shall be taken to minimize disturbance of the stream bed and banks.~~

~~*(3)~~)) Deadfalls. Any logs which are firmly embedded in the bed of a Type 1, 2 or 3 Water shall not be removed or unnecessarily disturbed without approval of the departments of fisheries and game.

*(((~~4~~))) (3) Yarding in streamside management zone. Where timber is yarded from or across a streamside management zone, reasonable care shall be taken to minimize damage to the vegetation providing shade to the stream. Where practical and consistent with good safety practices, logs shall be yarded in the direction in which they lie until clear of the streamside management zone.

(((~~5~~))) (4) Direction of yarding.

(a) Uphill yarding is preferred.

(b) Where downhill yarding is used, reasonable care shall be taken to lift the leading end of the log to minimize downhill movement of slash and soils.

*(c) When yarding parallel to a Type 1, 2 or 3 Water channel below the ((~~twenty-five~~)) 25-year flood level, reasonable care shall be taken to minimize rutting and to prevent logs from rolling into the stream, lake or pond or streamside management zone.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-070 TRACTOR AND WHEELED SKIDDING SYSTEMS. *(1) Streams.

(a) Tractor and wheeled skidders shall not be used in Type 1, 2 or ((~~flowing Type~~)) 3 Water, except with the approval of the department.

(b) Skidding across any flowing Type 4 Water ((~~or nonflowing Type 3 Water~~)) shall be minimized and when done, temporary stream crossings shall be used, if necessary, to maintain stream bed integrity.

(c) Whenever skidding in or across any type water, the direction of log movement between stream banks shall be as close to right angles to the stream channel as is practical.

*(2) Streamside management zone.

(a) Logging will be permitted within the zone, provided that tractors and wheeled skidders may not be used within the zone unless approved by the department.

(b) Where skidding in or through the streamside management zone is necessary, the number of skidding routes through the management zone shall be minimized.

(c) Logs shall be skidded in the direction in which they lie until clear of the streamside management zone, to the extent practical and consistent with good safety practices.

(3) Deadfalls. Any logs which are firmly embedded in the bed of a Type 1, 2 or 3 Water shall not be removed or unnecessarily disturbed without approval of the departments of fisheries and game.

*(4) Moisture conditions. Tractor and wheeled skidders shall not be used on exposed erodible soils when soil moisture content is so high that unreasonable rutting, or stream, lake or pond siltation would result.

(5) Protection of residual timber. Reasonable care shall be taken to minimize damage from skidding to the stems and root systems of residual timber and to young reproduction.

*(6) Skid trail construction.

(a) Skid trails shall be kept to the minimum feasible width.

(b) Reasonable care shall be taken to minimize the amount of sidecast required and shall only be permitted above the ((~~fifty~~)) 50-year flood level.

(c) Skid trails shall be outsloped where practical, but be insloped where necessary to prevent logs from sliding or rolling downhill off the skid trail.

*(7) Skid trail maintenance. Upon completion of use and termination of seasonal use, skid trails on slopes in exposed soils shall be water barred where necessary to prevent soil erosion.

*(8) Slope restrictions. Tractor and wheeled skidders shall not be used on slopes where in the opinion of the department this method of operation would cause unnecessary or material damage to a public resource.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-090 POST-HARVEST SITE PREPARATION. Unless the application or notification indicates that the landowner or forest landowner specifically agrees to assume responsibility for compliance with this section, the operator shall leave the site in a condition suitable for reforestation following any clear cutting, or any partial cutting west of the summit of the Cascades where ((~~eighty~~)) 80 percent or more of the cubic volume is removed within any ((~~five~~)) 5 consecutive years unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils. Lands being converted to another use or classified as urban development lands under WAC 222-34-050 are exempt.

(1) The following site preparation is required when necessary to establish a condition suitable for reforestation((:)):

(a) Cutting ((~~or~~)), slashing, or other treatment of all noncommercial tree species ((~~or~~)), other competing vegetation, and nonmerchantable size trees commonly known as "whips" which will not reasonably utilize the growing capacity of the soil except in the streamside management zone((:)); or

(b) Pile or windrow slash((:)); or

(c) Mechanically scatter slash((:)); or

(d) Leave the cutover area in a condition for controlled broadcast burning, and subsequently burn.

(2) Streamside management zones may require special treatment to establish conditions suitable for reforestation.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-30-100 SLASH DISPOSAL. (1) Slash disposal techniques:

(a) Except on sites where the department determines that a particular method would cause unreasonable risk to public resources, any conventional method of slash disposal may be used, such as: Controlled broadcast burning; pile or windrow and burn; pile or windrow without burning; mechanical scatter and compaction; scarification; chip, mulch or lop and scatter; burying; and physical removal from the forest lands.

(b) All slash burning requires a burning permit from the department which provides for compliance with the smoke management plan and reasonable care to prevent damage to streamside management zones, soil, residual timber, public resources, and other property.

*(c) Location of slash piles. Except where burning will be completed before the next ordinary high-water season, slash shall not be piled or windrowed below the ((~~twenty-five~~)) 25-year flood level of any Type 1 or 2

Water, or below the ordinary high-water mark of any Type 3 or 4 Water, or in locations from which it could be expected to enter any stream, lake or pond.

(2) Slash disposal is required when abatement of extreme fire hazard is required by law (see WAC 332-24-360).

(3) Slash disposal is required where the forest landowner has applied for and been granted an extension of time for reforestation on the grounds that slash disposal is necessary or desirable before reforestation.

*(4) Removing slash and debris from streams.

(a) "Slash" or "debris" which can reasonably be expected to cause significant damage to the public resource shall be removed from Type 1, 2 or 3 Waters, to above the ((~~twenty-five~~)) 25-year flood level and left in a location or manner minimizing risk of re-entry into the stream, lake or pond and if substantial accumulations of slash exist below the ((~~twenty-five~~)) 25-year flood level of Type 1 or 2 Waters, slash disposal is required.

(b) "Slash" and "debris" shall be removed from below the ordinary high-water mark of Type 4 Waters, when the department issues written notice for removal of the slash or debris because of potential damage to public resources. See Part 6 of the Forest Practices Board Manual for "Guidelines for Clearing Slash and Debris from Type 4 Waters."

*(5) Fire trails.

(a) Construct dips, water bars, cross drainage and ditches as needed to control erosion.

(b) Reasonable care shall be taken to minimize excavation during fire trail construction and sidecast shall only be permitted above the ((~~fifty~~)) 50-year flood level.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-34-010 REQUIRED REFORESTATION—WEST OF CASCADES SUMMIT. (1) Reforestation - where required.

(a) Unless the harvest application indicates that the land will be converted to another use, or the lands are identified in WAC 222-34-050 as having a likelihood of conversion to urban uses, reforestation is required for forest lands harvested after January 1, 1975 in the following instances:

(i) Clearcutting((;)); or

(ii) Partial cutting where ((~~fifty~~)) 50 percent or more of the timber volume is removed within any ((~~five~~)) 5-year period, unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils.

(b) Reforestation is not required where:

(i) Individual dead, dying, down or windthrown trees are salvaged((;)); or

(ii) A tree or trees not constituting a merchantable stand are removed from lands in actual use for other purposes; for example, removal of individual trees from lands used for farming or grazing((;)); or

(iii) Trees are removed under a thinning program reasonably expected to maximize the long-term production of commercial timber((;)); or

(iv) A minimum of ((~~three hundred~~)) 300 vigorous, undamaged seedlings, saplings, or merchantable trees per acre remain after logging, or combinations thereof, well-distributed on the area harvested.

(2) ((~~Satisfactory reforestation - clearcuts. Satisfactory reforestation of a clearcut harvest occurs if within three years of completion of harvest, or a period of from one to five years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in paragraph (4) of this subsection. PROVIDED, That regeneration failures from causes beyond the applicant's control will not result in violation of this section, but supplemental planting may be required (See WAC 222-34-030(4)).~~

~~The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather conditions or other circumstances beyond the forest landowner's control require delay in planting or seeding.~~)) Acceptable stocking. Stocking levels are acceptable if 300 well-distributed, vigorous seedlings per acre of commercial tree species or such lesser number as the department determines will fully utilize the timber growing capacity of the site, have survived on the site at least 1 growing season. "Well-distributed" shall mean that no significant plantable area contains fewer than the equivalent of 300 trees per acre.

(3) ((~~Reforestation Species. Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:~~

~~(a) Site data indicates better potential production for the proposed species than the existing species.~~

~~(b) Control of forest insects or diseases.~~

~~(c) Greater economic return.~~)) Competing vegetation. Competing vegetation shall be controlled to the extent necessary to allow survival and growth by commercial species.

(4) ((~~Acceptable stocking. Stocking levels are acceptable if three hundred well-distributed, vigorous seedlings per acre of commercial tree species or such lesser number as the department determines will fully utilize the timber growing capacity of the site, have survived on the site at least one growing season. "Well-distributed" shall mean that no significant plantable area contains fewer than the equivalent of three hundred trees per acre.~~)) Artificial regeneration standards.

(a) Satisfactory reforestation - clearcuts. Satisfactory reforestation of a clearcut harvest occurs if within 3 years of completion of harvest, or a period of from 1 to 5 years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in subsection (2) of this section: PROVIDED, That regeneration failures from causes beyond the applicant's control will not result in violation of this section, but supplemental planting may be required (see WAC 222-34-030(4)).

The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather conditions or other circumstances beyond the forest land owner's control require delay in planting or seeding.

(i) Reforestation species. Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:

(A) Site data indicates better potential production for the proposed species than the existing species.

(B) Control of forest insects or diseases.

(C) Greater economic return.

(ii) Seedling or seeding standards. Except as approved by the department to qualify as acceptable reforestation, the seedlings or seeds must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use.

(b) Satisfactory reforestation – partial cuts. Where reforestation is required in connection with a partial cut, the harvest application shall include a plan for stocking improvement. The plan shall be approved unless the department determines that it will not reasonably utilize the timber growing capacity of the site to the extent practical.

(5) ((~~Seedling or seeding standards. Except as approved by the department to qualify as acceptable reforestation:~~

~~(a) The seedlings or seeds must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use.~~

~~(b) Competing vegetation shall be controlled to the extent necessary to allow survival and growth of commercial species.~~

~~(6)~~)) Natural regeneration standards. A natural regeneration plan may be approved as acceptable reforestation if:

(a) A seed source of well formed trees of commercial tree species, capable of seed production is available.

(b) The owner of the seed source agrees in writing not to harvest the seed source for the time period specified in the plan, or until issuance of a satisfactory reforestation inspection report.

(c) The seed source must consist of:

(i) Seed blocks of sizes and locations shown on the plan and satisfactory to the department((;)); or

(ii) An average of at least ((~~eight~~)) 8 individually marked, well-distributed, undamaged, vigorous, windfirm seed trees per acre of plantable area and no inadequately stocked area is more than ((~~four hundred~~)) 400 feet from the nearest seed tree((;)); and

(iii) Competing vegetation shall be controlled to the extent necessary to allow survival and growth by commercial species.

((~~(7) Satisfactory reforestation – partial cuts. Where reforestation is required in connection with a partial cut, the harvest application shall include a plan for stocking improvement. The plan shall be approved unless the department determines that it will not reasonably utilize the timber growing capacity of the site to the extent practical.~~

~~(8)~~)) (6) Any alternate plan for natural reforestation may be approved if it provides a practical method of achieving acceptable stocking levels as described in ((~~(4)~~)) subsection (2) ((~~above~~)) of this section within a period of ((~~one~~)) 1 to ((~~five~~)) 5 years.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-34-020 REQUIRED REFORESTATION—EAST OF CASCADES SUMMIT. (1) Reforestation – where required.

(a) Unless the harvest application indicates that the land will be converted to another use, or the lands are identified in WAC 222-34-050 as having a likelihood of conversion to urban use, reforestation is required for forest lands harvested after January 1, 1975 in the following instances:

(i) Clearcutting((;)); or

(ii) Partial cutting where ((~~fifty~~)) 50 percent or more of the timber volume is removed within any ((~~five~~)) 5-year period, unless the department determines that the live trees remaining will reasonably utilize the timber growing capacity of the soils.

(b) Reforestation is not required where:

(i) Individual dead, dying, down or windthrown trees are salvaged((;)); or

(ii) A tree or trees not constituting a merchantable stand are removed from lands in actual use for other purposes, for example, removal of individual trees from lands used exclusively for farming or cultivated pasture((;)); or

(iii) Trees are removed under a thinning program reasonably expected to maximize the long-term production of commercial timber((;)); or

(iv) A minimum of ((~~one hundred~~)) 100 vigorous undamaged seedlings, saplings or merchantable trees per acre of a commercial tree species remain after logging, or combinations thereof, well-distributed on the area harvested.

(2) Acceptable stocking. Stocking levels are acceptable if 150 well-distributed, vigorous seedlings per acre of commercial tree species have survived on the site at least 1 growing season. "Well-distributed" means that no significant plantable area contains fewer than the equivalent of 150 trees per acre. Lesser numbers of trees per acre may be acceptable if the department determines that the timber growing capacity of the site will be fully utilized.

(3) Competing vegetation. Competing vegetation shall be controlled to the extent necessary to allow survival and growth by commercial species.

(4) Artificial regeneration standards.

(a) Satisfactory reforestation – clearcuts. Satisfactory reforestation of a clearcut harvest occurs if within ((~~three~~)) 3 years of completion of harvest or a period of from ((~~one~~)) 1 to ((~~five~~)) 5 years as determined by the department in the case of a natural regeneration plan, the site is restocked to at least the acceptable stocking levels described in ((~~paragraph (4) of this~~)) subsection (2) of this section: PROVIDED, That regeneration failures from causes beyond the applicant's control will not result in a violation of this section, but supplemental planting may be required (see WAC 222-34-030(4)).

The department may grant an extension of time for planting or seeding if suitable seedlings or seeds are unavailable, or if weather conditions or other circumstances beyond the forest landowner's control require delay in planting or seeding.

(((~~3~~))) (i) Reforestation species. Where the species proposed for reforestation after timber harvesting differs from the removed stand, the department may approve use of the proposed species where the reforestation plan reveals that the proposed species is preferable from any of the following standpoints:

(((~~a~~))) (A) Site data indicates better potential production for the proposed species than the existing species.

(((~~b~~))) (B) Control of forest insects or diseases.

(((~~c~~))) (C) Greater economic return.

~~(((4) Acceptable stocking. Stocking levels are acceptable if one hundred fifty well-distributed, vigorous seedlings per acre of commercial tree species have survived on the site at least one growing season. "Well-distributed" means that no significant plantable area contains fewer than the equivalent of one hundred fifty trees per acre. Lesser numbers of trees per acre may be acceptable if the department determines that the timber growing capacity of the site will be fully utilized.~~

~~(5)~~))) (ii) Seedling and seed standards. Except as approved by the department to qualify as acceptable reforestation((:

~~(a) The~~)), the seedlings and seed must be from an appropriate seed source zone. The department shall establish seed zones and guidelines for their use.

(b) ((~~Competing vegetation shall be controlled to the extent necessary to allow survival and growth of commercial tree species.~~)) Satisfactory reforestation – partial cuts. Partial cuts not meeting the specifications of subsection (1)(b)(iv) of this section shall have a seed source as required in subsection (5)(c)(ii) of this section.

(((~~6~~))) (5) Natural regeneration standards. A natural regeneration plan may be approved by the department as acceptable reforestation if:

(a) A seed source of well-formed, vigorous trees of commercial tree species capable of seed production is available.

(b) The owner of the seed source agrees in writing not to harvest the seed source for the time period specified in the plan or until issuance of a satisfactory reforestation inspection report.

(c) The seed source consists of one of the following, or combinations thereof:

(i) Seed blocks which total a minimum of ((~~five~~)) 5 percent of the area of each ((~~forty~~)) 40 acre subdivision or portion thereof harvested: PROVIDED, That the seed block should be reasonably windfirm, at least ((~~one-half~~)) 1/2 acre in size, and reserved in locations shown on the plan and approved by the department((;)); or

(ii) A minimum of ((~~four~~)) 4 undamaged seed trees per acre, well distributed over each ((~~forty~~)) 40 acre subdivision or portion thereof harvested: PROVIDED, That the distance from seed trees of harvested areas that are not adequately stocked should not be more than ((~~two hundred~~)) 200 feet. Seed trees shall be of commercial tree species, vigorous and of seed-bearing age and size.

~~(((7) Satisfactory reforestation-partial cuts. Partial cuts not meeting the specifications of (1)(b)(iv) shall have a seed source as required in (6)(c)(ii) above.~~

~~(8)~~))) (6) Any alternate plan for natural reforestation may be approved if it provides a practical method of achieving acceptable stocking levels as described in (((~~4~~))) subsection (2) ((~~above~~)) of this section within a period of ((~~one~~)) 1 to ((~~five~~)) 5 years.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-34-030 REFORESTATION—PLANS—REPORTS—INSPECTIONS. (1) Reforestation plans. Reforestation plans must be submitted with the application or notification except where no reforestation is required. The department shall designate difficult regeneration areas utilizing silvicultural information. The department shall approve a reforestation plan for difficult regeneration areas if it determines that such a plan will achieve acceptable stocking according to WAC 222-34-010 and 222-34-020.

(2) Reforestation reports. The landowner, forest landowner or his designee shall file a report with the department either at the time of completion of planting or at the end of the normal planting season. When artificial seeding is used the report shall be filed ((~~two~~)) 2 growing seasons after seeding.

(3) The reports in subsection (2) ((~~above~~)) of this section must contain at least the following:

(a) The original forest practice application or notification number.

(b) Species planted or seeded.

(c) Age of stock planted or seed source zone.

(d) Description of actual area planted or seeded.

(4) Inspection; supplemental planting directives.

(a) Within ((~~twelve~~)) 12 months after a reforestation report is received, the department shall inspect the reforested lands.

(b) If the inspection shows that acceptable stocking levels have not been achieved, the department shall direct the forest landowner to perform supplemental planting in accordance with the planting standards of WAC 222-34-010(((~~5~~))) (4)(a)(ii) and 222-30-020(3) and ((~~WAC~~)) 222-34-020(((~~5~~))) (4)(a)(ii) and 222-30-010(3): PROVIDED, That:

(i) In lieu of such supplemental planting, the department and the forest landowner may agree on a supplemental reforestation plan.

(ii) Supplemental planting shall not be required in the eastside region where in the opinion of the department planting is not feasible due to rocky ground, dry conditions or other adverse site factors.

(iii) Supplemental planting shall not be required if the department determines that there is little probability of significantly increasing the stocking level.

(iv) Except where stocking improvement is necessary to protect public resources and is feasible, further supplementary planting shall not be required where acceptable stocking levels have not been achieved after two properly performed supplemental plantings.

(c) Evidence of compliance. If the department determines on inspection that acceptable reforestation has been achieved, on the request of the forest landowner the department shall confirm in writing that no further reforestation obligations remain. If no supplemental planting directive has been issued within ((~~thirty~~)) 30 days after the deadline for the inspection, reforestation shall be deemed satisfactory unless the department has informed the landowner prior to the deadline that further inspections by the department on the area are needed.

(d) Where a natural regeneration plan has been approved by the department, the department may allow up to ((~~five~~)) 5 years to achieve acceptable stocking levels.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-34-040 SITE PREPARATION AND REHABILITATION. *(1) Heavy equipment. Heavy equipment shall not be used in connection with site preparation or rehabilitation work:

(a) When, because of soil moisture conditions or the type of soils, undue compaction or erosion would result((;)); or

(b) In Type 1, 2 or 3 Water, except as approved by the departments of fisheries and game.

(c) In streamside management zones except as permitted in WAC 222-30-020(4) streamside management zone or WAC 222-30-030 stream bank integrity.

*(2) Surface water drainage. Where site preparation or rehabilitation involves contouring or terracing of slopes, drainage ditches, or similar work:

(a) The gradient of ditches or other artificial water courses in erodible soils shall not cause significant stream, lake or pond siltation.

(b) Ditches and other artificial water courses shall not discharge onto any road, landing or fill.

(c) Ditches and other artificial water courses shall not be constructed to discharge onto the property of other parties without their consent.

(3) Stream channel alignment. Where work involves deepening, widening, straightening or relocating the channel; or bulkheading, riprapping or otherwise stabilizing the banks of a Type 1, 2 or 3 Water, the work shall be done only:

(a) ((~~In compliance with the Hydraulics Act and the Shoreline Management Act in cases of Type 1 Water.~~

~~(b)~~)) After consultation with any party having an appropriation permit or registered right to appropriate waters from the affected stream segment in cases of streams used for domestic water supplies.

((~~(c)~~)) (b) Where ((~~not~~)) no significant adverse affects on either the peak or minimum water levels or flows downstream can be expected.

((~~(d)~~)) (c) In a manner not expected to result in long-term damage to public resources or to adjacent or downstream property. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-38-010 POLICY—FOREST CHEMICALS. Chemicals perform important functions in forest management. The purpose of these regulations is to regulate the handling, storage and application of chemicals in such a way that the public health, soils, wildlife and aquatic habitat will not be endangered by contamination. This section in no way modifies the state department of agriculture regulations governing chemicals. (NOTE: OTHER LAWS AND REGULATIONS AND/OR PERMIT REQUIREMENTS MAY APPLY. SEE CHAPTER 222-50 WAC.)

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-38-020 HANDLING, STORAGE, APPLICATION. *(1) Leakage.

(a) No significant leakage of chemicals into water or soil is permitted from any equipment used for their transportation, storage, mixing or application.

(b) The department or the department of agriculture may suspend further use of any equipment responsible for significant chemical leakage, until the deficiency has been corrected to the satisfaction of the department suspending its usage.

*(2) Mixing. When water is used in mixing of chemicals:

(a) Provide an air gap or reservoir between the water source and the mixing tank.

(b) Use uncontaminated pumps, hoses and screens.

*(3) Mixing and landing areas.

(a) Mix chemicals and clean tanks and equipment only where any spills would not enter any water types.

(b) Landing areas should be located where spillage of chemicals will not cause them to become a contaminate. If any chemical is spilled, immediate appropriate procedures should be taken to contain or neutralize it.

*(4) Aerial application.

(a) Leave at least ((~~fifty~~))50((~~(~~)) feet untreated on each side of all Type 1 and 2 Water and other areas of open water, such as ponds or sloughs or leave ((~~twenty-five (~~))25((~~)~~)) feet untreated on each side of Type 3 Waters.

(b) Leave at least 25 feet untreated on each side of flowing Type 4 Waters when required by the department. The department may so require when there is a likelihood of unreasonable impact on:

(i) Water intakes authorized by permit or certificate pursuant to chapter 90.03 RCW or duly registered pursuant to chapter 90.14 RCW, known to the applicant or the department; or

(ii) Streams or segments of streams which have been identified by the department of game or the department of fisheries as serving artificial fish rearing or incubation facilities.

See Part 8 of the Forest Practices Board Manual for guidelines for requiring untreated strips on Type 4 Waters.

(c) Where practical, apply the initial swath parallel to the untreated zones in subsection (4)(a) ((~~above~~)) of this section on Type 1, 2 or 3 Waters ((~~and other areas of open water, such as ponds or sloughs~~)).

(((~~c~~))) (d) Use a bucket or spray device capable of immediate shutoff.

(((~~d~~))) (e) Shut off chemical application during turns and over open water.

(((~~e~~))) (f) Avoid direct entry of chemicals into any Type 1 or flowing Type 2 or 3 Waters or those Type 4 Waters identified in subsection (b) of this section.

(g) The landowner shall identify for the operator the units to be sprayed and the untreated areas within the units so they are visible from the air. Before application of the chemical an over-flight of the area shall be made by the pilot and a responsible agent of the landowner.

(h) Any water purveyor of a certified Class 1, 2 or 3 system, as defined in WAC 248-54-560, may request the department to designate lands within the watershed upstream of the surface water intake of the affected water supply as an "area of water supply interest." Prior to requesting such designation, the purveyor shall personally or by certified mail deliver to each landowner of record within such area, a copy of the request, a map showing proposed area boundaries and the name and address of the purveyor. The department may designate an "area of water supply interest" in such area(s) where it determines that the aerial application of pesticides may adversely impact the affected water supply. Where the department has designated an "area of water supply interest," it shall notify the purveyor of any Class IV Forest Practices for the aerial application of pesticides.

*(5) Stream protection - ground application with power equipment.

(a) Leave at least ((~~ten (~~))10((~~)~~)) feet untreated on each side of every Type 1 and 2 Water and each flowing Type 3 Water.

(b) Avoid direct entry of chemicals into any water.

(c) Avoid exceeding intended or allowable dosages.

*(6) Stream protection - hand application.

(a) Apply only to specific targets, such as a stump, burrow, bait or trap.

(b) Keep chemicals out of all water.

(7) Limitations on application. Chemicals shall be applied only in accordance with all limitations:

(a) Printed on the United States Environmental Protection Agency container registration label, and/or

(b) Established by regulation of the state department of agriculture.

(c) Established by state and local health departments (in municipal watersheds).

(d) Established by the Federal Occupational Safety and Health Administration, or the state department of labor and industries, as they relate to safety and health of operating personnel and the public.

(8) Container disposal. Chemical containers shall be either:

(a) Removed from the forest and disposed of in the manner described by the state department of agriculture((~~;~~)); or

(b) Removed and cleaned for reuse in a manner not inconsistent with any applicable regulations of the state department of agriculture or the state or local health departments((~~;~~)); or

(c) Buried in a manner approved by the department.

(9) Daily records - aerial application of pesticides. On all aerial applications of pesticides, the operator shall maintain for ((~~three (~~))3((~~)~~)) years daily records of spray operations as required by the state department of agriculture WAC 16-235-030.

*(10) Reporting of spills. All potentially damaging chemical spills shall be immediately reported to the department and the departments of agriculture and ecology.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-50-020 OTHER AGENCY REQUIREMENTS. ((~~Compliance with certain additional laws and regulations is required.~~)) (1) Many other laws and regulations apply to the conduct of forest practices. Other agencies administer some of these other regulatory programs. Permits may be required by such agencies prior to the conduct of certain forest practices. The department will maintain a list for distribution of state, regional and local regulatory programs that apply to forest practice operations. Affected parties are urged to consult with the specified agencies and independent experts with respect to the regulatory requirements shown on the list.

((~~Hydraulics Project Approval Law, RCW 75.20.100 requires all persons, corporations, and governmental entities to obtain an approval from the director of the Departments of Fisheries or Game before doing any work in stream beds of this State. Compliance with the Shoreline Management Act is required, however, within the shorelines as defined in chapter 90.58 RCW the Forest Practices Regulations shall be the sole rules applicable to the performance of forest practices and enforcement thereof shall be solely as provided in the act. As to that road construction which constitutes a substantial development, no permit shall be required under chapter 90.58 RCW for the construction of up to five hundred (500) feet of one and only one road or segment of a road provided such road does not enter the shoreline more than once. Such exemption from said permit requirements shall be limited to a single road or road segment for each forest practice and such road construction shall be subject to the requirements of chapter 76.09 RCW and regulations adopted pursuant thereto and to the prohibitions or restrictions of any master program in effect under the provisions of chapter 90.58 RCW. Nothing in this subsection shall add to or diminish the authority of the Shoreline Management Act regarding road construction except as specifically provided herein. The provisions of this subsection shall not relate to any road which crosses over or through a stream, lake, or other water body subject to chapter 90.58 RCW.~~))

(2) Hydraulics project approval law, RCW 75.20.100. A hydraulics project approval must be obtained from the department of fisheries and the department of game prior to constructing any form of hydraulic project or other work that will use, divert, obstruct, or change the natural flow or bed of any river or stream or that will utilize any of the waters of the state or materials from the stream beds. See RCW 75.20.100 and WAC 232-12-655.

(3) Compliance with the Shoreline Management Act, chapter 90.58 RCW, is required. The Shoreline Management Act is implemented by the department of ecology and the applicable local governmental entity. A substantial development permit must be obtained prior to conducting forest practices which are "substantial developments" within the "shoreline" area as those terms are defined by the Shoreline Management Act.

(4) Nothing in these regulations is intended to interfere with any authority of the department of game to protect wildlife under any other statutes or regulations, or under any agreements with landowners.

AMENDATORY SECTION (Amending Order 263, filed 6/16/76)

WAC 222-50-060 OTHER REGULATORY PROGRAMS ADMINISTERED BY THE DEPARTMENT. The board recommends that, to the extent permitted by law and when necessary the department adopt regulations and policies under which approved applications and notifications can serve to eliminate or reduce the need for separate permits and approvals under regulatory programs administered by the department (such as the power driven machinery permits, RCW ((~~76.64.275~~)) 76.04.275, dumping mill waste and forest debris permit, RCW 76.04.242, and surface mining permits, chapter 78.44 RCW) as applied to forest practices. The department is directed to notify the public of the existence of such regulations and policies.

WSR 82-16-078
PROPOSED RULES
PARKS AND RECREATION COMMISSION
[Filed August 3, 1982]

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 the fee for a winter recreational area parking permit;

that the agency will at 9:00 a.m., Monday, September 20, 1982, in the Des Moines City Council Chambers, 21630 11th South, Des Moines, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.51.330.

The specific statute these rules are intended to implement is RCW 43.51.300.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 17, 1982.

Dated: August 3, 1982
By: Gary Robinson
Executive Assistant

STATEMENT OF PURPOSE

Title: Sno-Park Permits—Fees, WAC 352-32-270.

Description of Purpose: Section 2, chapter 11, Laws of 1982, amends RCW 43.51.300 to require the commission to establish the fee for a winter recreational area parking permit at a level not to exceed $10.00 annually. Previously, RCW 43.51.300 set the fee for a permit at $5.00 annually.

Statutory Authority: RCW 43.51.330.

Statute Which Rule Implements: RCW 43.51.300.

Summary of Rule: The proposed rule establishes an annual fee of $10.00 for a winter recreational area parking permit issued by the state of Washington.

Reasons Supporting Proposed Action: The proposed rule fulfills the statutory requirement that the commission establish a fee for a winter recreational area parking permit. The Winter Recreation Advisory Committee has unanimously recommended that the commission adopt a fee at the level set forth in the proposed rule.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dennis Smith, Assistant Director, Administrative Services, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, KY-11, Olympia, WA 98504, (206) 753-5766.

Proposing: Washington State Parks and Recreation Commission.

Federal Law/Court Action: The proposed rule is not necessary because of federal law or federal or state court action.

NEW SECTION

WAC 352-32-270 SNO-PARK PERMIT—FEE. The fee for a winter recreational area parking permit issued by the state of Washington shall be $10.00 annually.

WSR 82-16-079
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd	WAC 388-28-570	Net cash income—Exempt earned income.
Amd	WAC 388-28-590	Alien sponsorship—Loaning of income and resources—Overpayments.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration

Department of Social and Health Services
Mailstop OB 33-C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by August 25, 1982. The meeting site is in a location which is barrier free;

that the agency will at 10:00 a.m., Wednesday, September 8, 1982, in the General Administration Building Auditorium, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 15, 1982.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is RCW 74.04.265.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 8, 1972[1982].

Dated: July 30, 1982
By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-28-570 and 388-28-590.

The Purpose of the Rule or Rule Change: To define "good cause" as it relates to failure to report income.

The Reason These Rules are Necessary: To resolve a federal compliance issue.

Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-3177.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1792, filed 4/14/82)

WAC 388-28-570 NET CASH INCOME—EXEMPT EARNED INCOME. (1) For rules on exempting earned income of a full or part time student, see WAC 388-28-535. For rules exempting income from training see WAC 388-28-515. For rules on other income see WAC 388-28-580.

(2) As used in this section "earned income" shall mean income in cash or kind earned as wages, salary, commissions, or profit from activities in which the individual is engaged as a self-employed person or as an employee. Earned income may be derived from self-employment (such as business enterprise or farming), or derived from wages or salary received as an employee. It also includes earnings over a period of time for which settlement is made at one time, for example, sale of farm crops, livestock or poultry. Income from rentals is earned income, provided the individual has managerial responsibility for the rental property.

(3) For an AFDC recipient, earned income includes incentive payments under MDTA, earnings under Title I of the Elementary and Secondary Education Act, all earnings received under the Economic Opportunity Act, wages paid under Title I of the Comprehensive Employment and Training Act (CETA), wages from public service employment under CETA, and wages from WIN on-the-job training.

(a) For public service employment under the Emergency Assistance Act and CETA the $30 plus one-third earned income exemption is applicable.

(b) For public service employment under WIN the $30 plus one-third earned income exemption does not apply. If net income after work expenses are deducted does not meet need according to department standards, a supplemental grant may be paid.

(4) The above definition of "earned income" excludes:

(a) Returns from capital investment with respect to which the individual is not himself actively engaged, as in a business. For example, under most circumstances, dividends and interest are excluded from "earned income." See WAC 388-28-580.

(b) Benefits accruing as compensation or reward for service, or as compensation for lack of employment, for example, pensions and benefits from labor organizations, veterans' benefits, unemployment compensation, RSDI, etc. See WAC 388-28-580.

(c) Income from WIN or CETA incentive payments, and training related expenses derived from WIN institutional or work experience training and from participation in CETA.

(5) (a) In AFDC and refugee assistance when payment of income earned over a period of more than one month is delayed, the exemption applies only to the period of payment.

(b) In general assistance, the exemption applies to the period during which it was earned rather than the period of payment.

(6) Aid to families with dependent children and refugee assistance.

(a) The following shall be disregarded sequentially from the monthly gross earned income of each individual member of the assistance unit.

(i) The following amounts for work expenses depending upon the number of hours worked per month.

Hours per month worked	Work expense deduction
0 - 40	$20.00
41 - 80	40.00
81 - 120	60.00
121 or more	75.00

(ii) The actual cost, not to exceed the following amounts depending upon the number of hours worked per month for the care of each dependent child or incapacitated adult living in the same home and receiving AFDC or refugee assistance. No deduction shall be made for child care provided by a parent or stepparent.

Hours worked per month	Child care maximum deductions
0 - 40	$ 40.00
41 - 80	80.00
81 - 120	120.00
121 or more	160.00

(iii) For individuals found otherwise eligible to receive assistance or who have received assistance in one of the prior four months, $30 plus one-third of the remainder not already disregarded.

(iv) The $30 and one-third disregard shall be applied for a maximum of four consecutive months; it cannot be applied again until he or she is a nonrecipient for twelve consecutive months.

Total gross monthly earned income for the purpose of this rule means the combined gross earned income of nonstudent dependent children and adults who are included in the AFDC assistance unit.

(b) The exemptions and deductions in ((~~subsection~~)) subdivision (6)(a) of this section will not be applied for any month if the individual within a period of 30 days preceding the month in which the income was received:

(i) Terminated his employment or reduced his earned income without good cause, or

(ii) Refused without good cause to accept employment in which he is able to engage which is offered through SES, or is otherwise offered by an employer if the offer of such employment is determined by the local office to be a bona fide offer of employment, or

(iii) Failed without good cause as determined by the CSO, to report earnings to the department on or before the twenty-first day of the month following the month in which the income was received. Under these circumstances the $30 and one-third exemption shall be counted in the four-month limit. Any circumstance beyond the control of the recipient shall constitute good cause.

(c) If a recipient requests termination in order to break the consecutiveness of the four-month limit for the $30 plus one-third exemption, and would have been eligible, the months of voluntary nonreceipt of assistance shall be counted toward the four-month limit.

(d) If a recipient quits work without good cause the thirty and one-third exemption shall be deemed to have been received and shall be counted toward the four-month limit.

(e) Months in which the A/R received the thirty and one-third exemption in another state shall apply towards the four-month limit unless there is a break in assistance which was not done voluntarily to break the continuity of the four-month limit.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to him/her;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of a labor dispute;

(f) Adequate child care is not available to the single parent AFDC household.

(8) The rules in this section shall be effective February 1, 1982.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-28-590 ALIEN SPONSORSHIP—DEEMING OF INCOME AND RESOURCES—OVERPAYMENTS. (1) The following rules shall apply to an alien who applies for AFDC or refugee assistance for the first time after September 30, 1981, and to his or her sponsor.

(2) A sponsor is defined as any person who executed an affidavit(s) of support or similar agreement on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

(3) For a period of three years following entry into the United States, a sponsored alien shall provide the state agency with any information and documentation necessary to determine the income and resources of the sponsor that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

(4) For all sections under this part, the income and resources of a sponsor (and the sponsor's spouse if living with the sponsor) shall be deemed to be the unearned income and resources of an alien for three years following the alien's entry into the United States.

(5) Monthly income deemed available to the alien from the sponsor or the sponsor's spouse not receiving AFDC or SSI shall be:

(a) The sponsor's total monthly unearned income, added to the sponsor's total monthly earned income reduced by twenty percent (not to exceed one hundred seventy-five dollars) of the total of any amounts received by the sponsor in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred in producing self-employment income in the month.

(b) The amount described in subdivision (a) reduced by:

(i) The basic requirements standard for a family of the same size and composition as the sponsor and those other people living in the same household as the sponsor who are claimed by the sponsor as dependents to determine his or her federal personal income tax liability but who are not AFDC recipients;

(ii) Any amounts actually paid by the sponsor to people not living in the household who are claimed by the sponsor as dependents to determine his or her federal personal income tax liability; and

(iii) Actual payments of alimony or child support, with respect to individuals not living in the sponsor's household.

(6) Monthly resources deemed available to the alien from the sponsor shall be the total amount of the resources of the sponsor determined as if he or she was applying for AFDC in his state of residence, less one thousand five hundred dollars.

(7) In any case where a person is the sponsor of two or more aliens, the income and resources of the sponsor to the extent they would be deemed the income and resources of any one of the aliens under the provisions of this section shall be divided equally among the aliens.

(8) Income and resources which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family except to the extent the income or resources are actually available.

(9) The provisions of this section shall not apply to any alien who is:

(a) Admitted to the United States as a result of the application, prior to April 1, 1980, of the provisions of section 203(a)(7) of the Immigration and Nationality Act as indicated by Form I-94;

(b) Admitted to the United States as a result of the application, after March 31, 1980, of the provisions of section 207(c) of the Immigration and Nationality Act as indicated by Form I-94;

(c) Paroled into the United States as a refugee under section 212(d)(5) of the Immigration and Nationality Act as indicated by Form I-94;

(d) Granted political asylum by the attorney general under section 208 of the Immigration and Nationality Act as indicated by Form I-94;

(e) A Cuban and Haitian entrant, as defined in section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422) as indicated by Form I-94; or

(f) The dependent child of the sponsor or sponsor's spouse.

(10) Any sponsor of an alien and the alien shall be jointly and individually liable for any overpayment of assistance made to the alien during the three years after the alien's entry into the United States due to the sponsor's failure to provide correct information, except where such sponsors were without fault or where good cause existed.

(a) When a sponsor is found to have good cause or be without fault for not providing information to the agency, the sponsor will not be held liable for the overpayment and recovery will not be made.

(b) ((~~Any claims of~~)) Good cause ((~~or~~)) and no fault ((~~made by a sponsor~~)) shall be ((~~evaluated by the Division of Income Assistance on a case-by-case basis~~)) defined as any circumstance beyond the control of the sponsor.

WSR 82-16-080
ADOPTED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Institutions)

[Order 1853—Filed August 3, 1982]

I, David A. Hogan, director of the Division of Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Institutions for the mentally retarded (IMR)—Accounting and reimbursement system, new chapter 275-38 WAC.

This action is taken pursuant to Notice No. WSR 82-09-071 filed with the code reviser on April 21, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.09.120 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED June 30, 1982.

By David A. Hogan
Director, Division of Administration

Reviser's note: The material contained in this filing will appear in the 82-18 issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 82-16-081
PROPOSED RULES
STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
[Filed August 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning tuition and fee charges made to community college students and waivers of tuition and fees granted to resident students;

that the agency will at 10:00 a.m., Wednesday, September 8, 1982, in the Olympia Technical Community College, 2011 Mottman Road, Olympia, WA 98502, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.15.100, 28B.15.740 and 28B.50.090.

The specific statute these rules are intended to implement is RCW 28B.15.502 and 28B.15.740.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 8, 1982.

Dated: August 3, 1982
By: Gilbert J. Carbone
Assistant Director/Policy, Special Projects

STATEMENT OF PURPOSE

Tuition and fee charges assessed community college students and procedures for implementing tuition and fee waivers pursuant to RCW 28B.15.740.

This action involves amending certain existing rules pursuant to statutory changes resulting from the passage of chapter 37, Laws of 1982 1st ex. sess., specifically related to the manner in which tuition and fee charges and waivers thereof are administered by community colleges.

The amendments provide appropriate definitions and direction for implementing statutory requirements related to a minimum two-credit charge for enrolled students and additional charges for those who enroll for more than eighteen credits of instruction. In addition, they carry out statutory changes related to tuition and fee charges and waivers for non-resident students and for needy students.

These actions are required so that existing rules will be consistent with the statutory revisions cited above.

The agency officer responsible for drafting the amendments is Gilbert J. Carbone, Assistant Director, 319 7th Avenue, Olympia, 98504; the officer responsible for implementation and enforcement is John N. Terrey, Executive Director, same address. Phone 753-2000 or Scan 234-2000.

The agency has no particular comments to make regarding this matter.

Adoption of these changes is not related to any federal law or court action.

AMENDATORY SECTION (Amending Order 12, filed 7/22/71)

WAC 131-28-021 DEFINITIONS. For the purpose of WAC 131-28-025, the following definitions shall apply:

(1) "Resident student" and "nonresident student" shall be defined in the same manner as in chapter 28B.15 RCW.

(2) "Tuition," "operating fees," and "services and activities fees" shall be defined in the same manner as in chapter 28B.15 RCW.

(3) "Special fees" shall be defined as all fees established by the district board of trustees other than tuition, operating fees or services and activities fees and as such shall include fees charged to an individual student for specific services and privileges received by such student.

(4) "Community service course" shall be defined as any organized instructional activity, typically ungraded, primarily offered for part-time students, not normally an integral part of any specific study program leading to either an academic or an occupational degree or certificate, and specifically identified as such by a community college consistent with the course classification procedures established by the state board.

(5) "Academic or occupational course" shall be defined as all organized instructional activities other than community service courses.

(6) "Short course" shall be defined as any academic, occupational, or community service course not regularly scheduled in the quarterly announcement of courses, not routinely listed in the college catalog as a regular and normal part of the instructional program, and not normally of a full quarter in duration.

(7) "Regular course" shall be defined as any academic, occupational, or community service course not classified as a short course.

(8) "Required course" shall be defined as any course specified in the college catalog or official curriculum description of any vocational preparatory program as necessary for completion of such program, except courses prerequisite to such program.

(9) "Vocational preparatory program" shall be defined as any planned series of learning experiences, the specific objective of which is to prepare persons to enter gainful employment in a recognized occupation not designated as professional or requiring a baccalaureate or higher degree, provided that such program has been approved by the state board.

AMENDATORY SECTION (Amending Order 89, Resolution 81-65, filed 9/14/81)

WAC 131-28-025 METHOD OF ASSESSING TUITION AND FEE CHARGES. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, provided:

((~~(i)~~)) That the respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW((;

~~(ii) that the required nonresident differential is charged to students registered for seven or more credits~~)).

(c) Shall be assessed for part-time students, ((~~exclusive of services and activities fees,~~)) for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and operating fees and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional operating fee for each credit in excess of eighteen at the rate of one-tenth of the combined general tuition and operating fee charged to full-time students consistent with chapter 28B.15 RCW, except that no such additional charges shall be assessed to a student enrolled in both a vocational preparatory program and a required course in that program as defined in WAC 131-28-021. This exemption shall require written approval by an appropriate college official.

(e) Shall be no less than two times the amount of general tuition, operating fee, and services and activities fee charged for one credit.

(2) The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026.

(3) For community service courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such community service courses.

(4) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable

instructional materials related to any course offered by a college district.

AMENDATORY SECTION (Amending Order 93, Resolution No. 82-16, filed 5/11/82)

WAC 131-28-026 TUITION AND FEE CHARGES FOR CERTAIN UNGRADED COURSES. (1) When in the judgment of a district board of trustees certain courses should be designated as ungraded courses and offered by tuition and fee rates that differ from the standard rates set by WAC 131-28-025, the board of trustees may propose such designations and tuition and fee levels. Implementation of such proposals shall be contingent upon approval of the state director, who shall review such proposals with respect to the provisions of subsection (2) of this section and with respect to a general standard of system-wide consistency of tuition and fee charges when essentially similar services are provided.

(2) Ungraded courses designated pursuant to subsection (1) of this section shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate's or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.

(4) For the purpose of implementing WAC 131-28-025(2), the tuition and fees, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be:

Course	Tuition	Operating Fee	Services and Activities Fee
(a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington State Apprenticeship Council or Federal Bureau of Apprenticeship and Training	$1.40 per credit	$3.60 per credit	No Charge
(b) Department of Labor and Industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	Standard Rate	Standard Rate	No Charge
(c) Parent education involving cooperative pre-school program	The combined standard district charge per credit hour for tuition and operating fees less the pre-school cooperative fee, with any remainder divided equally between tuition and operating fee		No Charge
(d) Farm management and small business management	Standard Rate	Standard Rate	No Charge
(e) Adult Basic Education courses supported by federal funds and English as a Second Language courses funded from such sources	No Charge	No Charge	No Charge
(f) Emergency Medical Technician	per $1.40 credit	per $3.60 credit	No Charge
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	$1.00 per credit hour	$1.00 per credit hour	No Charge

((~~For the purpose of computing any refunds related to such tuition and fees charged for apprenticeship, small business management and farm management courses, the total tuition and fees charged on a yearly basis shall be prorated to a quarterly basis.~~))

(5) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(6) Tuition, operating fees, and services and activities fees received pursuant to this section shall be accounted for and deposited in conformance with the provisions of RCW 28B.50.360, 28B.15.031, and 28B.15.041 respectively.

(7) The term "standard rate" as used in this section shall mean the tuition and/or operating fees charged for one quarter credit.

AMENDATORY SECTION (Amending Order 83, Resolution 80-29, filed 6/30/80)

WAC 131-28-030 WAIVER OF TUITION AND FEES FOR NEEDY OR DISADVANTAGED STUDENTS. Pursuant to authority granted by RCW ((~~28B.15.530~~)) 28B.15.740, the boards of trustees of community college districts are authorized to waive all or part of general tuition, operating, and services and activities fees for needy ((~~or disadvantaged~~)) students: PROVIDED, That the students shall qualify for such waiver as determined by the criteria set forth in WAC 131-28-040 through ((~~131-28-050~~)) 131-28-045.

AMENDATORY SECTION (Amending Order 74, Resolution 79-20, filed 6/28/79)

WAC 131-28-040 CRITERIA FOR DETERMINING ELIGIBILITY FOR WAIVER OF TUITION AND FEES UNDER RCW ((~~28B.15.530~~)) 28B.15.740. Waiver of general tuition, operating, and

services and activities fees, or any portions thereof as authorized by RCW ((~~28B.15.530~~)) 28B.15.740, normally charged to students enrolled ((~~in collegiate-level courses or programs~~)) shall be based upon the determination that the student is a needy ((~~or disadvantaged~~)) student by application of a method of need analysis approved by the United States ((~~Office~~)) Department of Education for determining awards under federal student financial aid programs or one adopted by the state board for community college education specifically for the purposes of this section, provided that no waivers under this section shall be granted to a person who is not a "resident student" as defined in RCW ((~~28B.15.010~~)) 28B.15.012.

AMENDATORY SECTION (Amending Order 83, Resolution 80-29, filed 6/30/80)

WAC 131-28-045 PROCEDURE FOR IMPLEMENTING TUITION AND FEE WAIVERS AUTHORIZED PURSUANT TO RCW ((~~28B.15.530~~)) 28B.15.740. (1) Tuition and fee waivers for needy ((~~or disadvantaged~~)) students in any fiscal year as authorized by RCW ((~~28B.15.530~~)) 28B.15.740 may not exceed three percent of any college district's estimated total collections of tuition, operating, and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and nonresident tuition and fees.

(2) The estimated total collection of tuition and fees shall be based on budgeted, state supported, four-quarter annual average enrollment.

(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.

(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the state director of community colleges or his designee. This waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.

(5) At least three-fourths of the total amount waived by any district shall be for needy resident students and the remainder may be for other resident students as determined by the board of trustees, except that no such waivers shall be based on participation in intercollegiate athletic programs.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-28-050 PROCEDURE FOR DETERMINING LIMITATION OF THE AMOUNT OF TUITION AND FEE WAIVERS.

WSR 82-16-082
PROPOSED RULES
HUMAN RIGHTS COMMISSION
[Filed August 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Human Rights Commission intends to adopt, amend, or repeal rules concerning standards for determining who is employed for the purpose of determining whether an employer "employs eight or more persons" and thus is covered by the portions of the law against discrimination defining unfair practices in employment and standards for distinguishing an employee from an independent contractor;

that the agency will at 1:30 p.m., Thursday, September 16, 1982, in the Commission Hearing Room, 1601 Second Avenue Building, Fourth Floor, Seattle, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 49.60.120(3).

The specific statute these rules are intended to implement is RCW 49.60.180 and 49.60.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 16, 1982.

This notice is connected to and renews in revised form the matter in Notice Nos. WSR 82-08-070 and 82-12-023 filed with the code reviser's office on April 7, 1982 and May 25, 1982.

Dated: August 2, 1982
By: Morton M. Tytler
Senior Assistant Attorney General

STATEMENT OF PURPOSE

This Statement Applies to the Following Proposed Rules: WAC 162-16-160 "Employer"—Jurisdictional Count of Number of Persons Employed and WAC 162-16-170 Employee Distinguished from Independent Contractor.

Purpose: The purpose of WAC 162-16-160 is to specify standards for determining who is counted as employed for the purpose of determining whether an employer "employs eight or more persons" and thus is covered by the portions of the law against discrimination defining unfair practices in employment. The purpose of WAC 162-16-170 is to formalize and promulgate the standards used by the commission to distinguish an employee from an independent contractor.

Authorization for Rule: The rules are proposed for adoption under authority of RCW 49.60.120(3).

Statutes Implemented: The rules implement RCW 49.60.180 and 49.60.040.

Summary of Rules: WAC 162-16-160 states a general approach to determining who is "employed" and deals specifically with a number of circumstances where the answer is unclear. WAC 162-16-170 states a general approach to the problem of determining whether one person does work for another as an employee or as an independent contractor, lists factors which are appropriate to the decision, allocates the burden of persuasion, and sets out working presumptions.

Reasons Supporting the Proposed Rules: In the course of processing charges of unfair practices under the law against discrimination over the years, questions have often arisen as to who should be counted to determine if the jurisdictional eight persons are employed. Decisions have been made in individual cases, but the total law has never before been collected and codified. WAC 162-16-160 is intended to do this, and to answer some questions which have not yet arisen but which are likely to arise. Questions have also arisen as to whether particular persons work as employees or as independent contractors. The proposed rule codifies case law on this point, but focuses on the question in the special context of enforcing the law against discrimination.

The Drafter of the Proposed Rules: Morton M. Tytler, Senior Assistant Attorney General, Human Rights Division, 5th Floor, Highways-Licenses Building,

Olympia, Washington, (206) 753-1564; Implementation and Enforcement: When applied to determine the jurisdiction of the Washington State Human Rights Commission over complaints of unfair practices, the rules will be implemented and enforced by the commission's staff under the direction of Raleigh Lewis, Executive Secretary, Washington State Human Rights Commission, 402 Evergreen Plaza Building, Olympia, Washington, (206) 753-2987, subject to approval by the Human Rights Commissioners. When applied in administrative hearings, the rules will be implemented and enforced by various administrative law judges designated by the Chief Administrative Law Judge. See RCW 49.60.250. The rules will also be applied by judges in court cases, subject to the ultimate authority of the courts to interpret the statutes.

Person Proposing Rules: The proposed rules were prepared in response to direction from the Washington State Human Rights Commissioners.

Agency Comments: Appendix A is a copy of a memorandum from Morton M. Tytler, Senior Assistant Attorney General, to the Washington State Human Rights Commissioners on sources relied on in drafting the rules. [Not published in Register.]

Court Action: No court action requires the adoption of these rules, but the rules largely codify law found in court decisions.

Small Business Economic Impact Statement: On April 2, I filed a general Economic Impact Report saying: "These proposed rules codify existing law and agency practice. Adoption of the rules will have no economic impact."

I have reconsidered this conclusion in light of the considerations specified in chapter 6, Laws of 1982, (HB 385), and continue to hold the same opinion.

The proposed rules do not impact small business differently from all business.

The rules do not require reports or set up design standards.

WAC 162-16-160 implements a statutory exemption of small business from the law against discrimination. The purpose of the legislature in doing so has been given weight in developing the rule. See Part (3)(b).

WAC 162-16-170 provides standards for distinguishing employees from independent contractors. I can think of no principled way to analyze this relationship differently for small businesses than for big businesses.

NEW SECTION

WAC 162-16-160 "EMPLOYER"—JURISDICTIONAL COUNT OF NUMBER OF PERSONS EMPLOYED. (1) Purpose and scope of section. This section implements RCW 49.60.040, which defines "employer" for purposes of the law against discrimination in part as "any person . . . who employs eight or more persons." This section establishes standards for determining who is counted as employed when deciding whether a person is an employer under the quoted language. The standards in this section do not define who is entitled to the protection of the law against discrimination (for example, a part-time employee who does not work enough hours to be counted under subsection (5) of this section is entitled to the protection of the law against discrimination).

(2) Purposes of exemption. The principal purposes of exempting persons who employ less than eight from the enforcement authority of the commission are:

(a) To relieve small businesses of a regulatory burden; and

(b) In the interest of cost effectiveness, to confine public agency enforcement of the law to employers whose practices affect a substantial number of persons.

(3) General approach. Our objectives in choosing the standards in this section and in making future decisions on questions not addressed in this section are:

(a) To eliminate and prevent discrimination – the overall purpose of the law against discrimination.

(b) To give effect to the purposes of the exemption of employers of less than eight from public enforcement of the law against discrimination, as identified in subsection (2) of this section.

(c) To be consistent with interpretations of federal antidiscrimination law and the antidiscrimination laws of other states, where these are comparable to Washington law, and where we do not feel that a different rule would better serve the state of Washington.

(d) To avoid the uncritical adoption of definitions from areas of law other than antidiscrimination law. It is appropriate to define employment differently in different areas of the law in order to carry out the separate purpose of each area of law.

(e) Administrative convenience. The public and our staff need standards that are certain and that are easy to understand and apply. Therefore we must sometimes simply draw a line, although reasonable persons could differ as to where the line should be drawn.

(4) Time of calculation.

(a) A person will be considered to have employed eight if the person either:

(i) Employed eight or more persons for any part of the day on which the unfair practice is alleged to have occurred, or did occur; or

(ii) Employed an average of eight or more persons over a representative period of time including the time when the unfair practice is alleged to have occurred.

(b) The representative period of time for (a) (ii) of this subsection will ordinarily be the month during which the unfair practice is alleged to have occurred plus the preceding two months, but where this period will not accurately reflect the overall employment level, as in a seasonal industry, we will use the month during which the alleged unfair practice is alleged to have occurred plus the preceding eleven months.

(c) An average of eight persons employed will be found for (a) (ii) of this subsection if:

(i) The total hours worked by all employees during the examined period equals or exceeds sixty-four times the number of working days (the equivalent of eight persons working eight-hour days); or

(ii) The total of all persons employed full time or part time during the period exceeds seven on more days than it is seven or less.

(5) Part-time employees.

(a) A person working part time will be counted as employed on the day on which the unfair practice is alleged to have occurred, or did occur, if the person worked any part of that day.

(b) A person working part time will be counted as employed for purposes of averaging under subsection (c) (ii) of this section if the person worked one-fifth of full time.

(c) Persons subject to call to work (such as volunteer fire fighters) will be considered to be employed at all times when they are subject to call.

(6) Area of calculation. A person who employs eight or more persons is an "employer" for purposes of the law against discrimination even though less than eight of the employees are located in the state of Washington.

(7) Multiple places of employment. The count will include all persons employed by the same legal entity, whether or not the persons work in the same place of business or line of business.

(8) Connected corporations. Corporations and other artificial persons that are in common ownership or are in a parent-subsidiary relationship will be treated as separate employers unless the entities are managed in common in the area of employment policy and personnel management. In determining whether there is management in common we will consider whether the same individual or individuals do the managing, whether employees are transferred from one entity to another, whether hiring is done centrally for all corporations, and similar evidence of common or separate management.

(9) Persons on layoff. Persons on layoff will not be counted.

(10) Persons on leave. Persons on paid leave will be counted. Persons on unpaid leave will not be counted.

(11) Employee or independent contractor. Independent contractors will not be counted. In determining whether a person is employed or is an independent contractor for the jurisdictional count we will use the same standards that we use for the purpose of determining whether a

person comes within the protection of the law against discrimination. These standards are set out in WAC 162-16-170.

(12) Pay. Anyone who is paid for work and who otherwise meets the standards in this section will be counted. Pay includes compensation for work by the hour, by commission, by piecework, or by any other measure. For the treatment of unpaid persons, see volunteers, subsection (13) of this section.

(13) Volunteers. A volunteer will be counted if the volunteer is generally treated in the manner that employers treat employees. That is, if the volunteer is selected by management (particularly if selected in competition with other persons), works hours assigned by management, is subject to discipline like an employee, or receives employment benefits such as industrial insurance, then the person will be counted as an employee. The typical volunteer fire fighter would be counted. A person who comes into the food bank when he or she pleases, is put to work if there is anything to do, who leaves when he or she pleases, who has no expectation of paid employment, and who receives no employment benefits, would not be counted.

(14) Family members. Because of the definition of "employ" in RCW 49.60.040, we will not count "any individual employed by his or her parents, spouse, or child." Other family members will be counted.

(15) Domestic help. Because of the definition of "employ" in RCW 49.60.040, we will not count a person in the domestic service of the employing person.

(16) Directors. Directors of corporations, and similar officers of other private or public artificial legal entities, will not be counted simply because they serve in that capacity.

(17) Officers. Officers of corporations, and officers of other private or public artificial legal entities, will be counted unless:

(a) They receive no pay from the corporation or other entity; and

(b) They do not participate in the management of the corporation or other entity beyond participation in formal meetings of the officers.

(18) Partners. Partners will not be counted as employed by the partnership or by each other.

(19) Members of a professional service corporation. All persons who render professional services for a professional service corporation will be counted as employees of the corporation.

(20) Interns. Interns and persons on work-study programs will be counted if they are paid by the person whose employees are being counted; they will not be counted if they are not paid or are paid by another entity.

NEW SECTION

WAC 162-16-170 EMPLOYEE DISTINGUISHED FROM INDEPENDENT CONTRACTOR. (1) Purpose of section. RCW 49-.60.180 defines unfair practices in employment. A person who works or seeks work as an independent contractor, rather than as an employee, is not entitled to the protection of RCW 49.60.180. This section outlines the standards that we will use to determine whether a person is an employee as distinguished from an independent contractor for the purpose of entitlement to the protection of RCW 49.60.180.

(2) Rights of independent contractor. While an independent contractors does not have the protection of RCW 49.60.180, the contractor is protected by RCW 49.60.030(1) from discrimination because of race, creed, color, national origin, sex, handicap, or foreign boycotts. The general civil right defined in RCW 49.60.030(1) is enforceable by private lawsuit in court under RCW 49.60.030(2) but not by actions of the Washington state human rights commission.

(3) General approach. We will determine whether a person is an employee or an independent contractor on the basis of general common law principles, taking into account the economic realities of the situation and the purposes of the law against discrimination.

(4) Working presumptions. When any two of the following indications of employment are present, the worker will be presumed to be an employee unless the person who claims that the worker is not an employee presents evidence requiring the consideration of other factors:

(a) The purchaser of work in fact controls the manner and means of performance of the work.

(b) The worker is paid on the basis of time worked (hourly, monthly, etc.).

(c) The worker is treated as an employee for tax purposes.

(5) Full analysis. When a full analysis is required, we will consider all the relevant facts, particularly those bearing on the following factors. No one factor is determinative, but the most important is the extent to which the purchaser of work controls the manner and means of performance of the work.

(a) Control. An employment relationship probably exists where the purchaser of work has the right to control and direct the work of the worker, not only as to the result to be achieved, but also as to the details by which the result is achieved.

(b) The kind of occupation, with reference to whether the work usually is done under the direction of a supervisor or is done by a specialist without supervision. Some persons, such as lawyers or doctors, may be employees even though they are not closely supervised. The test for such specialists is not whether the lawyer or doctor is closely supervised, but whether he or she is treated the way that employed lawyers or doctors are commonly treated. Lawyers and doctors are typically independent contractors, however, with respect to their clients or patients.

(c) The skill required in the particular occupation. Skilled workers are typically less closely supervised than unskilled workers, but they are employees if indicia of employment other than close supervision are present.

(d) Whether the purchaser of the work or the worker furnishes the equipment used and the place of work. Generally, the purchaser of work furnishes tools and equipment for employees while independent contractors furnish their own. Some employees furnish some of their own tools, however.

(e) The length of time during which the person has worked or the length of time that the job will last. Independent contractors typically are hired for a job of relatively short duration, but there are instances of independent contracts for an indefinite period – for example, contracts for janitorial service.

(f) The method of payment, whether by time or by the job. Independent contractors are usually paid by the job but are sometimes paid by time. Employees are usually paid by time but are sometime paid by the job.

(g) Whether the work relationship is terminable by one party or both parties, with or without notice and explanation. An employee is usually free to quit and is usually subject to discharge or layoff without breach of the employment contract. An independent contractor usually has more fixed obligations.

(h) Whether annual leave is afforded. Leave with pay is almost exclusively accorded to employees.

(i) Whether the work is an integral part of the business of the purchaser of it. Usually, the regular work of a business is done by employees rather than independent contractors.

(j) Whether the worker accumulates retirement benefits. Retirement benefits are almost exclusively accorded to employees.

(k) Whether with respect to the worker the purchaser of work pays taxes levied on employers, such as the social security tax, unemployment compensation tax, and worker's compensation tax, or withholds federal income tax. The tax laws do not have the same purposes as the law against discrimination, so employee status for tax purposes is helpful but not controlling.

(l) Whether the worker treats income from the work as salary or as business income. See Part 5(k) of this section.

(m) Whether with respect to the worker the purchaser of work keeps and transmits records and reports required of employers, such as those required under the worker's compensation act. Worker's compensation coverage, like tax coverage, is helpful but not conclusive.

(n) The intention of the parties. The fact that a contract says that the worker is an independent contractor will be considered in this respect, but it is not conclusive for the purpose of coverage of RCW 49.60.180.

(6) Burden of persuasion. The burden of persuasion that a person claiming the protection of RCW 49.60.180 is or would be an independent contractor is on the person making the claim.

WSR 82-16-083
PROPOSED RULES
BOARD OF HEALTH

[Filed August 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning eligibility (kidney centers), amending WAC 248-30-110;

that the agency will at 10:00 a.m., Wednesday, September 8, 1982, in Rooms 320 and 321, Spokane County Health District, West 1101 College Avenue, Spokane, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1982.

The authority under which these rules are proposed is RCW 43.20.050.

The specific statute these rules are intended to implement is SB 5021.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 8, 1982.

Dated: August 3, 1982
By: John A. Beare, M.D.
Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amending WAC 248-30-110, Eligibility—Kidney Centers.

Purpose: The purpose of the regulations covering the state kidney disease program is to provide guidelines for the administration of state funds appropriated to assist persons with end-stage renal disease to meet the costs of their medical care. The purpose of this amendment is to reduce allowable assets from $15,000 to $5,000. Persons with nonexempt assets in excess of $5,000 will not be eligible for assistance from the state kidney disease program. The amendment implements a budget reduction approved during the June 1982 session of the legislature.

Statutory Authority: RCW 43.20.050.

Summary: The amendment modifies the eligibility criteria for the state kidney disease program. It reduces the allowable assets from $15,000 to $5,000 as required by a budget reduction approved during the June 1982 session of the state legislature.

Person Responsible for Implementing the Rule Change: Eileen Keith, Head, Adult Health Section, Office of Community Health Services, Mailstop: LB-12A, Phone: 753-3493.

This rule change is not necessary as a result of federal laws, federal court decisions or state court decisions.

AMENDATORY SECTION (Amending Order 198, filed 5/22/80)

WAC 248-30-110 ELIGIBILITY. The kidney center shall determine and review at least annually the eligibility of an individual patient for the state kidney disease program according to criteria established by the department. Generally a patient shall be considered eligible if ((~~he/she~~)) he or she has exhausted or is ineligible for all other resources ((~~which provide~~)) providing similar benefits to meet the costs of ESRD related medical care. Resources shall include:

(1) Income in excess of a level necessary to maintain a moderate standard of living, as defined by the department, using accepted national standards;

(2) Savings, property, and other assets;

(3) Government and private medical insurance programs;

(4) Government or private disability programs;

(5) Local funds raised for the purpose of providing financial support for a specified ESRD patient((:));

PROVIDED, That in determining eligibility the following resources shall be exempt:

((~~(A)~~)) (a) A home, ((~~which is~~)) defined as real property owned by a patient as a place of residence together with the property surrounding and contiguous thereto not to exceed five acres; except commercial property or property used for the purpose of producing income, shall be considered excess property and subject to the limitations of subsection (5)(d) of this section;

((~~(B)~~)) (b) Household furnishings;

((~~(C)~~)) (c) An automobile; and

((~~(D)~~)) (d) Savings, property or other assets, the value ((~~of which does~~)) not to exceed the ((~~cost of home dialysis for one year~~)) sum of five thousand dollars.

WSR 82-16-084
PROPOSED RULES
BOARD OF HEALTH
[Filed August 3, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning:

Amd	WAC 248-19-330	Regular review process.
Amd	WAC 248-19-340	Expedited review process.
Amd	WAC 248-19-350	Emergency review process.
Amd	WAC 248-19-480	Right and notice of appeal;

that the agency will at 10:00 a.m., Wednesday, September 8, 1982, in Rooms 320 and 321, Spokane County Health District, West 1101 College Avenue, Spokane, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1982.

The authority under which these rules are proposed is RCW 70.38.135.

The specific statute these rules are intended to implement is chapter 70.38 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 8, 1982.

Dated: August 3, 1982
By: John A. Beare, MD
Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amending WAC 248-19-330 Regular Review Process; WAC 248-19-340 Expedited Review Process; WAC 248-19-350 Emergency Review Process; and WAC 248-19-480 Right and Notice of Appeal.

The purpose of the amendments to WAC 248-19-330 Regular Review Process, WAC 248-19-340 Expedited Review Process and WAC 248-19-350 Right and Notice of Appeal, is to permit the Department of Social and Health Services to extend its review of a certificate of need application for a period of up to 30 days, following the receipt of additional information, when such information is needed to resolve a pivotal issue. Presently, an extension for this purpose is possible only if the applicant consents. Use of the term "pivotal" indicates that the information is initial to the department's decision; making extensions conditional on the applicant's consent is not considered appropriate. The purpose of the amendment to WAC 248-19-580 Right and Notice of Appeal, is to more clearly define the authority of the

secretary of the Department of Social and Health Services and the hearings officer in any contested case requested in an administrative appeal and to establish that, with any application which has been submitted to the department, it is the secretary who makes the final decision.

Statutory Authority: RCW 70.38.135 (Department Services and Surveys, Board of Health Rules).

Summary of the Rule Change: The amendments to WAC 248-19-330 Regular Review Process, WAC 248-19-340 Expedited Review Process and WAC 248-19-350 Emergency Review Process, would permit the Department of Social and Health Services to extend its review for a period of 30 days following the receipt of additional information, when such additional information is necessary to resolve a pivotal issue, without the consent of the applicant. The amendment to WAC 248-19-480 Right and Notice of Appeal, clarifies the responsibilities of the hearings officer in a contested case and affirms the final decision-making authority of the secretary of the department.

Persons Responsible for Drafting the Rule Change: Frank Chestnut, Supervisor, Certificate of Need Program, 753-5854 and James L. Russell, Jr., Health Facilities Planning Analyst, 753-0905, Office of State Health Planning and Development, Mailstop: LP-13.

This rule change does not result from federal law or federal or state court action.

No significant, direct or measurable economic impact to small business is anticipated.

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-330 REGULAR REVIEW PROCESS. (1) The regular review process shall not exceed ninety days from the beginning of the review period and shall be conducted in accordance with the following subdivisions of this subsection unless the review period is extended in accordance with the provisions of subsection (2) of this section.

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

(b) The department shall complete its final review and the secretary shall make his decision on a certificate of need application within thirty days of the end of the review period or extended review period of the health systems agency and, in the case of a hospital project, the hospital commission.

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

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

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

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

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-340 EXPEDITED REVIEW PROCESS. (1) The expedited review process shall not exceed fifty days from the beginning of the review period unless extended in accordance with the provisions of subsection (2) of this section: PROVIDED, HOWEVER, That the appropriate health systems agency consents in writing to a thirty-day review period and does not need to conduct a public hearing in accordance with WAC 248-19-320. If the health systems agency does not consent to a thirty-day review period, the expedited review process shall not exceed eighty days from the beginning of the review period.

(a) If the review period for the health systems agency is thirty days, the health systems agency and, in the case of a hospital project, the hospital commission, shall submit written findings and recommendations to the department within thirty days of the beginning of the review period. If the review period for the health systems agency is sixty days, the health systems agency and, in the case of a hospital project, the hospital commission, shall submit written findings and recommendations to the department within sixty days of the beginning of the review period.

(b) The department shall complete its final review and the secretary shall make his decision on a certificate of need application under an expedited review within twenty days of the end of the review period or extended review period of the health systems agency and, in the case of a hospital project, the hospital commission.

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

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

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

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

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

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

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

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

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

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

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

AMENDATORY SECTION (Amending Order 210, filed 4/9/81, effective 5/20/81)

WAC 248-19-480 RIGHT AND NOTICE OF APPEAL. (1) Any affected person may request and shall be afforded the opportunity for an administrative hearing on the secretary's decision to issue or deny a certificate of need for a project or a separable portion of a project, to grant or deny an exemption requested under WAC 248-19-405, to suspend or revoke a certificate of need, or to withdraw or not withdraw a certificate of need.

(2) To be effective, a request for an administrative hearing shall be in writing and received by the department within thirty days after the person requesting the hearing received the particular decision of the department which is being appealed or, if a reconsideration hearing was requested and denied, thirty days after the denial of the request for the reconsideration hearing.

(3) An administrative hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW.

(4) The decision of the secretary shall be subject to review in an administrative hearing to establish a record of the decision of the secretary. The ((~~decision~~)) determination of the official who conducts such an administrative hearing shall be made in writing within forty-five days after the conclusion of the hearing ((~~and~~)). The official who conducts such an administrative hearing may make a proposed decision, findings of fact and conclusions of law, pursuant to RCW 34.04.110, or the official may remand the matter to the department for further action or consideration.[1] The written ((~~decision~~)) determination shall be sent to the applicant, the appropriate health systems agency, the hospital commission in the case of a hospital project, and the department. The department shall make ((~~the~~)) any written ((~~findings~~)) determination available to others upon request.

((~~(5) The decision of the official who conducts an administrative hearing shall be considered the final decision[1] of the secretary; however, the official who conducts an administrative hearing may remand the matter to the department for further action or consideration.~~))

NOTE:

[1]Chapter 34.04 RCW provides entitlement to judicial review to any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form.

WSR 82-16-085
PROPOSED RULES
OFFICE OF ADMINISTRATIVE HEARINGS
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Office of Administrative Hearings intends to adopt, amend, or repeal rules concerning:

New	ch. 10-04 WAC	Description of agency organization and access to public records.
New	ch. 10-08 WAC	Uniform procedural rules for the conduct of contested cases.
New	ch. 10-12 WAC	SEPA statement;

that the agency will at 10:00 a.m., Wednesday, October 13, 1982, in the Office of Administrative Hearings, 4224 6th Avenue S.E., Lacey, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 1, 1982.

The authority under which these rules are proposed is chapter 34.12 RCW.

The specific statute these rules are intended to implement is chapter 10-04 WAC - RCW 34.04.020, 42.17-.250 through 42.17.320; chapter 10-08 WAC - RCW 34.04.020 and 34.02.022[34.04.022]; chapter 10-12 WAC - RCW 43.21C.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 13, 1982.

Dated: August 4, 1982
By: David R. LaRose
Chief Administrative Law Judge

STATEMENT OF PURPOSE

Name of Agency: Office of Administrative Hearings.

Purpose and Statutory Authority: The purpose of chapter 10-04 WAC is to comply with RCW 34.04.020(2) and 42.17.250 through 42.17.320 requiring each agency to adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information and make submissions or requests and inspect and copy public records. The purpose of chapter 10-08 WAC is to comply with RCW 34.04.020(1) and 34.04.022 requiring the chief administrative law judge to promulgate uniform procedural rules governing the conduct of contested cases. The purpose of chapter 10-12 WAC is to comply with RCW 43.21C.120 requiring every state agency to adopt rules pertaining to the integration of the policies and procedures of the State Environmental Act into the various programs under their jurisdiction for implementation.

The authority of the chief administrative law judge to promulgate such rules is RCW 34.12.010.

Summary of the Rules: Chapter 10-04 WAC describes the agency organization, method of its operations, and methods whereby the public may communicate with the agency and have access to agency public records. Chapter 10-08 WAC governs practice and procedure in contested case hearings, superseding procedural rules for the conduct of hearings in chapter 1-08 WAC and in rules adopted by individual agencies. Chapter 10-12 WAC declares the Office of Administrative Hearings exempt under the provisions of chapter 197-10 WAC.

Reason for Proposing Rules: Chapters 10-04, 10-08 and 10-12 WAC are all proposed to comply with statutory requirements.

Responsible Departmental Personnel: David R. LaRose, Chief Administrative Law Judge, 4224 6th Avenue S.E., Lacey, Washington 98504, PY-15, (206) 459-6353, Scan 585-6353.

Small Business Economic Impact: None.

Chapter 10-04 WAC
AGENCY ORGANIZATION—PUBLIC RECORDS

NEW SECTION

WAC 10-04-010 PURPOSE. The purpose of this chapter is to provide rules implementing RCW 34.04.020 and RCW 42.17.250 through 42.17.320 for the office of administrative hearings.

NEW SECTION

WAC 10-04-020 FUNCTION—ORGANIZATION—OFFICES. The office of administrative hearings was created by chapter 34-.12 RCW for the impartial administration of administrative hearings for state agencies. The office is under the direction of the chief administrative law judge and is organized in two divisions, the benefits division and the regulatory and special assignments division.

Administrative law judges assigned to the two divisions preside over hearings in contested cases and issue proposals for decisions, including findings of fact and conclusions of law. The benefits division is responsible for hearings held before the employment security department and the department of social and health services. The regulatory and special assignments division is responsible for hearings held before the utilities and transportation commission, the liquor control board, the department of licensing, and any other state agency as defined in RCW 32.12.020(4).

The administrative office is located at Building No. 1, 4224 - 6th Ave. S.E., Lacey, Washington, 98504. The office hours are 8:00 a.m. to noon and 1:00 p.m. to 5:00 p.m., Monday through Friday except legal holidays. Administrative law judges are housed in the following field offices:

Social & Health Subdivision
1117 Jefferson
Olympia WA 98504

Social & Health Subdivision
1414 Dexter Avenue North
Seattle WA 98109

Social & Health Subdivision
428 Hutton Building
South 9 Washington
Spokane WA 99204

Social & Health Subdivision
2925 Rockefeller
Everett WA 98201

Yakima Subdivision
1110 West Lincoln Avenue
Yakima WA 98902

Utilities & Transportation Subdivision
6th Floor Highways-Licenses Building
Olympia WA 98504

Liquor Control Subdivision
1025 East Union
Olympia WA 98504

Employment Security Subdivision
Room 606 Securities Building
1904 Third Avenue
Seattle WA 98101

Employment Security Subdivision
Capitol 5000 Building
Olympia WA 98504

Employment Security Subdivision
P.O. Box TAF-C-14
Spokane WA 99220

All written communications by parties pertaining to a particular case shall be filed with the field office, if any, assigned to the case, and otherwise with the deputy chief administrative law judge at the administrative office.

NEW SECTION

WAC 10-04-030 PUBLIC RECORDS—AVAILABILITY. Public records are available for public inspection and copying except as otherwise provided by RCW 42.17.310 and these rules.

NEW SECTION

WAC 10-04-040 PUBLIC RECORDS—OFFICER. The public records officer for the administrative office shall be the confidential secretary to the chief administrative law judge. For those records maintained at field office locations, the public records officer shall be the senior administrative law judge in benefits division field offices and the deputy chief administrative law judge for regulatory and special assignments field offices.

NEW SECTION

WAC 10-04-050 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the office which shall be available at the offices where records are maintained. The form shall be presented to the public records officer, or to a member of the staff designated by him or her if the public records officer is not available, during office hours. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) An appropriate description of the record requested;

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or designated staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 10-04-060 COPYING FEES. No fee shall be charged for the inspection of public records. The office shall charge a fee of ten cents per page of copy for providing copies of public records and for the use of the office's copy equipment. This charge is the amount necessary to reimburse the office for its actual costs incident to such copying.

NEW SECTION

WAC 10-04-070 EXEMPTIONS. (1) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 10.04.050 is exempt under the provisions of RCW 47.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the office reserves the right to delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

NEW SECTION

WAC 10-04-080 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff

member denying the request shall refer it to the chief administrative law judge or his designee. The chief administrative law judge or his designee shall immediately consider the matter and either affirm or reverse such denial within five business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the chief administrative law judge or his designee has returned the petition with a decision or until the close of the fifth business day following denial of inspection, whichever occurs first.

NEW SECTION

WAC 10-04-090 PROTECTION OF PUBLIC RECORDS. (1) No person shall knowingly alter, deface, or destroy public records of the office.

(2) Original copies of public records of the office shall not be removed from the premises where maintained by the office.

(3) Care and safekeeping of public records of the office, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the office shall not be permitted.

Chapter 10-08 WAC
UNIFORM PROCEDURAL RULES FOR THE CONDUCT OF CONTESTED CASES

NEW SECTION

WAC 10-08-010 APPLICATION OF CHAPTER 10-08 WAC. Chapter 10-08 WAC is promulgated by the chief administrative law judge pursuant to the provisions of RCW 34.04.022, as amended by chapter 67, Laws of 1981. These rules shall govern administrative practice and procedure in all contested case hearings before any state board, commission, department, or officer authorized by law to adjudicate contested cases except those in the legislative or judicial branches, the state militia, the board of prison terms and paroles, institutions of higher education as defined in RCW 28B.19.020, the board of industrial insurance appeals, and the board of tax appeals unless an election is made pursuant to RCW 82.03.140 or 82.03.190.

NEW SECTION

WAC 10-08-020 SCOPE OF CHAPTER 10-08 WAC. (1) Chapter 10-08 WAC applies to all stages of the conduct of a contested case from issuance of the notice of hearing through issuance of a proposed decision, an initial decision, or the agency's final decision if no proposed or initial decision is required or issued. Form and content of pleadings, procedures for settlement or disposition without hearing and for prehearing discovery, and procedures for obtaining review by the agency of proposed and initial decisions and reconsideration of final decisions shall be as specified in the agency's rules as in effect on June 30, 1982, or as thereafter adopted or amended by the agency.

(2) Except as provided in subsection (3) of this section, these rules supersede the rules of practice and procedure adopted by agencies for the conduct of contested cases from issuance of the notice of hearing through issuance of a proposed or initial decision or final decision if no proposed or initial decision is required or issued.

(3) These rules do not supersede rules adopted by agencies to govern qualifications of persons appearing in a representative capacity, with respect to which demonstrable needs for variation exist.

NEW SECTION

WAC 10-08-030 DEFINITIONS. "Presiding officer" means an agency official(s), administrative law judge, hearing examiner, hearing officer, or other person authorized by law or appointed to preside over a contested case hearing.

NEW SECTION

WAC 10-08-040 NOTICE OF HEARING. (1) In any contested case all parties shall be served with a notice within the time required by statute governing the respective agency or proceeding, and in the absence of a statutory requirement, not less than twenty days before the date set for the hearing. The notice shall include the information specified in RCW 34.04.090(1) and such other information as may be necessary to apprise the parties of the scope and purpose of the hearing.

(2) Defects in notice may be waived if all parties acquiesce.

NEW SECTION

WAC 10-08-050 ASSIGNMENT OF ADMINISTRATIVE LAW JUDGE. Whenever a state agency as defined in RCW 34.12.020(4) conducts a hearing which is not presided over by officials of the agency who are to render the final decision, the agency shall either:

(1) File with the office of administrative hearings a copy of the hearing file and notice of hearing together with a request for assignment of an administrative law judge to preside over the hearing; or

(2) File with the office of administrative hearings a copy of the hearing file, which filing shall be deemed to be a request for assignment of an administrative law judge to issue the notice of hearing and preside over the hearing.

(3) Motions of prejudice with supporting affidavits under RCW 34-.12.050 must be filed at least three days prior to the date set for the hearing. If the notice of hearing does not state the name of the presiding administrative law judge, the chief administrative law judge shall make such assignment at least five days prior to the hearing and shall disclose the assignment to any party or representative making inquiry. Subsequent motions of prejudice filed by the same party in the same proceeding shall be ruled upon by the chief administrative law judge or his or her designee.

NEW SECTION

WAC 10-08-060 INTERVENTION. Where agency statute or substantive rule permits intervention, all parties shall be afforded an opportunity to be heard on petitions for intervention prior to or at the commencement of the hearing or as soon thereafter as the petition is received.

NEW SECTION

WAC 10-08-080 COMPUTATION OF TIME. In computing any period of time prescribed or allowed by any applicable statute or rule, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

NEW SECTION

WAC 10-08-090 CONTINUANCES. Postponements, continuances, extensions of time, and adjournments may be ordered by the presiding officer on his or her own motion or may be granted on timely request of any party, with notice to all other parties, showing good and sufficient cause therefor.

NEW SECTION

WAC 10-08-110 SERVICE OF PAPERS. (1) All notices, pleadings, and other papers filed with the presiding officer shall be served upon all counsel of record and upon parties not represented by counsel or upon their agents designated by them or by law.

(2) Service shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail, or by telegraph.

(3) Service by mail shall be regarded as completed upon deposit in the United States mail properly stamped and addressed, and by telegraph when deposited with a telegraph company properly addressed and with charges prepaid.

(4) Papers required to be filed with the agency or with the presiding officer shall be deemed filed upon actual receipt during office hours at any office of the agency or of the presiding officer.

(5) Where proof of service is required by statute or rule, filing the papers with the presiding officer, together with either an acknowledgment of service or the following certificate shall constitute proof of service:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a copy

thereof in person to (names) or by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.

"Dated at ..... this ... day of ....., 198....
(signature)"

NEW SECTION

WAC 10-08-120 SUBPOENAS. (1) Subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW 34.04.105.

(2) Every subpoena shall state the name of the agency and the title of the proceeding and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his or her control at a specified time and place.

(3) A subpoena may be served by any suitable person over 18 years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode. When service is made by any other person than an officer authorized to serve process, proof of service shall be made by affidavit.

(4) The presiding officer, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (a) quash or modify the subpoena if it is unreasonable and oppressive or (b) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

NEW SECTION

WAC 10-08-130 PREHEARING CONFERENCE. (1) The presiding officer upon his or her own motion or upon request of a party may direct the parties or their representatives to engage in a prehearing conference or conferences to consider:

(a) Simplification of issues;

(b) The necessity or desirability of amendments to the pleadings;

(c) The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;

(d) Limitations on the number and consolidation of the examination of witnesses;

(e) Procedural matters;

(f) Distribution of written testimony and exhibits to the parties prior to the hearing;

(g) Such other matters as may aid in the disposition or settlement of the proceeding.

(2) Prehearing conferences may be held by telephone conference call or at a time and place specified by the presiding officer.

(3) Following the prehearing conference, the presiding officer shall issue a notice reciting the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties concerning all of the matters considered. If no objection to such notice is filed within ten days after the date such notice is mailed, it shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(4) In any proceeding the presiding officer may, in his or her discretion, conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this rule. The presiding officer shall state on the record the results of such conference.

(5) Nothing in this rule shall be construed to limit the right of an agency to order a prehearing conference prior to issuance of a notice of hearing.

NEW SECTION

WAC 10-08-140 EVIDENCE. (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of RCW 34.04.100.

(2) Where practicable, the presiding officer may order:

(a) That all documentary evidence which is to be offered during the hearing or portions of the hearing be submitted to the presiding officer and to the other parties sufficiently in advance to permit study and preparation of cross-examination and rebuttal evidence;

(b) That documentary evidence not submitted in advance as required in (a) of this subsection be not received in evidence in the absence of a clear showing that the offering party had good cause for his or her failure to produce the evidence sooner;

(c) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

(3) When portions only of a document are to be relied upon, the offering party shall identify the pertinent excerpts and state the purpose for which such materials will be offered. Only the excerpts, in the form of copies, shall be received in the record. However, the whole of the original documents, except any portions containing confidential material protected by law, shall be made available for examination and for use by all parties.

(4) No former employee of the agency shall appear, except with the permission of the agency, as an expert witness on behalf of other parties in a proceeding in which he or she previously took an active part in the investigation as a representative of the agency.

(5) The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for striking all testimony previously given by such witness on related matter.

(6) Any party bound by a stipulation or admission of record may, at any time prior to closure of the hearing record be permitted to withdraw the same in whole or in part by showing to the satisfaction of the presiding officer that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

NEW SECTION

WAC 10-08-150 ADDITIONAL MEDICAL ASSESSMENT. When a hearing before the department of social and health services involves medical issues such as those concerning a diagnosis, an examining physician's report, or a medical review team's decision, a medical assessment other than that of the person or persons involved in making the original decision shall be obtained at agency expense and made part of the record if the presiding officer considers it necessary.

NEW SECTION

WAC 10-08-160 TESTIMONY UNDER OATH OR AFFIRMATION. (1) Every person called as a witness in a hearing shall swear or affirm that the testimony he or she is about to give in the hearing shall be the truth according to the provisions of RCW 5.28-.020 through 5.28.060.

(2) Interpreters shall swear or affirm that they will well and truly translate all questions asked of and answers given by the witness requiring interpretation.

NEW SECTION

WAC 10-08-170 REPORTING—RECORDING. All hearings shall be recorded by manual, electronic, or other type of recording device.

NEW SECTION

WAC 10-08-180 TELECONFERENCE HEARINGS. The presiding officer, with the concurrence of the agency, may conduct all or part of the hearing by telephone, television, or other electronic means, if each participant in the hearing has an opportunity to participate in, to hear, and, if technically feasible, to see the entire proceeding while it is taking place. The presiding officer shall grant the motion of any party showing good cause for having the hearing conducted in person at a rescheduled time.

NEW SECTION

WAC 10-08-190 ATTENDANCE AT HEARINGS—CAMERAS—RECORDING DEVICES. (1) All hearings shall be open for observation by the public except as limited by the presiding officer to preserve confidentiality protected by law or for reasons such as space limitation. Photographic and recording equipment shall be permitted; however, the presiding officer may impose such conditions upon their use as he or she deems necessary to prevent disruption of the hearing.

(2) On motion of a party or on the presiding officer's own motion, witnesses may be excluded from any hearing except when testifying.

NEW SECTION

WAC 10-08-200 PRESIDING OFFICER. The presiding officer shall have authority to:

(1) Determine the order of presentation of evidence;

(2) Administer oaths and affirmations;

(3) Issue subpoenas;

(4) Rule on procedural matters, objections, and motions;

(5) Rule on offers of proof and receive relevant evidence;

(6) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;

(7) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;

(8) Take any appropriate action necessary to maintain order during the hearing;

(9) Permit or require oral argument or briefs and determine the time limits for submission thereof;

(10) Take any other action necessary and authorized by any applicable statute or rule;

(11) Waive any requirement of these rules unless a party shows that it would be prejudiced by such a waiver.

NEW SECTION

WAC 10-08-210 DECISION—ORDER. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to the name of the agency and name of the proceeding;

(2) Designate all parties and representatives participating in the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Contain appropriate numbered findings of fact based exclusively on the record;

(5) Contain appropriate numbered conclusions of law, including citations of statutes and rules relied upon;

(6) Contain an order, decision, or recommendation, as appropriate, disposing of all contested issues;

(7) If applicable, contain a statement describing the parties' rights to agency review of the order or decision.

NEW SECTION

WAC 10-08-220 OTHER LAW. Nothing in chapter 10-08 WAC is intended to diminish the constitutional rights of any person or to limit or modify additional requirements imposed by statute.

Chapter 10-12 WAC
COMPLIANCE WITH STATE ENVIRONMENTAL PROTECTION ACT

NEW SECTION

WAC 10-12-010 PURPOSE. The purpose of this chapter is to comply with and implement RCW 43.21C.120 directing every state agency to adopt rules pertaining to the integration of the policies and procedures of the State Environmental Protection Act into the various programs under their jurisdiction for implementation.

NEW SECTION

WAC 10-12-020 APPLICATION. Pursuant to WAC 197-10-800, the Office of Administrative Hearings has reviewed its authorized activities and found them to be exempt under the provisions of chapter 197-10 WAC.

WSR 82-16-086
PROPOSED RULES
BOARD OF PHARMACY
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the amending of WAC 360-36-020; alternate, repealing WAC 360-36-020; and adding new section WAC 360-32-060;

that such agency will at 9:00 a.m., Friday, August 27, 1982, in the King County Precinct 4, 14905 Sixth S.W., Burien, WA, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 18.64.005 and 69.41.075.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to August 25, 1982, and/or orally at 9:00 a.m., Friday, August 27, 1982, King County Precinct 4, 14905 Sixth S.W., Burien, WA.

This notice is connected to and continues the matter in Notice Nos. WSR 82-11-084 and 82-14-073 filed with the code reviser's office on May 18, 1982 and July 2, 1982.

Dated: August 2, 1982
By: Barbara Phillips, Attorney for
Washington State Board of Pharmacy

WSR 82-16-087
ADOPTED RULES
DEPARTMENT OF LICENSING
(Dental Disciplinary Board)
[Order PL 403—Filed August 4, 1982]

Be it resolved by the Washington State Dental Disciplinary Board, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to the amending of WAC 308-39-110 and 308-39-120.

This action is taken pursuant to Notice No. WSR 82-12-075 filed with the code reviser on June 2, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.32.640(1) 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 July 16, 1982.

By Alan D. Adams
Chairman

AMENDATORY SECTION (Amending Order PL 373, filed 2/20/81)

WAC 308-39-110 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) "General Anesthesia" ((~~consists of the use of any drug, element or other material which results in the elimination of sensations accompanied by a state of unconsciousness~~)) is a controlled state of unconsciousness, accompanied by a partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, produced by a pharmacologic or non-pharmacologic method, or combination thereof.

((~~(5) "Semi-conscious Sedation" consists of the use of any drug, element or other material which results in relaxation, diminution or loss of sensation, with retention of full reflex activity including the capability of maintaining and protecting the airway, spontaneous breathing ability with adequate ventilation, but impaired or lack of ability to respond adequately to questions and commands.~~

((~~(6)~~)) (5) "((~~Conscious~~)) Sedation" ((~~consists of the use of any drug, element or other material which results in relaxation, diminution or loss of sensation with the retention of intact protective reflexes, including the ability to maintain an airway, and capability of rational responses to question on command~~)) is a depressed level of consciousness that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command, produced by pharmacologic or non-pharmacologic method, or combination thereof.

((~~(7)~~)) (6) "Regional Anesthesia" consists of the use of ((~~and~~)) any drug, element, or other material which results in a state of insensibility of a circumscribed area, or the loss of sensation of some definite, localized area, without inhibition of conscious processes.

AMENDATORY SECTION (Amending Order PL 373, filed 2/20/81)

WAC 308-39-120 STANDARDS FOR DENTAL ADMINISTRATION OF ANESTHESIA. The Dental Disciplinary Board adopts the following guidelines for its use when considering and investigating complaints and charges of malpractice, unsafe conditions and practices involving the dental administration of anesthesia; and for analyzing anesthesia equipment, staff, procedures and training:

(1) A dentist currently licensed in the state of Washington who has a minimum of one year ((~~or its equivalent,~~)) of training in ((~~a~~))Anesthesiology and related subjects beyond the undergraduate dental school level ((~~shall be completed prior to the use or administration of general anesthesia or of semi-conscious sedation for dental patients~~)), or its equivalent, sponsored by an accredited hospital or an accredited dental school; or is eligible to take the examination for certification, or has been certified, (a) as a fellow in general anesthesia of the American Society of Dental Anesthesiologists according to the standards as of January 1, 1982, or (b) by the American Association of Oral and Maxillofacial Surgeons according to the standards as of December, 1979, shall be presumed adequately prepared to use or administer general anesthesia;

((~~(2) When using general anesthesia or semi-conscious sedation for dental patients, the dentist shall have a facility that is properly equipped for the administration of general anesthesia or semi-conscious sedation and staffed with a supervised team of auxiliary personnel capable of reasonably handling procedures, problems and emergencies incident to the use and administration of general anesthesia or semi-conscious sedation. This staff shall be under close supervision of a licensed dentist and shall include periodic update and competence in cardiopulmonary resuscitation techniques and other emergency procedures.~~

((~~(3)~~)) (2) Successful completion of a course with ((~~A~~)) a minimum of sixty (60) clock hours ((~~of technique~~)) instruction ((~~in~~)) beyond the undergraduate dental school level sponsored by an accredited hospital or accredited dental school, including instruction in safety and management of emergencies, shall be ((~~completed prior to the use or administration of conscious sedation with oral or injected drugs for sedation for dental patients~~)) considered necessary in order for a dentist to administer sedation other than nitrous oxide alone, nitrous oxide in combination with a single oral drug, or a single oral drug alone.

((~~(4) When using conscious sedation with oral or injected drugs (i.e., nitrous oxide analgesia plus oral or intramuscular premedication) the dentist shall have a facility that is properly equipped for the administration of conscious sedation and staffed with a supervised team of auxiliary personnel capable of reasonably handling procedures, problems and emergencies incident to the use and administration of conscious nitrous oxide and oral or injected sedative medication. This staff shall be under the close supervision of a licensed dentist and shall include periodic updating and competence in cardiopulmonary resuscitation and other emergency procedures.~~

((~~(5) When using conscious sedation utilizing nitrous oxide analgesia only or in conjunction with local anesthetic agents a minimum of twenty hours of technique instruction sponsored by an accredited hospital, accredited dental school, accredited dental hygiene school, or dental society, including instruction in safety and management of emergencies, shall be completed prior to the use of administration of conscious nitrous oxide sedation for dental patients.~~

((~~(6) When using conscious nitrous oxide sedation for dental patients, the dentist shall have a facility that is properly equipped for the administration of conscious sedation and staffed with a supervised team of auxiliary personnel capable of reasonably handling procedures, problems, and emergencies incident to the use and administration of conscious sedation. This staff shall be under the close supervision of a licensed dentist and shall include periodic updating and competence in cardiopulmonary resuscitation.~~))

(3) A dentist will be presumed eligible to administer nitrous oxide alone, nitrous oxide in combination with a single oral drug, or a single oral drug alone, if he or she has successfully completed a course containing a minimum of fourteen clock hours of either undergraduate

dental school or post graduate instruction. This instruction must include actual experience with the administration of nitrous oxide.

((~~(7)~~)) (4) When using local or regional anesthetic agents for dental patients the dentist shall ((~~have a facility that is properly equipped for the administration of local anesthesia and~~)) be capable of reasonably handling procedure problems and emergencies incident to the use and administration of local anesthetic agents. ((~~Such competence shall include periodic update and competence in cardiopulmonary resuscitation.~~))

Dentists who comply with the above-listed guidelines or who can show evidence of competence and skill by virtue of experience and/or comparable alternate training, ((~~or who are board certified or board certification eligible in one of the recognized dental specialties commonly requiring the use of anesthesia techniques~~)) shall be presumed by the Dental Disciplinary Board to have appropriate credentials for the use of anesthetics.

Dentists shall be capable of managing and treating any untoward reaction or emergency incident to the administration of any regional anesthesia, sedation, or general anesthesia that he/she may administer. The dentist should have certification in C.P.R. with a periodic update not to exceed two years. The dentist shall be responsible for the competence of his/her staff in cardiopulmonary resuscitation.

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 82-16-088
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning fees, WAC 308-26-020. A copy of the proposed amendments is shown below, however, changes may be made at the hearing;

that the agency will at 9:00 a.m., Tuesday, October 5, 1982, in the Department of Licensing, 4th Floor Conference Room, 12th and Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 5, 1982.

The authority under which these rules are proposed is RCW 43.24.085, 18.34.040 and 18.34.070.

The specific statute these rules are intended to implement is RCW 43.24.085.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 5, 1982.

Dated: August 3, 1982
By: Stanley R. Haskins
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing, Professional Licensing Division.

Purpose of Proposed Amendment: To state the amount of the fee to be charged for each part of the Dispensing Optician Examination.

Statutory Authority: RCW 18.34.040, 18.34.070 and 43.24.085.

Summary of Rule: WAC 308-26-020 Fees.

Reason for Proposed Rule: The proposed amendment to WAC 308-26-020 is intended to state the amount of the fee for each part of the examination to coincide with the recent rule, WAC 308-26-017, which allow part(s) of the examination to be given at different times.

Responsible Personnel: The Washington State Department of Licensing, Professional Licensing Division, have the responsibility for drafting, implementing and enforcing this rule. The executive secretary for the Dispensing Optician Examining Committee is Stanley R. Haskins, P. O. Box 9649, Olympia, Washington 98504, telephone (206) 234-0774 Scan, (206) 753-0774 Comm.

Proponent of the Proposed Rule: This amendment is proposed by the director of the Department of Licensing and the Division of Professional Licensing.

Agency Comments: This rule is proposed pursuant to RCW 18.34.040, 18.34.070 and 43.24.085.

Federal Law or Federal or State Court Requirements: The proposed rule is not necessitated as the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order, filed 11/5/75)

WAC 308-26-020 FEES. The following fees shall be charged by the professional licensing division of the department of ((~~motor vehicles~~)) licensing.

Title of Fee	Fee
((~~Examination~~	~~$50.00~~))
Practical Examination	30.00
Written Basic Optical Concepts Examination	10.00
Written Contact Lenses Examination	10.00
License renewal	25.00
Renewal penalty	10.00
Duplicate license	3.00

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 82-16-089
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Examiners for Nursing Home Administrators)
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Examiners for Nursing Home Administrators intends to adopt, amend, or repeal rules concerning WAC 308-54-130 courses of study, WAC 308-54-140 approval of courses of study. A copy of the proposed

amendments is shown below, however, changes may be made at the hearing;

that the agency will at 10:00 a.m., Tuesday, September 21, 1982, in the Vance Airport Inn, 18220 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 21, 1982.

The authority under which these rules are proposed is RCW 18.52.100 and 18.52.110.

The specific statute these rules are intended to implement is RCW 18.52.110(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 21, 1982.

Dated: August 3, 1982
By: Stanley R. Haskins
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Examiners for Nursing Home Administrators.

Purpose of Proposed Amendments: To state the necessity of obtaining prior board approval for continuing education courses.

Statutory Authority: RCW 18.52.100 and 18.52.110.

Summary of Rules: WAC 308-54-130 Courses of Study and WAC 308-54-140 Approval of Courses of Study.

Reason for Proposed Amendments: To eliminate any possible misunderstanding on the courses eligible for continuing education credit and the necessity of prior board approval for such courses.

Responsible Personnel: The Washington State Board of Examiners for Nursing Home Administrators and its executive secretary have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is Stanley R. Haskins, P. O. Box 9649, Olympia, Washington 98504, telephone (206) 234-0774 Scan, (206) 753-0774 Comm.

Proponents of the Proposed Amendments: The amendments were proposed by the Washington State Board of Examiners for Nursing Home Administrators.

Agency Comments: These amendments were proposed pursuant to RCW 18.52.100 and 18.52.110.

Federal Law or State Court Requirements: The proposed amendments are not necessitated as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order PL 328, filed 12/20/79)

WAC 308-54-130 COURSES OF STUDY. A course of study provided to satisfy the continuing education requirement of licensed nursing home administrators must meet the following conditions before approval by the board can be considered:

(1) Such program shall qualify as an approved course of instruction as defined in WAC 308-54-140; and

(2) Such program shall consist of a minimum of three hours of organized instruction with the exception of board-approved correspondence courses of study; and

(3) Such program ((~~shall~~)) may include the following general subject areas or their equivalents, and must be oriented to the nursing home administrator and reasonably related to the administrator of nursing homes:

(a) applicable standards of enrivonmental health and safety
(b) local health and safety regulations
(c) general administration
(d) psychology of patient care
(e) principles of medical care
(f) personal and social care
(g) therapeutic and supportive care and services in long-term care
(h) departmental organization and management
(i) community inter-relationships; and

(4) Such program shall issue certificates of attendance or other evidence satisfactory to the board.

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 328, filed 12/20/79)

WAC 308-54-140 APPROVAL OF COURSES OF STUDY. (1) Programs of study sponsored by any accredited universities or colleges which carry recognized academic credit ((~~shall~~)) may be deemed acceptable and approved for continuing education credit, provided, however, that the course meets the conditions set forth in WAC 308-54-130(2) (4) and provided that such course of study shall register for approval at least 45 days prior to the course offering to allow sufficient time for the course of study to be approved prior to offering.

((~~(2)~~)) (2) Programs of study sponsored by the following ((~~shall~~)) may be deemed acceptable and approved for continuing education credit, provided, however, that the course meets the conditions set forth in WAC 308-54-130(2) (4) and provided that such course of study shall register for approval at least 45 days prior to the course offering to allow sufficient time for the course of study to be approved prior to offering:

American College of Nursing Home Administrators
American College of Hospital Administrators
Washington State Health Facilities Association
Washington Association of Homes for the Aging
United Nursing Homes, Inc.
Any state long-term care association which is recognized by the licensing authority of its state as a qualified professional association or educational organization.

(3) Any course of study sponsored by an educational institution, association, professional society, or organization other than an accredited college or university ((~~shall~~)) may be approved by the board for continuing education credit, provided, however:

(a) Such course of study meets the conditions set forth in WAC 308-54-130(2)-(4); and

(b) Such course of study shall register for approval at least 45 days prior to the course offering to allow sufficient time for the course of study to be approved prior to offering.

(4) In certain circumstances the board reserves the right to approve courses, without registration, taken outside the state of Washington, if, in the opinion of the board, the course clearly meets the conditions of WAC 308-54-130(2)-(4). ((~~A request for approval of such course must be received in writing by the board within the three-year period for continuing education credit.~~)) Approval will be based upon proof of time, place, curriculum, faculty, and other factors the board may ((~~[required]~~)) ((~~[require]~~)) require. Also, in special circumstances, the board may consider requests for continuing education credit for courses of study upon petition to the board.

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

WSR 82-16-090
NOTICE OF PUBLIC MEETINGS
COMMISSION FOR VOCATIONAL EDUCATION
[Memorandum—August 3, 1982]

A special meeting of the Washington State Commission for Vocational Education will be held in the Rimrock Room of the Holiday Inn, 9 North 9th Street, Yakima, beginning at 2 p.m. on August 18 for presentation and adoption of the 1983–85 operating budget.

The meeting site is barrier free. Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Commission for Vocational Education, Bldg. 17, Airdustrial Park, MS LS–10, Olympia, WA 98504 by August 10. Phone: (206) 753–5696 or Scan 234–5696.

WSR 82-16-091
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

Amd	WAC 356–06–010	Definitions.
Amd	WAC 356–18–060	Paid sick leave—Use.
Amd	WAC 356–18–100	Accrued vacation leave disposition—Computation—How made.
New	WAC 356–30–007	Appointment—Authority—Delegation of.
Amd	WAC 356–30–330	Reduction-in-force—Rules, regulations—Procedure.
New	WAC 356–34–011	Appointing authority—Delegation of;

that the agency will at 10:00 a.m., Thursday, September 9, 1982, in the Board Hearing Room, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

These rules are promulgated under the general rule-making authority of the State Personnel Board as authorized in RCW 41.06.150. The specific statute for WAC 356–18–060, 356–18–100 and 356–30–330 is RCW 43-.01.040 and 43.01.041. The specific statute for WAC 356–30–007 and 356–34–011 is RCW 41.06.150(20).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 7, 1982.

Dated: August 3, 1982
By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amend WAC 356–06–010.

Title: Definitions, (Promotion).

Purpose: Defines common words and terms used throughout Title 356 WAC.

Statutory Authority: RCW 41.06.150.

Summary: Revision would change the definition of "promotion" to state that an employee changing from a position in one class to a position in a class with a higher salary would be a promotion, rather than stating "a permanent employee".

Reasons: Due to various changes to several other Merit System Rules to implement the provisions of SHB 1226, it is necessary to revise the definition of "promotion" to correlate with the other revisions; for housekeeping purposes.

Responsibility for Drafting: Mike Welsh, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE–11, Olympia, WA, Phone: 754–1769;

Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356–18–060.

Title: Paid Sick Leave—Use

Purpose: Outlines conditions in which employees may use paid sick leave.

Statutory Authority: RCW 41.06.150.

Summary: Proposal would not allow employees who are on vacation following separation to take sick leave.

Reasons: Change would prevent leave abuse and cost.

Responsibility for Drafting: Bill Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE–11, Olympia, WA, Phone: 753–7125;

Implementation: All State Agencies; and

Enforcement: Office of Financial Management and the Office of the State Auditor.

Proposed by: Department of Personnel, governmental agency.

Changes are proposed to implement the provisions of SSB 5007.

Amend WAC 356–18–100.

Title: Accrued Vacation Leave Disposition—Computation—How Made.

Purpose: States how unused vacation leave may be cashed out.

Statutory Authority: RCW 41.06.150.

Summary: Proposal allows PERS Plan 1 members to receive lump sum cash out for vacation. Allows other than PERS Plan 1 members to be cashed out for vacation leave accumulated prior to July 1, 1982, and to be given vacation leave as leave for time earned after July 1, 1982.

Reasons: Proposed changes are to implement the provisions of SSB 5007.

Responsibility for Drafting: Bill Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE–11, Olympia, WA, Phone: 753–7125; Implementation: All agencies; and Enforcement: Office of Financial Management and the Office of the State Auditor.

Proposed by: Department of Personnel, governmental agency.

Change is necessary to implement the provisions of SSB 5007.

New WAC 356-30-007.

Title: Appointment—Authority—Delegation of.

Statutory Authority: RCW 41.06.150(20).

Summary: Allows heads of agencies to delegate authority in accordance with RCW 41.06.150(20).

Reasons: To conform with RCW 41.06.150(20).

Responsibility for Drafting: Bill Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 754-1769; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Proposal submitted to conform with RCW 41.06.150(20).

Amend WAC 356-30-330.

Title: Reduction-in-force—Rules, Regulations—Procedure.

Purpose: Outlines rules and procedures for reduction-in-force

Statutory Authority: RCW 41.06.150.

Summary: Proposal would prevent reversal of seniority due to accumulated vacation leave.

Reasons: To provide orderly reduction-in-force according to seniority. Would set a common date for computing authority.

Responsibility for Drafting: Bill Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone: 753-7125; Implementation: All agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

To implement provisions of SSB 5007.

New WAC 356-34-011.

Title: Appointing Authority—Delegation of.

Statutory Authority: RCW 41.06.150(20).

Summary: To provide rules allowing for delegation of authority by appointing authority.

Reasons: To conform with RCW 41.06.150(20).

Responsibility for Drafting: Bill Turney, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA, Phone 753-7125; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

To conform with RCW 41.06.150(20).

AMENDATORY SECTION (Amending Order 169, filed 4/12/82)

WAC 356-06-010 DEFINITIONS. The following definitions apply throughout these rules unless the context clearly indicates another meaning:

ACTING APPOINTMENT - An appointment of limited duration made from within the classified service to a supervisory or managerial position.

ADMINISTRATIVE PERSONNEL - Employees who regularly exercise discretion and independent judgment in the performance of: (1) Work related directly to management policy; or, (2) work providing direct assistance to executive or administrative personnel.

AGENCY - An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

AGRICULTURAL PERSONNEL - Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

ALLIED REGISTER - A register for a class for which the duties and minimum or desirable qualifications are equivalent to or above those for another class.

ALLOCATION - The assignment of a position to a job classification.

ANNIVERSARY DATE - Original entry date into state service as adjusted by leave without pay or break in service.

APPOINTING AUTHORITY - A person or group of persons lawfully authorized to make appointments.

BARGAINING UNIT - The group of employees in positions determined by the personnel board to constitute a unit appropriate for collective bargaining purposes under these rules.

BASIC SALARY RANGE - The dollar amount of the step of the salary range to which the employee is entitled, before any deduction, and exclusive of additional compensation of any kind.

BOARD - The state personnel board.

BUMPING - The replacement of an incumbent by another employee subject to reduction-in-force, who has greater seniority.

CAREER PLANNING - A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

CERTIFICATION - Providing an agency with the appropriate number of names of candidates who have passed the examination for a given class and are eligible to be considered for vacancies.

CLASS - Identification of a position, or a group of positions, sufficiently similar in duties so that the same requirements of training, experience, or skill and the same title, examination, and salary range may be applied.

CLASSIFIED SERVICE - All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

COLLECTIVE BARGAINING OR COLLECTIVE NEGOTIATION - The performance of the mutual obligation of the appointing authority, or designee, and the certified exclusive representative of a bargaining unit to meet in an attempt to reach an agreement on all personnel matters over which the appointing authority may lawfully exercise discretion.

COMPENSATORY TIME - Time off in lieu of cash payment for overtime.

COMPETITIVE SERVICE - All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

DATE OF ELECTION - The date of election is the date the Director of Personnel certifies the results of the election.

DEMOTION - A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

DESIRABLE QUALIFICATIONS - The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

DIRECTOR - The director of the department of personnel.

DISABILITY - An employee's bodily inability to perform adequately the essential duties of the job class. (For purposes of WAC 356-35-010, this definition shall not include maternity.)

DISMISSAL - The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

EDUCATION LEAVE OF ABSENCE - An authorized leave of absence for educational purposes.

ELEVATION - Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

ELIGIBLE - An applicant whose name is on a register.

EMERGENCY APPOINTMENT - An appointment, for emergency reasons, not to exceed 60 calendar days.

EMPLOYEE – Any person employed under the jurisdiction of these rules.

EMPLOYEE ORGANIZATION – Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

EXECUTIVE PERSONNEL (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

EXEMPT POSITION – Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

FULL TIME EMPLOYMENT – Regularly scheduled employment requiring an average of 40 hours of work per week. However, for certification from a register, work between 32 – 40 hours per week shall be considered full time.

HANDICAPPED – Persons with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight; static and permanent in that they are seldom fully corrected by medical replacement, therapy or surgical means.

HOLIDAYS – Paid nonwork days for state employees as established by RCW 1.16.050.

HOUSED PERSONNEL – Employees whose duties require that they reside at the place of their employment or who otherwise spend a substantial portion of their work time subject to call and not engaged in the performance of active duties.

HUMAN RESOURCE DEVELOPMENT – The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

INTERMITTENT EMPLOYMENT – Employment without any understanding of continuity, fitting no particular pattern and performed for no more than a total of (nine months) 1560 hours during any consecutive 12-month period.

INTERVENING SALARY STEPS – All increment steps in a salary range, except the lowest and highest.

LAW ENFORCEMENT PERSONNEL – Employees empowered by statute to enforce laws designed to maintain public peace and order, protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have been trained in rules of evidence, laws of arrest, search and seizure and legal rights of citizens.

MINIMUM QUALIFICATIONS – The training, experience, and other qualifications established for a given class and required of an applicant for admission to the examination for that class.

NONCOMPETITIVE POSITIONS – Positions designated by the board as not requiring a competitive examination.

ORIENTATION – An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

OVERTIME – Work authorized and performed in accordance with WAC 356-15-030.

PART TIME EMPLOYMENT – Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part time.

PERIODIC INCREMENT DATE – The date established in accordance with the Merit System Rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the Merit System Rules.

PERMANENT EMPLOYEE – An employee who has successfully completed a probationary period and has had no break in service.

PERSONNEL RECORD – Such information having pertinence to the employment of an employee and which is retained in a specific location as required by WAC 356-46-060(2)A.

POSITION – A group of duties and responsibilities normally assigned to an employee. Such position may be filled or vacant, full-time or part-time, seasonal, temporary or permanent.

PREMIUM PAYMENT – Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

PROBATIONARY PERIOD – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for six months.

PROFESSIONAL PERSONNEL – Employees performing work which requires consistent exercise of independent judgment and is in a specialized field requiring advanced knowledge normally gained through achieving a baccalaureate degree but which may be gained through equivalent experience.

PROJECT EMPLOYMENT – A program designated by the Director of Personnel as "Project Employment", that is separately financed by a grant, federal funds, or by state funds, or by a combination of funds to provide training or employment opportunities or expertise or additional employees to carry out a specific project or goal and which, either because of the nature of the project, funding requirements, or potential harmful impact on employment opportunities for regular Civil Service employees, cannot be facilitated through the regular Civil Service system. Such a program may last upward to two years and beyond, but has an end in sight.

PROMOTION – A change of an ((~~permanent~~)) employee from a position in one class to a position in a class having a higher maximum salary.

PROVISIONAL APPOINTMENT – An appointment to a position pending the establishment of a register for that class.

REDUCTION-IN-FORCE – A separation resulting from a lack of funds, lack of work, good faith reorganization for efficiency purposes, or from there being fewer positions than the employees entitled to the positions because of exercising their rights to return to the classified service. When a reduction-in-force occurs, it is a separation from service without cause on the part of the employee.

REDUCTION – Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

REEMPLOYMENT – An appointment, made from the reemployment register, of a former employee who had permanent status.

REGISTER – A list of eligible names established for employment or reemployment in a class.

REINSTATEMENT – Return of an employee to full employment rights by board action following appeal hearing.

RESIGNATION – A voluntary separation from employment.

REVERSION – Voluntary or involuntary movement of an employee during a six-month trial service period to the class which was held prior to the current trial service appointment.

SALARY RANGE – A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

SEASONAL EMPLOYMENT – Work that is cyclic in nature beginning and ending at approximately the same time every year and lasting for no more than nine months.

SENIORITY – A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the State Personnel Board. Service in positions brought under the jurisdiction of the State Personnel Board by statute is counted as though it had previously been under the jurisdiction of the State Personnel Board. Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is for educational leaves, or statutes require it be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force will be credited for that period of time the employee is eligible to be placed on the RIF register. Leaves without pay granted to reduce the effect of an agency reduction-in-force will be credited in accordance with WAC 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when employees return from exempt service in accordance to RCW 41.06.070(22), WAC 356-06-055, 356-30-045 and 356-30-330. Time spent under the jurisdiction of the Higher Education Personnel Board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(4). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

SERIES – A group of classes of positions to which the same kind of work is assigned but which is at different levels of difficulty and responsibility.

SUPERVISOR – Any individual having substantial responsibility on behalf of management regularly to participate in the performance of all or most of the following functions: Employ, promote, transfer, suspend, discharge or adjudicate grievances of other employees, if in connection with the foregoing, the exercise of such responsibility is not

of a merely routine nature but requires the exercise of independent judgment.

SUSPENSION – An enforced absence without pay for disciplinary purposes.

TANDEM EMPLOYMENT – Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

TEMPORARY EMPLOYMENT – Single or multiple periods of employment during the absence of a permanent employee on leave; or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

TERMINATION – Separation from employment for reasons beyond the control of the employee.

TRAINING – An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

TRANSFER – The change of an employee from one to another classified position having the same salary range number.

TRIAL SERVICE PERIOD – A six-month trial period of employment of a permanent employee beginning with the effective date of the promotion or demotion or appointment from the promotional register.

TUITION REIMBURSEMENT – A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

UNDERFILL – The filling of a position with an employee in a lower related class in the absence of an adequate eligible register for the classification.

UNION SHOP – A form of union security that requires that all employees within a bargaining unit become members of the certified bargaining representative within 30 calendar days of the union shop election or 30 calendar days from an employee's date of hire, whichever is later.

UNION SHOP FEE – The union shop fee, sometimes known as a representation fee, is the fee paid by an employee to a union shop representative in lieu of holding membership in that union. An employee who has been certified for nonmembership status because of bona fide religious tenets of a church or religious body of which the employee is a member, shall pay a fee equivalent to the regular monthly dues of the union shop representative minus any included monthly premiums for union sponsored insurance programs.

UNION SHOP REPRESENTATIVE – A union shop representative is an employee organization that is certified as exclusive bargaining representative for a bargaining unit and which has also been certified as union shop representative by the Director of Personnel. To be certified as union shop representative, a majority of all employees in the bargaining unit must vote in favor of having the petitioning employee organization as their union representative.

VETERAN – For the purpose of granting preference during layoffs and subsequent reemployment, any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge is given: PROVIDED, That the person has not voluntarily retired with 20 or more years of active military service and has military retirement pay in excess of $500 per month.

VETERAN'S WIDOW – For the purpose of granting preference during layoffs and subsequent reemployment, the unremarried wife of a deceased veteran as defined in WAC 356-06-010 except that such veteran's one-year minimum length of active military service shall be disregarded.

VOLUNTEER EXPERIENCE – Work experience for which no salary was received, which may be credited toward meeting the minimum qualifications for a classification: Provided such experience is equivalent to and not prohibited by the minimum qualifications of the classification. Volunteer experience for which academic credit was granted may be used to satisfy either the educational or the experience requirements of a class, but may not be used for both.

WORK DAY – A 24-hour period beginning at a time determined by the appointing authority. For scheduled standard work period positions the work day begins at the scheduled starting time of the employee.

WORK PERIOD DESIGNATION – Identification of each classification's and position's criteria for hours of work as defined in WAC 356-15-020 and qualifications for premium pay as defined in chapter 356-15 WAC.

WORK SCHEDULE – A series of workshifts and work days within the workweek.

WORKSHIFT – Scheduled working hours within the workday.

WORKWEEK – A regular recurring period of 168 hours beginning at a time determined by the appointing authority and continuing for seven consecutive 24-hour periods. For scheduled standard work period positions the workweek begins at the scheduled starting time of the first shift of the employee's uniform shifts.

Y-RATE – A salary amount which either exceeds the maximum step for the salary range of an employee's class or a salary amount that falls between the steps of a salary range of an employee's class.

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 128, filed 2/14/79)

WAC 356-18-060 PAID SICK LEAVE—USE. (1) Personal Illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

(a) Illness or injury of the employee or for preventative health care.

(b) Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

(c) Disability of the employee due to pregnancy or childbirth.

(2) Illness of Relatives or Household Members: Accumulated sick leave shall be granted up to five days for each occurrence or as extended by the agency when an employee is required to be absent from work for any of the following reasons:

(a) Illness, injury or preventative health care of members of the employee's household or relatives of the employee that requires the employee's attendance.

(b) For purposes of provisions of (2), "relatives" shall include:

(i) Spouse.

(ii) Son, daughter, grandchild, or foster child.

(iii) Grandparent or parent.

(c) For purposes of the provisions of (2); and (3) (a) below:

Members of household means "Persons who reside in same home, who have reciprocal and natural and/or moral duties to and do provide support for one another. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune."

(3) Bereavement: Accumulated sick leave shall be granted up to three days for each occurrence or as extended by the agency for reasons of travel when an employee is required to be absent from work for any of the following reasons:

(a) Death of members of the employee's household or relatives of the employee or the employee's spouse.

(b) For purposes of the provisions of (3), "relatives" shall include:

(i) Spouse.

(ii) Son, daughter, grandchild, foster child, son-in-law, or daughter-in-law.

(iii) Grandparent, parent, brother, sister, niece, nephew, aunt, uncle, first cousin, brother-in-law, or sister-in-law.

(4) Inability of employee to report for scheduled work because of severe inclement weather. (Such use of sick leave shall be limited to three days in any calendar year and shall be used only as specified in WAC 356-18-115.)

(5) In addition to the reasons listed above, emergency care of a child in the custody of and residing in the home of an employee. (Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in WAC 356-18-116.)

(6) When a condition listed under (1) (a), or (c) above arises while the employee is on vacation leave, the employee shall be granted accrued sick leave as provided above for the condition (in lieu of the approved vacation leave) provided that the employee requests such sick leave within fourteen days after return to work. Such conversion rights shall not extend to vacation leave taken prior to an employee's separation as provided in WAC 356-18-100.

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 120, filed 5/12/78)

WAC 356-18-100 ACCRUED VACATION LEAVE DISPOSITION—COMPUTATION—HOW MADE. (1) When an employee who is a member of the Public Employees Retirement System Plan 1 separates from service by reason of resignation, layoff, dismissal, retirement or death, ((~~and is entitled to cash credit or payment for any unliquidated vacation leave;~~)) he or she is entitled to a lump sum cash payment of all unused vacation leave. The compensation shall be computed by using the formula published by the Office of Financial Management.

(2) When an employee who is not a member of the Public Employees Retirement System Plan 1 separates from service by reason of resignation, layoff, dismissal or retirement, agencies or departments shall provide methods whereby all accumulated vacation leave may be taken as vacation leave. In the case of death, compensation for unused vacation leave shall be computed and paid as prescribed by the Office of Financial Management. No lump sum cash payment for unused vacation leave shall be made upon termination of employment, except for vacation leave earned prior to July 1, 1982 or in case of death.

(((~~1~~))) (3) Employees may defer the payment of their accumulated vacation leave for which otherwise entitled for a period of 30 working days if the separation resulted from a reduction-in-force and there is a reasonable probability of reemployment, or if the separation resulted from employees returning to classified positions from exempt positions under the provision of RCW 41.06.070(22), RCW 41.06.100, or WAC 356-30-045.

(((~~2~~))) (4) If employees are paid for the accumulated vacation leave and are reemployed within the period of time represented by the number of days for which vacation pay was received, employees must return the payment for the remaining vacation days. Employees will be credited with the number of vacation days represented by the returned payments at the rate of their last salary.

(((~~3~~))) (5) The separation cited in (1) above will not be regarded as a break in service for purposes of computing the rates of crediting vacation leave prescribed in WAC 356-18-090, provided the employees return to employment other than by certification from the open competitive register.

NEW SECTION

WAC 356-30-007 APPOINTMENT—AUTHORITY—DELEGATION OF. Appointments will be made by the appointing authority or authorities of an agency. A head of an agency may delegate the responsibilities and duties of an appointing authority to appoint persons to be employees of their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy, if any, or persons who are at least the heads of a major subdivision of an agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to so delegate.

AMENDATORY SECTION (Amending Order 161, filed 10/5/81)

WAC 356-30-330 REDUCTION-IN-FORCE—RULES, REGULATIONS—PROCEDURE. (1) Employees may be separated in accordance with the statutes and the agencies' approved reduction-in-force procedures after fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes.

Incumbents of positions reclaimed by previously exempted employees will have the rights and options of the approved procedures developed as prescribed below when the positions are being reclaimed in accordance with RCW 41.06.070(22), RCW 41.06.100, and WAC 356-30-045.

(2) The agencies shall develop a reduction-in-force procedure which shall include:

(a) The definition of "seniority" as defined in WAC 356-06-010.

(b) Clearly defined layoff limits, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not so small as to unduly restrict the options available to employees with greater seniority.

(c) "Bumping" by employees with greater seniority will be limited to the same layoff unit.

(i) Classifications in which the "bumping" employee previously held permanent status.

(ii) Position at the current salary range of the employee doing the bumping, or lower.

(iii) Employees with the least seniority.

(iv) Competition at one progressively lower classification at a time.

(d) Offers of options in lieu of separation by reduction-in-force by an agency only when such options are in accordance with the agency's procedure which has been approved by the Director of Personnel.

(e) The rights for employees who have been scheduled for reduction-in-force to take a transfer or a voluntary demotion to a vacancy that is to be filled in their own layoff unit for which they qualify, as determined by the Director of Personnel. This right to be exercised according to the seniority of those desiring the same vacancy.

(f) Rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction-in-force.

(g) The right to actually "bump" only after the employee to be "bumped" has received fifteen calendar days' notice of the scheduled action.

(h) The statement that, "No permanent employee shall lose a position through reduction-in-force without being offered those positions within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, or probationary employees; but only within fifteen calendar days prior to what would be the permanent employee's effective separation."

(i) That ties in seniority will be broken by first measuring the employees' last continuous time within their current classification; if the tie still exists, by measuring the employees' last continuous time in their current agency; if the tie still exists by measuring the employees' total accumulative service within the State; and if the tie still exists by lot.

(j) The salary of an employee who has accepted a lower position will be reduced to the top of the range of the lower class unless the previous salary is within the range of the new class, in which case it will remain unchanged.

(3) The agency shall file the procedure with the Director of Personnel for approval.

(4) Vacancies will not be filled either by local list procedures or on a provisional, temporary, or seasonal basis without contacting the Department of Personnel in an effort to fill the positions by qualified employees who have been or are scheduled for separation due to reduction-in-force.

(5) When a majority of the positions in a reduction-in-force unit is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers.

(a) Positions in the employee's own agency and within a reasonable commuting distance shall be offered first; second, in the classified service within a reasonable commuting distance; third, anywhere within the employee's own agency; and fourth, throughout the classified service.

(b) A permanent employee's right to fill a position may be exercised only within fifteen calendar days prior to the effective date of separation.

(c) Offers will be made in accordance with a procedure established by the Director of Personnel.

(6) In order to exercise an option to a position for which selective criteria were approved when the position was established, reallocated or last filled, and when such specialized qualifications as determined by the Director of Personnel or designee to be still essential for successful job performance, an employee must possess the specialized qualifications established for the position.

(7) When making comparison of seniority for the purposes of offering options and/or separating employees due to reduction-in-force, appointing authorities will adjust seniority so vacation leave that must be taken after a common effective reduction-in-force date is not counted. Such adjustment will have the effect of placing employees on a like basis so variation in length of accumulated vacation leave that would be due employees will not influence the common ending date for measuring seniority.

NEW SECTION

WAC 356-34-011 APPOINTING AUTHORITY—DELEGATION OF. A head of an agency may delegate the responsibilities and duties of an appointing authority including authority to reduce, dismiss, suspend, or demote employees within their agency. Delegation of the authority will be limited to persons in positions reporting directly to the head of the agency or the deputy, if any, or persons who are the heads of the major divisions of the agency. The delegation shall apply only to heads of agencies that do not already have such specific statutory authority to so delegate.

WSR 82-16-092
PROPOSED RULES
JAIL COMMISSION
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission intends to adopt, amend, or repeal rules concerning amendments to the physical plant standards, WAC 289-12-030;

that the agency will at 1:30 p.m., Thursday, September 16, 1982, in the Everett Pacific Hotel, Everett, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 70.48 RCW.

The specific statute these rules are intended to implement is RCW 70.48.050(1)(a) and 70.48.070(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 9, 1982.

Dated: August 3, 1982
By: George Edensword-Breck
Director

STATEMENT OF PURPOSE

Title: The proposed rule action incorporates amendments to the physical plant standards of the Washington State Jail Commission. The physical plant standards are those standards which were adopted by the Jail Commission in accordance with RCW 70.48.050(1)(a), and which have been, and are now being, revised pursuant to the specific authority of RCW 70.48.070(4).

The specific amendments to the physical plant standards which are being proposed at this time are based upon written suggestions and oral statements to the commission by Senator Eleanor Lee who concluded that earlier amendments to the physical plant standards (WSR 82-11-89[82-11-069]) did not fully respond to the legislature's direction in enacting ESHB 774 in 1981 (chapter 12, Laws of 1981 2nd ex. sess.).

Under the supervision of the State Jail Commission, its director, George Edensword-Breck, is responsible for the drafting, implementation and enforcement of chapter 289-12 WAC; his office and telephone number are 110 East 5th, Room 223, MS/GB-12, Olympia, Washington 98504, (206) 753-5790.

The proposed rule change was recommended to the full commission by its standards committee, and the commission unanimously supported publication of the proposed rule change following an opportunity to hear from Senator Lee at the public meeting of the commission held in Bellingham on July 9 of this year.

The published language is a staff draft which incorporates the substance of Senator Lee's proposal and will be reviewed in light of both substantive and editorial revisions which may be proposed prior to or at the time of the scheduled public hearing on this matter.

The rule has no federal law or court action requirement.

AMENDATORY SECTION (Amending Order 24, filed 4/2/82)

WAC 289-12-030 NEW FACILITIES. (1) Initial planning for new facilities. The design planning of all new detention and correctional facilities shall include:

(a) Obtaining the participation of the community and surrounding governing units in site selection and planning; and

(b) Analyzing the present and future qualitative function and quantitative workload of the proposed facility, giving optimum consideration to alternatives to confinement.

(2) Specific physical plant standards. (Detention and correctional facilities except as otherwise noted.)

(a) Functional areas.

(i) Sleeping and living areas shall be designed to provide adequate confinement, reasonable prisoner to prisoner privacy, sight and sound surveillance and protection for prisoners and staff. For such purposes, the following are the design criteria for state funding of new construction or renovation of detention and correctional facilities. Modifications thereto shall be considered under the provisions of WAC 289-12-035.

(A) Single occupancy cells ((~~shall be~~)): Seventy-two square feet or larger with not less than eight foot ceilings. ((~~In no event shall~~)) A single occupancy cell should contain not less than fifty square feet of clear floor space.

(B) Day room areas ((~~shall have~~)): A minimum of thirty-five square feet per prisoner, ((~~but in no instance shall the day room space be~~)) not less than one hundred forty-four square feet.

(C) Dormitories, when included((~~, shall have~~)): A minimum and maximum capacity of eight to ten males or four to ten females and ((~~shall allow~~)) sixty square feet of floor space per prisoner in semi-private sleeping areas, ((~~shall~~)) include day room space, and ((~~shall have~~)) not less than ten foot ceilings if double bunks are used.

(ii) Program, recreation and exercise areas. Detention and correctional facilities shall provide adequate indoor program and recreation area(s) and a multipurpose outdoor exercise and activity area with toilet facilities.

(iii) Kitchen and dining facilities.

(A) When kitchen facilities are included, such facilities shall be adequate for the sanitary preparation of three nutritionally balanced meals per day and shall meet the requirements of chapter 248-84 WAC.

(B) Dining area(s) shall allow conversational opportunities in adequate surroundings. Meals shall not be served in cells, except where necessary for the health, security and/or well-being of prisoners and staff.

(iv) Examining room, infirmary and medical isolation.

(A) Detention and correctional facilities shall provide space to be used as a medical examining room. This space may be multipurpose, but when used as an examining room it shall provide sight and sound privacy and be equipped with natural spectrum fluorescent lighting, a handwashing lavatory with a gooseneck spout, either foot, knee, push plate, electric eye beam, or equivalent faucet controls, and sufficient lockable storage for medical equipment and supplies.

(B) When an infirmary is located within the facility, infirmary space shall allow a minimum of three feet between the perimeter of each bed and walls, beds, and any fixed obstruction: PROVIDED, That this three foot requirement does not apply to the distance between the head of a bed and the wall. The infirmary shall be equipped with its own lavatory, toilet, shower and bathtub.

(C) If medical isolation facilities are located within the jail such facilities shall conform to applicable standards of WAC 248-18-530 and 248-18-718.

(v) Visitation and confidential consultation.

(A) Space for visitation shall be included in detention and correctional facilities. Such space shall allow surveillance and the degree of control over physical contact deemed necessary by jail management for visible control, and shall simultaneously provide adequate seating for prisoners and their visitor(s).

(B) Detention and correctional facilities shall provide adequate facilities for confidential consultation(s).

(vi) Laundry. If laundry facilities are provided within the jail, such facilities shall be adequate for sanitary washing and drying of the jail laundry. Separate areas should be arranged for storage and sorting of soiled laundry and for the sorting, folding and storage of clean laundry.

(vii) Storage. Detention and correctional facilities shall include one or more secure storage area(s) for the storage of prisoner personal clothing and property and for necessary jail equipment and supplies.

(viii) Supervisory stations.

(A) Sufficient space and equipment for the facility supervisor shall be provided in an area secure from prisoner access. An adequate control room shall be secure from any unauthorized access and it shall be capable of controlling access to the facility by the general public.

(B) Sight and sound surveillance equipment, where used, shall be monitored in the control room and remote control operating devices shall also be in the control room. The control room shall be equipped with a sink and toilet.

(ix) Booking and reception areas. The booking area(s) shall include, but not be limited to, restroom facilities with shower, a "strip search" room, holding cell(s) (may be multiple occupancy), telephone, and space for photographing, fingerprinting, delousing, intoxication determinations and health screening.

(b) Structural criteria. Subject to appropriate modifications on a case-by-case basis under the provisions of WAC 289-12-035, the following structural criteria shall apply to all state funded new construction or remodeling of detention and correctional facilities:

(i) Building codes. All standards contained in the current Washington State Building Code established by RCW 19.27.030, the electrical wiring provisions of chapter 19.28 RCW, and more restrictive local standards shall be followed in all new jail construction.

(ii) Materials for walls, floors and ceilings. In all jail facilities, walls, floors and ceilings shall be constructed with materials adequate to attain the degree of security required for each area of the facility. Such materials shall be easily cleanable, provide minimum sound transmission and fire protection. Polyurethane, neoprene or similar type materials shall not be used in padded cells. All paint used in a jail facility shall be fire resistant and nontoxic.

(iii) Entrances and exits.

(A) Detention and correctional facilities shall have two secure vestibules for ingress and egress.

(B) Elevators shall have no less than six feet by eight feet inside dimensions.

(C) A secure area shall be provided for loading and unloading prisoners.

(iv) Windows and/or skylights. Windows and/or skylights shall be sufficient to provide natural light to all living areas, yet locations shall assure security from escape and introduction of contraband.

(v) Noise level. Noise level shall conform to the requirements of chapter 173-60 WAC (Maximum environmental noise levels).

(c) Utilities. Subject to the appropriate modifications on a case-by-case basis under the provisions of WAC 289-12-035, the following criteria for utilities will apply to all state funded new construction or remodeling of detention and correctional facilities:

(i) Prisoner living areas, inspection corridors, and vestibules shall have secure lights with outside switch control. No electrical conduit shall be accessible from any cell, though each living unit may contain outlets and switches, provided they are unilaterally controllable by staff.

(ii) Lighting. Illumination at all times shall be adequate for security and surveillance, and daytime and evening illumination shall be sufficient to permit prisoners to read in their cells (thirty foot candles at thirty inches minimum, one hundred foot candles at thirty inches for medical examining areas, fifty foot candles at thirty inches for work areas).

(iii) Water supply. There shall be an adequate supply of sanitary hot and cold water available at all times to prisoners. Hot water for general use shall be adequate.

(iv) Plumbing—Toilets, lavatories, showers and floor drains.

(A) There shall be at least one toilet and lavatory for every eight prisoners. Separate facilities shall be provided for each sex.

(B) A minimum of one shower head shall be provided for every ten prisoners.

(C) Floor drains shall be constructed to serve all cells, dormitories and other areas where necessary to facilitate cleaning. Floor drains shall be located outside the cell space to reduce the incidence of tampering and flooding. Plumbing connection and pipes shall be secure from uncontrolled access by prisoners.

(v) Heating, ventilation and air conditioning.

(A) The systems shall maintain mean temperatures between sixty-five and eighty-five degrees F.

(B) The ventilating system shall provide for the number of air changes per hour as specified in the Uniform Building Code.

(d) Support systems.

(i) Fire detection and suppression. All jails shall have smoke and fire detection and alarm equipment. Fire alarm systems shall conform to all state and local fire regulations. Sprinklers shall not be required within cells and conflicting requirements of local code provisions are preempted, when all other applicable code provisions relating to fire safety are met and an effective smoke control system is incorporated in the facility design.

(ii) Emergency power. All detention and correctional facilities shall be equipped with emergency power sources with sufficient capacity to maintain communications and alarm systems, to move one jail elevator, where one exists, to provide minimum lighting within the facility and perimeter and for the preparation of a light meal.

(3) Minimum security facilities. Jail facilities shall be constructed to totally separate areas for housing prisoners who are allowed to go outside the jail regularly from all other prisoner areas.

(4) Holding facilities. Holding facilities shall be secure. Such facilities shall have adequate lighting, heat, ventilation and fire detection and suppression equipment. Each holding facility cell shall be equipped with a bed, toilet, lavatory and a drinking fountain. A telephone shall be accessible.

(5) Work release. Work release facilities shall provide safe, healthful, reasonably comfortable living conditions with necessary ancillary services and the required security.

WSR 82-16-093
PROPOSED RULES
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
(Health)
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning ambulances, amending chapter 248-17 WAC.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by August 25, 1982. The meeting site is in a location which is barrier free.

Public hearings relating to these proposed rules will be held at the following times and places: 10:00 a.m., Wednesday, September 8, 1982, Auditorium, General Administration Building, Olympia, Washington and at 3:00 p.m., Thursday, September 9, 1982, Auditorium,

Spokane County Health Department Building, West 1101 College, Spokane, WA.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 15, 1980[1982].

The authority under which these rules are proposed is RCW 18.73.080.

The specific statute these rules are intended to implement is RCW 18.73.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 9, 1982.

Dated: August 3, 1982
By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Amending WAC 248-17-020 through 248-17-213.

Purpose of the Rule Change: To effect compliance with chapter 53, Laws of 1982 amending chapter 18.73 RCW.

The Reason These Rules are Necessary: As required in accordance with chapter 18.73 RCW.

Statutory Authority: RCW 18.73.080.

Summary of the Rule Changes is as Follows:

WAC 248-17-020 Definitions, deletes the word "flying" in subsection (2). Justification: This change made at the request of a hospital which operates an air ambulance, but is not a flying service; WAC 248-17-080 Extrication Equipment, corrects an error in the present subsection (4), which requires 12 hacksaw blades. This will now require a more realistic number of 2 blades. Justification: To correct an obvious typing error; WAC 248-17-110 First Aid Vehicle and Equipment, deletes certain extraneous medical equipment from first aid vehicles. Justification: Changes were made at the request of fire departments that use fire apparatus as aid vehicles and cannot carry present equipment which was designed for van-type vehicles; WAC 248-17-120 Extrication Equipment, same as for WAC 248-17-080; WAC 248-17-190 Personnel Requirements, corrects a present error that an advanced first aider may accompany a patient as an attendant during transportation. Justification: To conform to RCW 18.73.170 which requires a minimum of an emergency medical technician as an attendant; WAC 248-17-213 Emergency Medical Technician—Certification and Recertification, changes period of certification for emergency medical technician to three years and establishes continuing education requirements of 30 hours in a three-year period of certification. Justification: To conform to RCW 18.73.110 as amended by Senate Bill 3495 for the change in the period of certification. The continuing education hours were recommended by the Emergency Medical Services Standards Committee of the Washington State Medical Association and approved by the Governor's Emergency Medical Services Advisory Committee, whose authority is vested in RCW 18.73.050; WAC 248-17-220 Revocation, Suspension or Modification of Certificate, adds subsection (f) which establishes failure to complete continuing education as grounds to revoke emergency medical technician certificate. Justification: This section adds a penalty clause to WAC 248-17-213.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Howard Farley, Head, Emergency Medical Services Section, Office of Community Health Services, Mailstop: LB-12E, Phone: 753-2095.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

Chapter 248-17 WAC
AMBULANCE RULES AND REGULATIONS

AMENDATORY SECTION (Amending Order 1752, filed 1/29/82)

WAC 248-17-020 DEFINITIONS. For the purpose of these regulations, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Air ambulance" means a fixed or rotary winged aircraft that is currently certified under Federal Aviation Administration as an air taxi; that may be configured to accommodate a minimum of one litter and two medical attendants with sufficient space to provide intensive and life saving patient care without interfering with the performance of the flight crew; that has sufficient medical supplies and equipment to provide necessary medical treatment at the patient's origin and during flight; has radio equipment capable of two way communication ground-to-air, air-to-air, and air-to-ground including communication with physicians responsible for patient management; has been designed to avoid aggravating the patients condition as to cabin comfort, noise levels* and cabin pressurization*; has aboard survival equipment in sufficient quantity to accommodate crew and passengers; that has been inspected and licensed by the department as an air ambulance. *Not applicable to rotary winged aircraft.

(2) "Air ambulance service" means a ((~~flying~~)) service that is currently certified under Federal Aviation Administration (FAA) rules, 14 CFR Part 135, (Air Taxi Operators and Commercial Operators of Small Aircraft); has been inspected by the department and licensed as an air ambulance service and meets the minimum requirements for personnel and equipment as described elsewhere in this chapter.

(3) "Ambulance" means an emergency vehicle designed and used to transport the ill and injured and to provide facilities and equipment to treat patients before and during transportation.

(4) "Attending physician" as applies to aeromedical evacuation, means a licensed doctor of medicine or osteopathy who provides direction for management of the patient either by attending the patient enroute, by ground-to-air radio communication or by written orders pertaining to inflight medical care. An attending physician must retain responsibility for the medical care of the patient until final destination is reached.

(5) "First aid vehicle" means a vehicle used to carry first aid equipment and individuals trained in first aid or emergency medical procedures.

(6) "Emergency medical technician" means a person who has successfully completed a prescribed course of instruction and who has achieved a demonstrable level of performance and competence to treat victims of severe injury or other emergent conditions.

(7) "Advanced first aid" means a course of instruction recognized by the American Red Cross, Department of Labor and Industry, the U.S. Bureau of Mines, or Fire Services training program.

(8) "Standard first aid" means such a prescribed course of instruction recognized and offered by the American Red Cross, Department of Labor and Industries, the U.S. Bureau of Mines, or Fire Services training program.

(9) "Ambulance driver" means that person who drives an ambulance.

(10) "Ambulance attendant" means that person who has responsibility for the care of patients both before and during transportation.

(11) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

(12) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

(13) "First aid vehicle operator" means a person who owns one or more first((-))aid vehicles and operates them as a private business.

(14) "First aid director" means a person who is a director of a service which operates one or more first aid vehicles provided by a volunteer organization or governmental agency.

(15) "Communications system" means a radio or landline network connected with a dispatch center which makes possible the alerting and coordination of personnel, equipment and facilities.

(16) "Department" means the Department of Social and Health Services.

(17) "Shall" means compliance is mandatory.

(18) "Should" means a suggestion or recommendation, but not a requirement.

(19) "Committee" means the Emergency Medical Services Committee.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-080 EXTRICATION EQUIPMENT. Each ambulance shall carry equipment for extricating the injured from automobiles and other trapped conditions. Extrication equipment shall include:

(1) One 12-inch wrench, with adjustable open end.
(2) One screwdriver, 12-inches long, with regular blade.
(3) One screwdriver, 12-inches long, with Phillips blade.
(4) One hacksaw with ((~~12~~)) 2 blades.
(5) One pair pliers, 10-inch, vise-grip type.
(6) One 5-pound hammer with 15-inch handle.
(7) One axe.
(8) One 24-inch wrecking bar.
(9) One crowbar, 51-inches, with pinch point.
(10) One bolt cutter with 1-1/4 inch jaw opening.
(11) One shovel.
(12) One double action tin snip, 8-inches minimum.
(13) Two ropes, each 50 feet long, with breaking strength equal to 3/4" manila rope.
(14) One ABC 2-1/2 pound fire extinguisher.
(15) A commercial extrication device (K-Bar-T tool or similar) may be substituted for items (8) and (9).

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-110 FIRST AID VEHICLE AND EQUIPMENT. (1) First aid vehicles shall ((~~meet the following requirements~~)) carry the following equipment:

(a) A portable oxygen unit of 300-liter capacity equipped with a yoke, pressure gauge, flow meter (not gravity dependent), delivery tube, nasal prongs and venturi flow-through oxygen mask. The unit shall be capable of delivering an oxygen flow of at least 10 liters per minute. An extra 300-liter capacity cylinder shall be available on the first aid vehicle.

(b) ((~~Self-inflating bag-valve mask unit capable of delivering 50 per cent concentration oxygen.~~

~~(c) Venturi or flow-through oxygen mask inhalation unit capable of delivering 25-35 per cent oxygen.~~

~~(d) Portable suction with non-glass suction bottles.~~

~~(e) Rigid pharyngeal suction tip.~~

~~(f) Oral pharyngeal tubes (airways), two each, infant, child and adult sizes.~~

~~(g)~~)) Pocket mask with oxygen inlet.

(c) Portable suction with nonglass suction bottles.

(d) Pharyngeal suction tip.

(e) Oral pharyngeal tubes (airways), two each - infant, child and adult sizes.

(f) Six tongue blades.

(((~~h~~))) (g) Towels.

(((~~i) Pediatric mask for bag-valve mask unit.~~

~~(j)~~)) (h) Sterile suction tips and catheters for nasal-tracheal suctioning.

(((~~k) Clear mouth-face ventilating mask.~~

~~(l) Four blankets.~~

~~(m) One each aneroid blood pressure manometer and stethoscope.~~

~~(n) One lower extremity traction splint.~~))

(i) Two blankets.

(((~~o~~))) (j) Boards, metal splints or cardboard splints for upper and lower extremities to include at least two splints for arm fractures and two splints for leg fractures. Inflatable splints may be provided, but not substituted.

(((~~p) Ten~~)) (k) Six triangular bandages.

(((~~q~~))) (l) Long backboard.

(((~~r~~))) (m) Cervical((~~,~~)) collars, one each((~~,~~)) - small, medium and large.

(((~~s~~))) (n) 24 sterile gauze pads, 4 X 4.

(((~~t~~))) (o) 6 universal dressings((~~, 8 X 30~~)).

(((~~u~~))) (p) 12 soft-roller, self-adhering bandages, assorted sizes.

(((~~v~~))) (q) 2 rolls 1" adhesive tape.

(((~~w~~))) (r) 2 sterile burn sheets.

(((~~x~~))) (s) Bandage scissors.

(((~~y) 1~~))) (t) One-inch adhesive bandages, 12 each.

(((~~z~~))) (u) Two dressings for sucking chest wounds.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-120 EXTRICATION EQUIPMENT. (1) Each first aid vehicle shall carry equipment for extricating the injured from automobiles and other trapped conditions. Extrication equipment shall include:

(a) One 12-inch wrench, with adjustable open end.
(b) One screwdriver, 12-inches long, with regular blade.
(c) One screwdriver, 12-inches long, with Phillips blade.
(d) One hacksaw with ((~~12~~)) 2 blades.
(e) One pliers, 10-inch, vise grip type.
(f) One 5-pound hammer with 15-inch handle.
(g) One axe.
(h) One 24-inch wrecking bar.
(i) One crowbar, 51-inches, with pinch point.
(j) One bolt cutter with 1-1/4 inch jaw opening.
(k) One shovel.
(l) One double action tin snip, 8-inches minimum.
(m) Two ropes, each 50 feet long, with breaking strength equal to 3/4" manila rope.
(n) One ABC 2-1/2 pounds fire extinguisher.
(o) A commercial extrication device (K-T tool or similar) may be substituted for items h and i.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-190 PERSONNEL REQUIREMENTS. Any ambulance operated by an ambulance operator or ambulance director shall operate with sufficient personnel for adequate patient care, at least one of whom shall be an emergency medical technician under standards promulgated by the secretary. The emergency medical technician shall have responsibility for its operation and for the care of patients both before they are placed aboard the vehicle and during transit. If there are two or more emergency medical technicians operating the ambulance, a nondriving emergency medical technician shall be in command of the vehicle. The emergency medical technician in command of the vehicle shall be in the patient compartment and in attendance to the patient.

The driver of the ambulance shall have at least a certificate of advance first aid qualification recognized by the secretary.

Any first aid vehicle operated by a first aid vehicle operator or first aid director shall provide at least one person currently trained and certified in advanced first aid. ((~~That person shall be in attendance to the patient.~~))

A first aid vehicle used to transport patients under RCW 18.73.170 shall have a minimum of an emergency medical technician in attendance to the patient.

AMENDATORY SECTION (Amending Order 1752, filed 1/29/82)

WAC 248-17-213 EMERGENCY MEDICAL TECHNICIAN—CERTIFICATION AND RECERTIFICATION. (1) Upon successful completion of an emergency medical technician course, the department shall certify those eligible graduates who have passed either the state written examination or the National Registry of Emergency Medical Technicians written examination and the state practical examination and who have been recommended for certification by the physician coordinator.

(2) The period of certification shall be valid for ((~~two~~)) three years and shall terminate on the last day of the month on the ((~~second~~)) third anniversary of completion of the course. ((~~The period of certification for individuals in cities having a population of four hundred thousand or more, shall be for three years and shall terminate on the last day of the month on the third anniversary of completion of the course.~~))

(3) Recertification of currently certified emergency medical technicians ((~~shall be by completion of twenty hours of approved continuing education;~~)) eligible for such recertification under WAC 248-17-211, shall be accomplished in the following manner:

(a) Completion of a minimum of thirty hours of continuing education during the period of certification consisting of the following mandatory and optional subject matter as indicated and under physician supervision.

(i) Cardiopulmonary resuscitation update of at least one hour per year including both adult and infant manikins using one and two person techniques administered under the supervision of a certified CPR instructor (mandatory).

(ii) Vehicle extrication techniques employing skill knowledge of wrecking tools used in gaining access to victims and use of short and long board extrication. A minimum of one hour per year administered under the supervision of a senior EMT instructor (mandatory).

(iii) Formal inservice training sessions covering basic life support knowledge skills such as bandaging and splinting, emergency child birth, recognition and treatment of shock, cold and heat caused injuries, patient handling and other basic life support skills using physicians, senior EMT instructors, audio-visual aids or other technical experts. Four hours per year minimum required and verified by a senior EMT instructor (mandatory). Attendance at workshops or seminars approved by the department may satisfy this requirement when authorized by the regional EMS administrator.

(iv) Emergency ambulance/aid car runs involving the application of emergency care techniques may be used for credit at one hour per twenty-five emergency runs not to exceed five total hours during a period of certification when verified by emergency department staff or official run records and used as formal critique (optional).

NOTE: EMT dispatchers, employed by central dispatching centers, may substitute dispatches involving emergency, life-threatening responses when instructions on emergency medical care are given by phone/radio to persons attending the victim.

(v) Hospital emergency department, ICU, CCU or OB delivery room experience may be credited not to exceed two hours per year when verified by hospital or clinic department head (optional).

(vi) Membership in a national EMS organization where such membership includes subscriptions to professional journals and/or newsletters may be used for a maximum of one hour credit per year when proof of membership is verified by a senior EMT instructor (optional).

(vii) Completion of formal courses such as dispatcher training, extrication training, emergency vehicle defensive driving, EMT/defibrillation, inflatable trousers or other EMS-related topics. Five hours total per period of certification. Verified by course instructor (optional).

NOTE: It is recommended that a minimum of ten hours of continuing education be accomplished annually. Failure to complete thirty hours of continuing education during a period of certification shall result in termination of certification.

(b) ((~~passing~~)) Pass the written and practical examination and being recommended for recertification by the physician coordinator. ((~~Individuals who are nationally registered EMT's may elect to recertify through the NREMT.~~))

NOTE: Currently certified senior EMT instructors who have fulfilled the provisions of the Senior EMT Instructor Agreement may recertify by passing the written recertification examination and by being recommended by the physician coordinator.

(4) Certification by the department as an EMT does not warrant future performance of the individuals certified. It will indicate that the cognitive and performance capabilities met the requirements for certification established for the course at the time testing was performed.

AMENDATORY SECTION (Amending Order 1150, filed 9/2/76)

WAC 248-17-220 REVOCATION, SUSPENSION OR MODIFICATION OF CERTIFICATE. (1) Grounds for denial, revocation, or suspension of an emergency medical technician certificate include but are not limited to proof that such emergency medical technician:

(a) Has been guilty of misrepresentation in obtaining the certificate;

(b) Has engaged or attempted to engage in, or represented himself as entitled to perform, any service not authorized by the certificate;

(c) Has demonstrated incompetence or has shown himself otherwise unable to provide adequate service; ((~~or~~))

(d) Has violated or aided and abetted in the violation of any provision of chapter 18.73 RCW or the rules and regulations promulgated thereunder((~~:~~));

(e) Has demonstrated unprofessional conduct in the course of providing services; or

(f) Has failed to complete a minimum of six hours of mandatory continuing education in a calendar year as described in WAC 248-17-213(3), or failed to complete thirty hours of continuing education in a three-year period of certification.

WSR 82-16-094
PROPOSED RULES
SUPERINTENDENT OF PUBLIC INSTRUCTION
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—School district budgeting, chapter 392-123 WAC;

that the agency will at 10:00 a.m., Tuesday, September 7, 1982, in Conference Room A, Superintendent of Public Instruction, 7510 Armstrong Street S.W., Tumwater, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 13, 1982.

The authority under which these rules are proposed is RCW 28A.65.465.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 7, 1982.

Dated: August 4, 1982
By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-123 WAC Finance—School District Budgeting.

Rule Section(s): WAC 392-123-047 Definitions—Revenue, Accrual Basis Expenditures, Cash Basis Expenditures, Appropriation, and Disbursements; WAC 392-123-051 Basis of Budgeting and Accounting; WAC 392-123-049 Basis of Budgeting and Accounting; and WAC 392-123-140 Interfund Loans Allowable.

Statutory Authority: RCW 28A.65.465.

Purpose of the Rule(s): Implementation of proper budgetary procedures by local school districts.

Summary of the New Rule(s) and or Amendments: New WAC 392-123-047 establishes definitions of accounting terms in accordance with RCW 28A.65.400; Repeal of WAC 392-123-051 reflects reorganization of section in WAC 392-123-047 and 392-123-049 and is for purpose of clarity; New WAC 392-123-049 implements RCW 28A.65.405 regarding cash and accrual basis accounting for specific funds; Amendment of WAC 392-123-140 is for purpose of clarity.

Reasons Which Support the Proposed Action(s): 1982 legislature established transportation vehicle fund which

must be reflected in SPI regulations and agency has rewritten for clarity.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, Government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, Legal Services, 753-2298; Implementation: Mel Collart, Financial Services, 753-3584; and Enforcement: Perry Keithley, Financial Services, 753-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Recognizes transportation vehicle fund established by legislature and provides clarity to existing regulations.

NEW SECTION

WAC 392-123-047 DEFINITIONS—REVENUE, ACCRUAL BASIS EXPENDITURES, CASH BASIS EXPENDITURES, APPROPRIATION, AND DISBURSEMENTS. As used in this chapter, the term (1) "Revenue" shall mean additions of assets during a given fiscal period to a fund of a school district in the form of cash or donated commodities which does not accompany the incurrence of liabilities or represent refunds of previous disbursements.

(2) "Accrual basis expenditures" shall mean costs during a given fiscal period, whether paid or unpaid. With respect to the bond interest and redemption fund, the refunding bond fund, and the refunded bond fund, accrual basis expenditures are incurred when bond principal and interest become due.

(3) "Cash basis expenditures" shall mean actual disbursements during a given fiscal period regardless of when liabilities are incurred. "Cash basis expenditures" includes the consumption of donated commodities.

(4) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

(5) "Disbursements" shall mean payments in cash, including but not limited to payments by warrants.

REPEALER (Amending Order 1150, filed 9/2/76)

The following section of the Washington Administrative Code is repealed:

WAC 392-123-051 Basis of Budgeting and Accounting.

NEW SECTION

WAC 392-123-049 BASIS OF BUDGETING AND ACCOUNTING. This section sets forth the basis for revenue and expenditure recognition for budgeting and accounting in all school districts.

(1) All school districts shall recognize revenue as defined in WAC 392-123-047(1).

(2) School districts with less than one thousand (1000) full-time equivalent students for the previous school year may utilize the cash basis for the recognition of expenditures from the general and all other funds recognized in subsection (3) below. PROVIDED, That, in any school district which utilizes the cash basis, the school district superintendent shall prepare a list of accounts payable as of the end of the fiscal (school) year, subject to the penalties of perjury, a copy of which will accompany the district's annual report and a copy of which shall be filed with the district's board of directors.

(3) All school districts not utilizing the cash basis as provided in subsection (2) of this section shall utilize the accrual basis for the recognition of expenditures from the:

(a) general fund;
(b) transportation vehicle fund;
(c) building and capital projects fund;
(d) building reserve fund;
(e) bond interest and redemption fund;
(f) refunding bond fund;
(g) refunded bond fund;
(h) permanent insurance fund; and
(i) associated study body program fund.

AMENDATORY SECTION (Amending Order 82-18, filed 9/24/81)

WAC 392-123-140 INTERFUND LOANS ALLOWABLE. ((~~Loans between the general fund, the building and capital projects fund, or to the bond interest and redemption fund are allowable to alleviate a temporary cash deficiency in the borrowing fund.~~)) Loans are allowable to the general fund, the transportation vehicle fund, the building and capital projects fund and the bond interest and redemption fund. Loans are allowable from the general fund and the building and capital projects fund. Loans shall not be made to the detriment of any function or project for which the fund was established.

WSR 82-16-095
ADOPTED RULES
COMMISSION FOR THE BLIND

[Order 82-04—Filed August 4, 1982]

Be it resolved by the Washington State Commission for the Blind, acting at Olympia, Washington, that it does adopt the annexed rules relating to Public records—Disclosure, chapter 67-14 WAC.

This action is taken pursuant to Notice No. WSR 82-13-101 filed with the code reviser on June 23, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 42.17 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 28, 1982.

By Paul Dziedzic
Director

Chapter 67-14 WAC
PUBLIC RECORDS—DISCLOSURE

WAC

67-14-010	Purpose.
67-14-020	Description of organization of the commission.
67-14-030	Location of established places.
67-14-040	Operations and procedures.
67-14-050	Public records available.
67-14-060	Public records officer.
67-14-070	Records index.
67-14-080	Office hours.
67-14-090	Requests for public records.
67-14-110	Copying fees.
67-14-120	Exemptions.
67-14-130	Review of denials of public records requests.
67-14-140	Protection of public records.
67-14-150	Consumer complaints and inquiries.
67-14-160	Adoption of forms.
67-14-170	Form 1—Request for inspection of records.

67-14-180 Form 2—Request for photocopy of record(s).

NEW SECTION

WAC 67-14-010 PURPOSE. The commission for the blind is an agency of state government created by chapters 74.16 and 74.17 RCW. It shall hereafter in this chapter be referred to as the "commission."

NEW SECTION

WAC 67-14-020 DESCRIPTION OF ORGANIZATION OF THE COMMISSION. (1) Commission board. The commission board consists of five members of whom at least three shall be blind. The members are appointed by the governor with the advice and consent of the senate. Terms are for a period of three years. Commission board members elect one of their members as chair for a term of one year.

(2) Central organization. The chief executive officer of the organization is the director. The director is appointed by the commission board.

(3) The commission has two sections: Administrative services and field services which are each headed by an assistant director.

(4) Field organization. (a) The vocational rehabilitation program is operated statewide with two supervisors. (b) The business enterprise program, prevention of blindness, and child and family services are operated under one supervisor. (c) The agency operated Orientation and Training Center at 3411 S. Alaska St., Seattle is supervised by one supervisor.

NEW SECTION

WAC 67-14-030 LOCATION OF ESTABLISHED PLACES. Location of established places where information about the commission may be obtained and commission's public records inspected and copied.

(1) Olympia office. The office of the director and the administrative office of the commission is located at 921 Lakeridge Drive #202, Olympia, WA 98502.

(2) Seattle office. The main office for field services is located at 3411 South Alaska St., Seattle, WA 98118.

(3) Field offices. (a) General information about the commission may also be obtained at its service locations or major field offices at the following places: 921 Lakeridge Drive, Olympia, WA 98504; W. 55 Mission, Rm. 115, Spokane, WA 99201; 613 W. Evergreen, P.O. Box 751, Vancouver, WA 98666; Morris Bldg., 23 S. Wenatchee Ave., Wenatchee, WA 98801; 32 N. 3 St., Rm. 316, Yakima, WA 98901. (b) Information about prevention of blindness, business enterprises for the blind, and child and family services can be obtained at the Seattle office, 3411 South Alaska St., Seattle, WA 98118.

NEW SECTION

WAC 67-14-040 OPERATIONS AND PROCEDURES. The general course and method of channeling and determining the operations of the two sections and the nature of requirements of all formal and informal procedures connected therewith are summarized in the following subsections:

(1) Administrative services. This section manages all personnel, training, budget, data processing, and properties management for the commission. It prepares budgets and reports, collects funds, certifies and pays invoices. It is responsible for state and federal reports. It provides staff to the commission board members. Many of the functions of the administrative services section are subject to Washington Administrative Code provisions as authorized by law to be adopted by other departments and enforced by the commission.

(2) Field services. This section provides services to all of the commission's clients and keeps records of these services.

(a) Vocational rehabilitation. This unit provides a wide array of services to individuals whose disability causes a substantial handicap to employment where there is a reasonable expectation that services will provide a benefit in terms of employability. The primary source of funds for this program is federal, and it is subject to federal regulation.

(b) Business enterprise program. This program assists in the development and maintenance of vending operations operated by blind individuals in public buildings. It is funded by a combination of state and federal funds and is subject to federal regulations. A restricted fund generated by vending machine revenue also funds business enterprise program activities.

(c) Prevention of blindness. This program serves economically eligible clients by providing the medical services to prevent blindness and restore sight. Financial eligibility is determined by standards set by the department of social and health services. Medical eligibility for prescribed services is determined by the commission. Approximately one half of these funds are federal.

(d) Child and family services. This program serves blind children and their families. Caseworkers work directly with children and parents. In addition, school personnel and other service providers are assisted in working with blind children by consultation and training. This program is state funded.

(e) Orientation and training center. This program is operated at 3411 South Alaska St., Seattle, WA 98118. It provides training in alternative skills, personal adjustment, and assessment for full-time blind students. Students live in a privately owned residential facility located nearby.

(f) Other programs. The commission may establish such additional programs as the commission deems necessary to carry out its legislative purpose.

NEW SECTION

WAC 67-14-050 PUBLIC RECORDS AVAILABLE. Public records are available for public inspection and copying pursuant to these rules except as otherwise provided by RCW 42.17.310 and these rules.

NEW SECTION

WAC 67-14-060 PUBLIC RECORDS OFFICER. The public records officer for the commission shall be the assistant director of administrative services, as designated by the director, for all records maintained by the commission whether located at the central office thereof at Olympia, Washington, or at such other offices throughout the state maintained by the commission. The public records officer shall be located at such central office. The public records officer shall be responsible for implementation of this chapter regarding release of public records, coordinating the staff of the commission in this regard, generally insuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 through 42.17.320, and maintaining the records index of the commission as required.

NEW SECTION

WAC 67-14-070 RECORDS INDEX. The commission has available to all persons a current index which provides identifying information as to public records received, issued, adopted or promulgated since its inception. The current index adopted by the commission shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 67-14-080 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the commission. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 67-14-090 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of RCW 42-.17.250 through 42.17.320 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the commission which shall be available at any office of the commission during customary office hours. The request shall include the following information:

(a) The name of the person requesting the records;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

WAC 67-14-110 COPYING FEES. No fee shall be charged for the inspection of public records. The commission will charge a per-page fee for providing copies of public records. If copies of photographs are requested, a fee will be charged for the duplication of such photographs. If copies of taped or brailled material are requested, fees will be charged for the duplication of such materials. Copying fees will be set at amounts equal to the actual costs to the commission incident to such copying, including costs of materials, machinery, and personnel. The fees charged will be reviewed periodically to assure their accuracy, and shall be modified accordingly.

NEW SECTION

WAC 67-14-120 EXEMPTIONS. (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 67-14-090 is exempt under the provisions of RCW 42.17.310 and/or such other laws as may be deemed applicable.

(2) In addition, pursuant to RCW 42.17.260 the commission reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION

WAC 67-14-130 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted, or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director. The director shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the members of the staff necessary to properly consider the matter

and/or request a legal review thereof by the assistant attorney general representing the commission. In any case, the request shall be returned with a final decision, within five business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the director has returned the petition with a decision or until the close of the fifth business day following denial of inspection, whichever occurs first.

NEW SECTION

WAC 67-14-140 PROTECTION OF PUBLIC RECORDS. The public records officer shall to the extent practicable insure that records requested are not removed from the premises nor portions thereof removed by members of the public.

NEW SECTION

WAC 67-14-150 CONSUMER COMPLAINTS AND INQUIRIES. Unless a consumer complainant or inquirer specifically provides to the contrary, the public records officer or other members of the staff are authorized when deemed appropriate to forward a copy of the letter or other writings pertinent to the complaint or inquiry to the firm or person which is the subject of the complaint or to any firm or person who may provide assistance relative to the complaint or inquiry.

NEW SECTION

WAC 67-14-170 FORM 1—REQUEST FOR INSPECTION OF RECORDS.

_____
Request Number

_____
Date requested

_____
Date provided

_____
(For office use only)

WASHINGTON COMMISSION FOR THE BLIND

Request for Inspection of Records

The information requested in Blocks 1 through 6 is not mandatory, however, the completion of these blocks will enable this office to expedite your request and contact you should the record you seek not be immediately available.

1. Name	4. Phone number
2. Address	5. Representing (if applicable)
3. Zip code	6. If urgent – date needed

Below please state what record(s) you wish to inspect and be as specific as possible. If you are uncertain as to the type or identification of specific record or records we will assist you..

I certify that the information requested from the above record(s) will not be part of a list of individuals to be used for commercial purposes.

Signed _____
Date _____

NEW SECTION

WAC 67-14-180 FORM 2—REQUEST FOR PHOTOCOPY OF RECORD(S).

_____
Request Number

_____
Date Requested

_____
Date Provided

_____
(Office use only)

WASHINGTON COMMISSION FOR THE BLIND

Request for Photocopy of Record(s)

1. Name	4. Phone number
2. Address	5. Representing (if applicable)
3. Zip code	6. If urgent – date needed

Please state below the pages of the documents or records you wish to have photocopied. A reasonable standard fee for each page or record will be charged for this service.

I wish the following page(s) of documents or records to be photocopied and made available for my possession, I agree to pay a reasonable standard charge for this service.

I certify that the photocopies of records received as listed above will not be part of a list of individuals to be used for commercial purposes.

Signed _____
Date _____

Office use only

Number of pages copied ..... @ ..... per copy.
Total charge ..... Amount paid .....

WSR 82-16-096
ADOPTED RULES
COMMISSION FOR THE BLIND
[Order 82-05—Filed August 4, 1982]

Be it resolved by the Washington State Commission for the Blind, acting at Olympia, Washington, that it does adopt the annexed rules relating to chapter 67-20 WAC vocational rehabilitation services for blind persons, WAC 67-15-010 physical and informational accessibility and repealing WAC 67-30-005, 67-30-310 and 67-30-320.

This action is taken pursuant to Notice No. WSR 82-13-108 filed with the code reviser on June 23, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 74.16 RCW which directs that the Washington State Commission for the Blind has authority to implement the provisions of chapter 74.16 RCW, aid to blind persons.

This rule is promulgated under the general rule-making authority of the Washington State Commission for the Blind as authorized in RCW 74.16.450.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 28, 1982.

By Paul Dziedzic
Director

Chapter 67-20 WAC
VOCATIONAL REHABILITATION AND SERVICES FOR BLIND PERSONS

WAC

67-20-005 Definitions.
67-20-010 Application for services.
67-20-015 Initial interview.
67-20-020 Preliminary diagnostic study.
67-20-025 Eligibility for services.
67-20-030 Eligibility for services—Criteria.
67-20-050 Certification for decision of eligibility or ineligibility.
67-20-055 Notice to applicant.
67-20-060 Criteria for the severely handicapped.
67-20-070 Extended evaluation.
67-20-075 Extended evaluation—Eligibility criteria.
67-20-077 Certification for extended evaluation to determine rehabilitation potential.
67-20-080 Extended evaluation—Program.
67-20-085 Extended evaluation—Services provided.
67-20-090 Extended evaluation—Services not provided.
67-20-095 Extended evaluation—Duration and scope of services.
67-20-100 Extended evaluation—Assessment.
67-20-105 Extended evaluation—Revision of program.
67-20-110 Extended evaluation—Termination.
67-20-120 Certification of termination of extended evaluation and notice.
67-20-180 Economic need.
67-20-185 Economic need—Financial statement required.
67-20-190 Economic need—Standards for determining.
67-20-200 Economic need—Notification of decision.
67-20-255 Thorough diagnostic study.
67-20-260 Vocational rehabilitation program—Individual written rehabilitation program.
67-20-270 Vocational rehabilitation program—Participation of client.
67-20-275 Vocational rehabilitation program—Annual review.
67-20-280 Vocational rehabilitation program—Termination.
67-20-281 Vocational rehabilitation program—Notification of rights.
67-20-300 Objective of vocational rehabilitation.
67-20-325 Services available from other agencies.
67-20-350 Vocational rehabilitation services.
67-20-385 Vocational rehabilitation services—Physical and mental restoration.
67-20-390 Vocational rehabilitation services—Training—College.
67-20-392 Vocational rehabilitation services provided—Training—Trade schools.
67-20-394 Vocational rehabilitation services provided—Training—Employment.
67-20-395 Vocational rehabilitation services—Training—College and trade school.
67-20-396 Vocational rehabilitation services—Training—Sheltered workshop.
67-20-400 Vocational rehabilitation services—Maintenance.
67-20-432 Vocational rehabilitation services—Telecommunications.
67-20-444 Vocational rehabilitation services—Post-employment services.
67-20-446 Vocational rehabilitation—Services to groups.
67-20-452 Vocational rehabilitation services provided—Other goods and services.
67-20-500 Purchase of services.
67-20-505 Purchase of services—Selection criteria—Schools.
67-20-510 Purchase of services—Selection criteria—Employment training facilities.
67-20-525 Termination of services for reason of ineligibility.
67-20-530 Termination of services for reasons other than ineligibility.
67-20-540 Completion of vocational rehabilitation program.
67-20-545 Notification of termination.

67-20-550	Confidential information—Disclosure.
67-20-560	Administrative review.
67-20-570	Fair hearing.
67-20-590	Client records.

NEW SECTION

WAC 67-20-005 DEFINITIONS. (1) "Accepted for services" shall mean that the commission has determined that the applicant has been certified as eligible to receive vocational rehabilitation services.

(2) "Act" means the Rehabilitation Act of 1973 (29 U.S.C. chapter 16).

(3) "Applicant" shall mean an individual who has submitted to the commission a letter or application requesting vocational rehabilitation services which:

(a) Has been signed by the individual, his parents or guardian or other representative; and

(b) Sets forth the name, address, age, sex, and nature of disability of the requesting individual and source of referral.

(4) "Blind or visually impaired" for purposes of this chapter is a physical disability defined as follows:

(a) Central visual acuity of 20/200 or less in the better eye with correcting lenses or a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20°; or

(b) Vision so defective as to prevent the performance of ordinary activities for which eyesight is essential; or

(c) An eye condition of a progressive nature which may lead to blindness.

(5) "Client" shall mean any handicapped individual:

(a) Who has applied for services from the commission; and

(b) For whom services have not been denied or terminated by the commission.

(6) "Commission for the blind" shall mean the legal authority in its entirety:

(a) "Commission board" shall mean the five members appointed by the governor as the governing body.

(b) "Commission" shall mean the agency which carries out the operations of the Washington commission for the blind.

(7) "Director," except when the context indicates otherwise, means the director of the commission for the blind.

(8) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that:

(a) The individual has blindness and may also have a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability.

(9) "Employability" refers to a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with his capacities and abilities in the competitive labor market; the practice of a profession; self-employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work.

(10) "Evaluation of rehabilitation potential" means, as appropriate, in each case:

(a) A preliminary diagnostic study to determine:

(i) That an individual has blindness and may also have a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(ii) That vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, and that the individual is eligible therefore for vocational rehabilitation services;

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent factors, which bear on the individual's handicap to employment and rehabilitation potential, and an appraisal of the individual's work behavior and ability to develop work patterns suitable for successful job performance in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability;

(c) Any other goods or services provided for the purposes of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability;

(d) The provision of vocational rehabilitation services to an individual for a total period of extended evaluation not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual for whom a vocational goal is feasible, including the initiation and continuing development of an individual written rehabilitation program, and a periodic assessment of the results of the provision of such services to ascertain whether an individual is an eligible individual for whom a vocational goal is feasible.

(11) "Family member" or "member of the family" means:

(a) Any relative by blood or marriage of a handicapped individual; and

(b) Other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(12) "Handicapped individual" means an individual:

(a) Who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of employability from the provision of vocational rehabilitation services.

(13) "Medical consultant" shall mean a doctor of medicine employed by the commission to provide consultation to rehabilitation counselors and rehabilitation teachers concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual clients.

(14) "Ophthalmological consultant" shall mean a doctor of medicine specializing in diseases of the eye employed by the commission to provide consultation to rehabilitation counselors and rehabilitation teachers regarding procedures and prognosis relating to eye conditions.

(15) "Physical and mental restoration services" means those services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive.

(16) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning. The term "physical disability" includes blindness and/or visual impairment.

(17) "Public safety officer" means a person serving the United States or a state or unit of general local government, with or without compensation, in any activity pertaining to:

(a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;

(b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(d) Firefighting, fire prevention, or emergency rescue missions.

(18) "Referral" is defined as any individual who applied or has been referred to a commission office by letter, telephone, direct contact or by any other means for whom the minimum information has been furnished:

(a) Name and address;

(b) Disability;

(c) Age and sex;

(d) Date of referral; and

(e) Source of referral.

(19) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals and which provides one or more of the following services for handicapped individuals:

(a) Vocational rehabilitation services which shall include under one management, medical, psychological, social, and vocational services;

(b) Testing, fitting, or training in the use of prosthetic and orthoptic devices;

(c) Prevocational conditioning or recreational therapy;

(d) Physical and occupational therapy;

(e) Speech and hearing therapy;

(f) Psychological and social services;

(g) Evaluation of rehabilitation potential;

(h) Personal and work adjustment;

(i) Orientation and mobility training and other adjustment services;

(j) Braille instruction;

(k) Evaluation or control of specific disabilities;

(l) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market provided that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the state.

(20) "Rehabilitation teacher" (RT) shall refer to an employee of the commission who has responsibility to determine eligibility, and to develop and implement individual written rehabilitation programs leading to a vocational outcome of homemaker. The full range of vocational rehabilitation services may be provided or purchased as determined by the needs of the individual written rehabilitation program.

(21) "Substantial handicap to employment" means that a physical or mental disability (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing his obtaining, retaining, or preparing for employment consistent with his capacities and abilities.

(22) "Vocational rehabilitation counselor" (VRC) shall refer to an employee of the commission who has direct responsibility for providing, or supervising the provision of all vocational rehabilitation services to a client of the commission.

(23) "Vocational rehabilitation services," shall mean any of the following:

(a) Any goods or services provided to a client that is likely to enable him to enter or retain employment consistent with his capacities and abilities in the competitive labor market.

(b) Any goods or services provided to a client for the purpose of extended evaluation to determine his rehabilitation potential.

(c) The establishment, construction, development, operation, and maintenance of workshops and rehabilitation facilities.

(d) The provision of any facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation program.

(24) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.

NEW SECTION

WAC 67-20-010 APPLICATION FOR SERVICES. (1) Any blind or visually impaired person may apply for vocational rehabilitation services, including persons who have previously applied for, have previously received, or have previously been denied such services.

(2) Any handicapped person seeking to obtain vocational rehabilitation services from the commission shall

submit a written application for services to the commission.

(3) The written application for services shall be signed by the person requesting services or by his parent or guardian or other representative.

(4) The written application shall contain the following information:

(a) The applicant's name and address;

(b) The nature of the applicant's disability;

(c) The applicant's age and sex;

(d) The date of application;

(e) The name of the person or agency, if any, who has referred the applicant to the commission.

(5) The commission shall not provide vocational rehabilitation services to any person who has failed to submit a signed application in writing containing the above information.

NEW SECTION

WAC 67-20-015 INITIAL INTERVIEW. (1) An applicant for vocational rehabilitation services shall be interviewed personally by a vocational rehabilitation counselor or by a vocational rehabilitation teacher as soon as possible after application.

(2) At this initial interview the interviewer shall:

(a) Explain to the applicant the nature and operation of the vocational rehabilitation program as it relates to the applicant;

(b) Specifically inform the applicant of his right to appeal from any decision made by the commission with regard to his case through administrative appeal and fair hearing procedures; judicial review; review by the secretary of the federal office of education;

(c) Inform the applicant of his right of confidentiality of information possessed by the commission; and

(d) Obtain any general information from the applicant which might be useful in determining his eligibility for vocational rehabilitation services.

NEW SECTION

WAC 67-20-020 PRELIMINARY DIAGNOSTIC STUDY. (1) A preliminary diagnostic study will be conducted to determine whether:

(a) The individual has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, or whether an extended evaluation of rehabilitation potential is necessary to make such a determination.

(2) The preliminary diagnostic study will include such examinations and diagnostic studies as are necessary to determine eligibility:

(a) In all cases, will include an appraisal of the current general health status of the individual; and

(b) In all cases, will include an examination of the individual's eyes by an ophthalmologist, a physician skilled in the diseases of the eye or by a licensed optometrist.

(3) The commission shall record in writing the results of each applicant's preliminary study.

NEW SECTION

WAC 67-20-025 ELIGIBILITY FOR SERVICES. (1) The commission shall make an eligibility determination as to every applicant for vocational rehabilitation services. The determination of eligibility shall be made as soon as possible after application.

(2) The commission shall base its eligibility determination on the results of the preliminary diagnostic study and extended evaluation, if any.

NEW SECTION

WAC 67-20-030 ELIGIBILITY FOR SERVICES—CRITERIA. (1) Eligibility shall be based only upon:

(a) The presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and

(b) A reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.

(2) Persons found eligible shall have a primary disability of blindness or visual impairment. Persons for whom blindness or visual impairment is determined to be a secondary disability may be provided services at the discretion of the director or may be referred to other appropriate service providers or may be provided services through a coordinated plan with other service providers.

(3) Eligibility requirements will be provided by the commission without regard to sex, race, age, creed, color, or national origin of the individual applying for service.

(4) No person or group of persons shall be found ineligible for services solely on the basis of type of disability.

(5) No person shall be found ineligible for services solely on the basis of age.

(6) No person shall be found ineligible for services based on residence requirement, durational or other.

NEW SECTION

WAC 67-20-050 CERTIFICATION FOR DECISION OF ELIGIBILITY OR INELIGIBILITY. (1) There will be a certification that the individual has met the basic eligibility requirements specified in eligibility criteria. The statement of eligibility will be dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

(2) Whenever it has been determined on the basis of clear evidence that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

NEW SECTION

WAC 67-20-055 NOTICE TO APPLICANT. (1) The individual shall be notified in writing of the action taken on eligibility or ineligibility.

(2) He shall be informed of the commission's procedure for administrative review, fair hearings, and judicial review if he is dissatisfied with the commission's decision.

(3) If the applicant was determined to be ineligible for vocational rehabilitation services, the certification shall clearly specify how he failed to meet the criteria of eligibility.

(4) If the applicant was determined to be eligible for vocational rehabilitation services, the notice shall clearly specify the date of certification of eligibility.

(5) Decisions of ineligibility will be reviewed at least annually. The individual will be given a full opportunity to participate in the review and reconsideration of eligibility.

NEW SECTION

WAC 67-20-060 CRITERIA FOR THE SEVERELY HANDICAPPED. A severely handicapped individual is a handicapped individual:

(1) Who has a severe physical or mental disability which seriously limits his functional capacities (mobility, communication, self-care, self-direction, work tolerance or work skills) in terms of employability; and

(2) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(3) Who has one or more physical or mental disabilities resulting from amputation, arthritis, blindness, cancer, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorder, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia and end-stage renal disease, or other disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

NEW SECTION

WAC 67-20-070 EXTENDED EVALUATION. Extended evaluation is the process by which diagnostic and other vocational rehabilitation services are provided to an applicant for the limited purpose of facilitating the determination of his rehabilitation potential and eligibility. Extended evaluation is provided only when a determination of eligibility has not and can not be made within the usual eligibility determination procedure.

NEW SECTION

WAC 67-20-075 EXTENDED EVALUATION—ELIGIBILITY CRITERIA. Furnishing of vocational rehabilitation services under an extended evaluation to determine rehabilitation potential shall be based only upon:

(1) The presence of a physical or mental disability, which for the individual, constitutes or results in a substantial handicap to employment (physical disability includes a primary disability of blindness or visual impairment); and

(2) An inability to make a determination that vocational rehabilitation services might benefit the individual in terms of employability unless there is an extended evaluation to determine rehabilitation potential.

NEW SECTION

WAC 67-20-077 CERTIFICATION FOR EXTENDED EVALUATION TO DETERMINE REHABILITATION POTENTIAL. Prior to, and as a basis for providing an extended evaluation to determine rehabilitation potential, there will be a certification that the individual has met the eligibility requirements. The certified statement will be dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

NEW SECTION

WAC 67-20-080 EXTENDED EVALUATION—PROGRAM. (1) After certification for extended evaluation to determine rehabilitation potential, an individualized written rehabilitation program shall be developed jointly by the vocational rehabilitation counselor or rehabilitation teacher and the handicapped individual or, as appropriate, his parent, guardian or other representative.

(2) A copy of the written program and any amendments thereto shall be provided to the handicapped individual or, as appropriate, parent, guardian or other representative.

(3) The program shall include the basis on which a determination of eligibility has been made that an extended evaluation of rehabilitation potential is necessary.

(4) The program shall specify the nature of the vocational rehabilitation services necessary to determine the client rehabilitation potential and shall specify the arrangements which shall be made to provide for and/or otherwise secure such necessary services.

(5) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service, and the time within which the objectives and goals for each individual might be achieved.

(6) The terms and conditions for the provision of vocational rehabilitation services including:

(a) Responsibilities of the handicapped individual in implementing the individualized written rehabilitation program;

(b) The extent of client participation in the cost of services based on the financial need of the client; and

(c) The extent to which the individual is eligible for similar benefits under any other program.

(7) An assurance that the handicapped individual has been informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the opportunity for an administrative review of the commission's action and fair hearings; and the opportunity for judicial review.

NEW SECTION

WAC 67-20-085 EXTENDED EVALUATION—SERVICES PROVIDED. The following vocational rehabilitation services will be available to individuals:

(1) Evaluation, including diagnostic and related services;

(2) Counseling and guidance;

(3) Physical and mental restoration services;

(4) Training, including personal and vocational adjustment, books, tools, and other training materials;

(5) Maintenance;

(6) Transportation;

(7) Services to members of a handicapped individual's family when such services are necessary to the adjustment of rehabilitation of the handicapped individual;

(8) Reader services for the blind;

(9) Interpreter services for the deaf;

(10) Telecommunications, sensory and other technological aids and devices; and

(11) Other goods and services including rehabilitation teaching and orientation and mobility which are necessary to determine the client's rehabilitation potential.

NEW SECTION

WAC 67-20-090 EXTENDED EVALUATION—SERVICES NOT PROVIDED. The following goods and services cannot be provided until decisions have been reached as to a client's specific employment objectives and, therefore, shall not be provided under an extended evaluation plan:

(1) Placement;

(2) Occupational tools and equipment or initial stocks and supplies;

(3) Business enterprises;

(4) Occupational licenses.

NEW SECTION

WAC 67-20-095 EXTENDED EVALUATION—DURATION AND SCOPE OF SERVICES. (1) Vocational rehabilitation services necessary for the determination of rehabilitation potential, including those provided within a thorough diagnostic study, may be provided to a handicapped individual for a total period not in excess of eighteen months.

(2) Other conditions:

(a) The extended evaluation period shall begin with the date of the certification for extended evaluation to determine rehabilitation potential. Only one period not in excess of eighteen months shall be permitted during the period that the case is open. If a case has been closed as a result of determination that the handicapped individual's needs have changed, such a case may be reopened and a subsequent evaluation of rehabilitation potential may be carried out, provided that the conditions in "basic conditions of extended evaluation to determine rehabilitation" are met.

(b) Vocational rehabilitation services authorized after the expiration of the extended evaluation period will be provided only if the certification of eligibility required has been executed by the vocational rehabilitation counselor or rehabilitation teacher.

NEW SECTION

WAC 67-20-100 EXTENDED EVALUATION—ASSESSMENT. A thorough assessment of the individual's progress will be made as frequently as necessary, but at least once in every ninety-day period during the period in which services are being provided under an extended evaluation of rehabilitation potential, including periodic reports from the institution, facility, or person providing the services, to determine the results of the provision of such services and to determine whether such individual may be determined to be eligible or ineligible.

NEW SECTION

WAC 67-20-105 EXTENDED EVALUATION—REVISION OF PROGRAM. A program of extended evaluation may be revised at any time and shall be revised as necessary if the needs of the client have changed or problems have arisen which have interrupted the provision of extended evaluation services.

NEW SECTION

WAC 67-20-110 EXTENDED EVALUATION—TERMINATION. (1) At any time prior to the expiration of an eighteen-month extended evaluation period, the extended evaluation for the determination of rehabilitation potential shall be terminated when:

(a) The individual is found eligible for vocational rehabilitation services since there is a reasonable assurance that he can be expected to benefit in terms of employability from vocational rehabilitation services; or

(b) The individual is found ineligible for any additional vocational rehabilitation services since it has been determined on the basis of clear evidence that he cannot be expected to benefit in terms of employability from vocational rehabilitation services.

(2) In such cases the procedures outlined in WAC 67-20-280 must be followed.

NEW SECTION

WAC 67-20-120 CERTIFICATION OF TERMINATION OF EXTENDED EVALUATION AND NOTICE. The certification of termination of extended evaluation and notice is applicable when the following is considered:

(1) Certification of eligibility for regular case services. Prior to, or simultaneously with acceptance of a handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the requirements specified. The certified statement will be dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

(2) Certification of ineligibility. When it has been determined beyond any reasonable doubt that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the vocational rehabilitation counselor or rehabilitation teacher. Such certification of ineligibility will be made only after full participation with the individual or, as appropriate, his parent, guardian or other representative, or after affording a clear opportunity for such consultation.

NEW SECTION

WAC 67-20-180 ECONOMIC NEED. (1) The commission shall provide the following services regardless of the economic need of the client receiving the services. However, when available, client insurance may be utilized to help defray the costs of services:

(a) Diagnostic and related services;

(b) Counseling;

(c) Training;

(d) Placement.

(2) The following vocational rehabilitation services shall be provided by the commission only if the client receiving the services is eligible for such services on the basis of economic need:

(a) Transportation, except where provided in connection with diagnostic services;

(b) Placement tools, equipment, and initial stocks and supplies;

(c) Occupational licenses;

(d) Maintenance, except where provided in connection with diagnostic services;

(e) Other goods and services necessary for the client rehabilitation, including post-employment services necessary for the client's rehabilitation.

NEW SECTION

WAC 67-20-185 ECONOMIC NEED—FINANCIAL STATEMENT REQUIRED. An applicant accepted for vocational rehabilitation services or accepted for extended evaluation to determine rehabilitation potential shall be required to furnish the commission with:

(1) Such information in detail regarding his financial assets, income, debts, obligations, and expenses as may be necessary to enable the commission to make a determination of his economic need;

(2) A disclosure of insurance coverage which may apply to vocational rehabilitation services;

(3) A signed statement indicating whether he is in need of financial assistance from the commission to participate in those vocational rehabilitation services which are conditioned upon economic need.

NEW SECTION

WAC 67-20-190 ECONOMIC NEED—STANDARDS FOR DETERMINING. (1) A client shall be eligible on the basis of economic need to receive vocational rehabilitation services or extended evaluation services from the commission when the total of his/her obligations, debts, and expenses is equal to or exceeds the total of his/her income and nonexempt assets or resources. When the value of his/her income and nonexempt assets is greater than the value of his/her obligations, debts, and expenses, the excess of the former over the latter shall be made available by the client for the payment of the cost of those services which are conditioned upon economic need.

(2) Determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of his/her entire family unit, including his/her dependents or, if the client is an unemancipated minor, his/her parents.

(3) The following shall be considered income for the purpose of determining the economic need of a client:

(a) Wages paid to the client and to any dependent family members living in the home. For purposes of this section wages shall be equal to gross wages less deductions for income taxes, social security, taxes, retirement deductions, and other involuntary deductions;

(b) Contributions from relatives or others, in cash or in kind, on a regular and predictable basis;

(c) Net profit from roomers or boarders;

(d) Net profit from property rentals;

(e) Net profit from farm products;

(f) Net profit from business enterprises;

(g) Scholarship or fellowship funds;

(h) Income from public or private welfare agencies;

(i) Any other income received on a regular and predictable basis, including but not limited to alimony, dividends from stocks, annuity payment, unemployment compensation, insurance, pensions, etc.

(4) The following types of property shall be considered exempt assets and may not be considered in determining the client's economic need:

(a) The home occupied by the client or his/her family, including any contiguous real property. A house trailer is an exempt asset when it is being regularly occupied by the client or his/her family as the principle place of residence or when it will be so occupied in the predictable future;

(b) Household furniture, clothing, life insurance, and other personal effects;

(c) An automobile when one or more of the following conditions is met:

(i) The client and his/her family have only one automobile, or

(ii) All automobiles used by the family are for the purpose of transportation to work or school, or

(iii) The automobile has been furnished in whole or in part to the client or to one of his/her dependents by the veteran's administration, or

(iv) The automobile is essential to the client's vocational rehabilitation objective;

(d) Vocational equipment and machinery owned by the client is an exempt asset if it is being used to provide part or all of the living expenses of the client and his/her dependents or if it may be so used after completion of the vocational rehabilitation plan;

(e) Livestock is an exempt asset to the extent that it produces income or otherwise helps the client to meet normal living requirements.

(5) All types of tangible and intangible property, including but not limited to real property, personal property, stocks, bonds, savings accounts, and checking accounts, which are not exempt under subsection (4) of this section shall constitute the client's nonexempt assets and shall be considered in determining the client's economic need. The value of a nonexempt asset shall be equal to its fair market value less any unpaid encumbrances of record.

(6) The following obligations, debts, and expenses shall be deducted from the client's income and nonexempt assets in determining the client's economic need:

(a) The client's actual shelter and living expenses;

(b) Shelter and living expenses for the client's dependents;

(c) Payments which the client is required to make under court order;

(d) Outstanding taxes on earnings or personal or real property;

(e) Insurance premium payments;

(f) Contractual payments on real or personal property if such obligations were incurred prior to the client's application for vocational rehabilitation services.

NEW SECTION

WAC 67-20-200 ECONOMIC NEED—NOTIFICATION OF DECISION. When it is determined that the client shall be required to contribute financially to his rehabilitation, the commission shall explain to him when, how, and for what services his funds will be used.

NEW SECTION

WAC 67-20-255 THOROUGH DIAGNOSTIC STUDY. (1) There will be a thorough diagnostic study which will determine the nature and scope of services needed by the individual, and which will consist of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, and other related factors which bear on the individual's handicap to employment and rehabilitation needs.

(2) The thorough diagnostic study will be sufficient in each case to determine the vocational rehabilitation services which are needed to attain vocational goals of the handicapped individual, and that the findings of such study will be recorded in the individualized written rehabilitation program.

(3) The thorough evaluation shall include, to the extent necessary, an appraisal of the following factors:

(a) Intelligence level;

(b) Educational achievements;

(c) Work experience;

(d) Ability to function in the community;

(e) Personal, vocational and social adjustment;

(f) Employment opportunities;

(g) Patterns of work behavior;

(h) Ability to acquire occupational skills;

(i) Capacity for successful job performance which may include trial job situations (simulated or real) to assess capabilities to perform adequately in a work environment.

(4) The thorough evaluation shall include specialty medical examinations as required below whenever the individual is known to have the following conditions:

(a) Blindness or visual impairment – ophthalmological or optometric evaluation;

(b) Hearing impairment or deafness – otological and audiological evaluation;

(c) Mental retardation – psychological evaluation;

(d) Mental illness – psychological evaluation.

NEW SECTION

WAC 67-20-260 VOCATIONAL REHABILITATION PROGRAM—INDIVIDUAL WRITTEN REHABILITATION PROGRAM. The individualized written rehabilitation program shall place primary emphasis on the determination and achievement of a vocational goal, and as appropriate, shall include, but shall not necessarily be limited to statements concerning the following:

(1) The basis on which the determination of eligibility has been made;

(2) The long-range employment goals established with the individual and the intermediate rehabilitation objectives related to the attainment of such goals;

(3) The determination of the specific vocational rehabilitation services to be provided in order to achieve established employment goals and the terms and conditions for the provision of such services;

(4) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service and the time within which the objectives and goals for each individual might be achieved;

(5) The terms and conditions for the provision of vocational rehabilitation services including responsibilities of the handicapped individual in implementing the individualized written rehabilitation program:

(a) Extent of client participation in the cost of services based on the financial need of the client; and

(b) Extent to which the individual is eligible for similar benefits under any other programs.

(6) An assurance that the handicapped individual has been informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the opportunity for an administrative review of action or fair hearings; judicial review; and review of the director's decision by the secretary of the federal office of education;

(7) The basis on which the individual has been determined to be rehabilitated; and

(8) Any plans for the provision of post-employment services after a suitable employment objective has been achieved and the basis on which such plans are developed.

(9) A copy of the written program, and any amendments thereto shall be provided to the handicapped individual, or, as appropriate, his parents, guardian or other representative.

NEW SECTION

WAC 67-20-270 VOCATIONAL REHABILITATION PROGRAM—PARTICIPATION OF CLIENT. The individualized written rehabilitation program shall be developed jointly by the vocational rehabilitation counselor or rehabilitation teacher and the handicapped individual or, as appropriate, his parent, guardian or other representative, and a copy of the written program, and any amendments thereto, shall be provided to the handicapped individual or, as appropriate, his parent, guardian or other representative.

NEW SECTION

WAC 67-20-275 VOCATIONAL REHABILITATION PROGRAM—ANNUAL REVIEW. The individualized written program shall be reviewed as often as necessary but at least on an annual basis at which time

each handicapped individual, or, as appropriate, his parent, guardian or other representative will be afforded an opportunity to review such program and, if necessary, jointly redevelop its terms.

NEW SECTION

WAC 67-20-280 VOCATIONAL REHABILITATION PROGRAM—TERMINATION. When the services are terminated under a written program on the basis of a determination that a vocational goal cannot be achieved and the client is then no longer eligible, the following conditions and procedures will be made and carried out:

(1) Such decision shall be made only with full participation of such individuals or as appropriate, his parent, guardian, or other representative.

(2) The views of the individual or his representative concerning the decision shall be recorded in the individualized written program.

(3) The rationale for such decision must be thoroughly documented and included as a part or amendment to the written rehabilitation program.

(4) The client will be informed that his case will be reviewed within twelve months, offering the individual clear opportunity for full consultation and reconsideration of such decision of ineligibility. Subsequent reviews may be made only upon his request.

(5) Consultation or annual review would not be scheduled if:

(a) There is a recorded statement by the individual indicating that he does not want to have further consideration;

(b) Individual is uncooperative and shows lack of interest;

(c) Individual is no longer in the state;

(d) Individual's whereabouts are unknown;

(e) Individual's medical condition is rapidly progressive or terminal;

(f) There are other compelling reasons that would make an annual review impractical.

NEW SECTION

WAC 67-20-281 VOCATIONAL REHABILITATION PROGRAM—NOTIFICATION OF RIGHTS. Upon termination the individual will be informed of his rights and the means by which he may express and seek remedy for his dissatisfactions, including the opportunity for an administrative review of the commission's action; fair hearings; and judicial review.

NEW SECTION

WAC 67-20-300 OBJECTIVE OF VOCATIONAL REHABILITATION. The objective of vocational rehabilitation services is to enable an individual to enter or retain employment consistent with his capacities and abilities in the competitive labor market, the practice of a profession, self-employment, homemaking, farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work. Vocational rehabilitation services will be limited to those necessary to fit the client for his vocational objective not only for the moment, but have suitable continuing employment in varying economic conditions. However, if a handicapped individual wishes to change occupations or to progress beyond industry accepted norms for competent entry level employment, the commission has no obligation to provide further assistance.

NEW SECTION

WAC 67-20-325 SERVICES AVAILABLE FROM OTHER AGENCIES. The commission's funds shall not be expended to purchase services for which a client is eligible from another agency which has primary responsibility for providing the needed service. In all cases, full consideration will be given to any similar benefits available to a handicapped individual on any other program.

NEW SECTION

WAC 67-20-350 VOCATIONAL REHABILITATION SERVICES. Each client accepted for services may be provided such rehabilitation services found by the diagnostic study to be necessary for the realization of his rehabilitation objective including but not limited to:

(1) Evaluation of rehabilitation potential;

(2) Counseling and guidance;

(3) Physical and mental restoration services;

(4) Vocational and other training services, including personal and vocational adjustment, books, tools, and other training materials;

(5) Maintenance;

(6) Transportation;

(7) Services to members of a handicapped individual's family when such services are necessary to the adjustment of rehabilitation of the handicapped individual;

(8) Reader services, note taking, rehabilitation teaching services, and orientation and mobility services for the blind;

(9) Interpreter services for the deaf and note-taking services for the blind;

(10) Telecommunications, sensory, and other technological aids and devices;

(11) Recruitment and training services to provide new employment opportunities and other appropriate public service employment;

(12) Placement in suitable employment;

(13) Post-employment services, necessary to assist handicapped individuals to maintain suitable employment;

(14) Occupational licenses, tools, equipment, initial stocks (including livestock), and supplies; and

(15) Other goods and services which can reasonable be expected to benefit a handicapped individual in terms of employability.

NEW SECTION

WAC 67-20-385 VOCATIONAL REHABILITATION SERVICES—PHYSICAL AND MENTAL RESTORATION. (1) Physical and mental restoration

shall include all medical and related services including the following:

(a) Medical treatment including but not limited to therapeutic programs under medical supervision, necessary laboratory work, and necessary medication;

(b) Surgical treatment; surgery for cardiac or gynecological conditions shall be provided only if approved by the medical consultant;

(c) Psychiatric treatment only when the diagnostic study clearly indicates a favorable prognosis for relatively short-term therapy. A program of psychiatric treatment which will extend beyond twelve months must have the prior approval of the medical consultant;

(d) Dental treatment only when it will significantly increase employability or remove an established vocational handicap, or in emergency situations involving pain, acute infections, or injury. Examples of disabling dental conditions for which restorative services may be authorized include widespread ulceration of teeth, destruction of tooth structures, decay which seriously affects the individual's ability to eat, badly malformed or positioned teeth, or rejection of the individual from employment on the basis of his appearance. Restorative dental services will not be provided when the restoration will not directly affect employability;

(e) Nursing services;

(f) Hospital (either inpatient or outpatient care) and clinic services;

(g) Convalescent, nursing, or rest home care only when there is an expectation of a normal period of convalescence after which other appropriate services leading to the rehabilitation of the client may be initiated or resumed. Such care shall not be provided by the commission as a long-term process for conditions not expected to improve;

(h) Drugs and supplies;

(i) Prosthetic, orthoptic or other assistive devices essential to obtaining or retaining employment;

(j) Eyeglasses;

(k) Podiatry;

(l) Physical therapy; physical therapy shall consist of the employment of the physically beneficial properties of light, heat, cold, water, electricity, massage, manipulation, exercise, and mechanical devices as treatment of disease or injury;

(m) Occupational therapy; occupational therapy shall include all manual skills and recreational activities which provide specific active exercise for physical disabilities and shall include psychologic rehabilitation techniques;

(n) Medical or medically-related social work services;

(o) Medically directed speech or hearing therapy.

(2) Physical and mental restoration will be provided on an exception basis after exhausting all other resources; clients needing physical restoration will be referred to the prevention of blindness program.

(a) Clients needing physical restoration who appear to be eligible will be referred to the prevention of blindness program;

(b) Medical emergencies to prevent eminent loss of sight or prevent severe service interruption will be provided with the approval of the supervisor.

NEW SECTION

WAC 67-20-390 VOCATIONAL REHABILITATION SERVICES—TRAINING—COLLEGE. (1) College training may be provided when

(a) The nature of the client's disability is such as to require college training to place him on a reasonably competitive basis in a suitable occupation.

(b) The client's previous school record or other indications of achievement demonstrate an ability to successfully carry on and benefit from college training.

(c) Evaluation of the client's motivation, study habits, personality and character traits, or other similar factors, indicates that it would be appropriate to provide him with college training even though he has otherwise failed to meet minimal intellectual or academic achievement standards.

(2) A client provided with college training services shall be required to meet established scholastic standards. If his grades fall below the standards required in the field of his choice, it may be necessary to select a new objective for his college training program through joint planning between the client and the vocational rehabilitation counselor or to modify or cancel that portion of his rehabilitation plan which involves college training. If college training is cancelled, the vocational rehabilitation counselor shall then counsel with the client about a vocational objective which does not require college training.

(3) No training or training services in institutions of higher education (universities, colleges, community/junior colleges) shall be paid for with funds under this part unless maximum efforts have been made to secure grant assistance in whole or in part from other sources to pay for such training or training services.

NEW SECTION

WAC 67-20-392 VOCATIONAL REHABILITATION SERVICES PROVIDED—TRAINING—TRADE SCHOOLS. Training may be provided in business, trade and vocational schools. Business, trade and vocational training facilities shall include but not be limited to beauty schools, barber colleges, business schools where secretarial, accounting, and other office work skills are taught, schools for the training of licensed practical nurses, and trade schools teaching such skills as welding, draftsmanship, electrical engineering, radio repair, etc. Such facilities may be either publicly or privately owned and operated.

NEW SECTION

WAC 67-20-394 VOCATIONAL REHABILITATION SERVICES PROVIDED—TRAINING—EMPLOYMENT. (1) Employment training services may be provided to a client when necessary to attainment of the client's vocational goal. "Employment training services" shall mean a program of organized training by which a client is given the opportunity to learn an occupation under actual conditions of commercial, industrial, or other on-the-job employment.

(2) Employment training services shall be provided to an individual client only when the vocational rehabilitation counselor has established that the following conditions have been or will be met:

(a) The training program has been prepared and outlined in detail and in advance;

(b) The client's training will follow a definite schedule of specified operations, instructions, and practices which will insure well-rounded preparation for the client's selected occupation;

(c) A mutual understanding has been reached between the trainee—client, the trainer—employment training facility, and the vocational rehabilitation counselor as to the provisions of the client's employment training plan, including length of the training period, financial arrangements, and operations and skills to be learned;

(d) The employer will provide careful supervision of the client's work and will submit regular reports on the client's attendance and progress to the vocational rehabilitation counselor;

(e) The training program will meet any requirements for licensing in the trade or occupation which exists in the field or work in which the client is to be employed;

(f) It has been ascertained that the employment training program is acceptable to other employees of the training facility.

NEW SECTION

WAC 67-20-395 VOCATIONAL REHABILITATION SERVICES—TRAINING—COLLEGE AND TRADE SCHOOL. (1) No training or training services in institutions of higher education (universities, colleges, community/junior colleges) or trade or business schools shall be paid for with vocational rehabilitation funds unless the client has demonstrated application for, and denial of, other grants and scholarships.

(2) Tuition at institutions of higher education will be limited to the amount charged at the University of Washington or the actual cost, whichever is less.

(3) Books and academic supplies will be limited to seventy-five dollars per quarter or one hundred ten dollars per semester for a full academic load. Students attending less than full time will have the amount authorized for books and supplies reduced proportionately.

NEW SECTION

WAC 67-20-396 VOCATIONAL REHABILITATION SERVICES—TRAINING—SHELTERED WORKSHOP. (1) The commission may provide work adjustment services (employability training) to clients in a sheltered workshop environment. Work adjustment is appropriate where the client's disability is such as to limit his ability to participate in and take advantage of employment training facilities in the competitive labor market, and shall follow a vocational evaluation which will at the least include a measurement of productivity, behavior in interpersonal situations, work characteristics, and manipulative skills.

(2) The purpose of work adjustment services in sheltered workshops shall be to:

(a) Assist clients in understanding the meaning, value, and demands of work;

(b) Modify or develop attitudes, personal characteristics, and work behaviors;

(c) To develop functional capacities as required in order to assist clients toward their optimum level of vocational adjustment.

(3) Vocational adjustment in a sheltered workshop shall meet the following criteria:

(a) There shall be an individualized written program establishing immediate and long-range goals and objectives developed and monitored by a qualified staff person.

(b) The program will be in direct response to those problems defined in the evaluation process.

(c) Methods used to correct client problems and to develop acceptable work behaviors will be defined in writing and monitored and reported on at least monthly.

(d) All programs will be developed with the full knowledge and agreement of the vocational rehabilitation counselor or rehabilitation teacher and the client.

(e) Work adjustment services will always aim toward the eventual placement of the client into competitive employment.

(f) Work adjustment services will be undertaken only in state certificated rehabilitation facilities as of January 1, 1983.

NEW SECTION

WAC 67-20-400 VOCATIONAL REHABILITATION SERVICES—MAINTENANCE. (1) Maintenance services include the client's basic living expenses, such as food, housing, clothing and health care needs, and other subsistence expenses which are essential to enable him to receive full benefit from other vocational rehabilitation services.

(2) Maintenance services may be provided to the extent necessary to enable a client to derive the full benefit of other vocational rehabilitation services.

(3) Maintenance may be provided at any time during the rehabilitation process, or following placement, until such time as the client has actually received remuneration for his employment, for a period not to exceed sixty days.

(4) Maintenance services provided in connection with diagnostic services shall be provided without regard to the economic need of the client. The provision of maintenance services in connection with any other type of service shall be conditioned on the economic need of the client.

NEW SECTION

WAC 67-20-432 VOCATIONAL REHABILITATION SERVICES—TELECOMMUNICATIONS. (1) The provision of telecommunications, sensory or other technological aids and devices, individualized prescriptions and fittings must be performed by individuals licensed to fill such prescriptions and licensed to perform such fittings in accordance with state licensure laws, or

be appropriately certified professionals. Aids and devices not requiring individual fittings must meet engineering and safety standards recognized by experts in the field.

(2) Telecommunications may be utilized when service delivery methods can be improved by the use of these devices. Cost benefit will be considered in the development of telecommunication services.

NEW SECTION

WAC 67-20-444 VOCATIONAL REHABILITATION SERVICES—POST-EMPLOYMENT SERVICES. (1) The commission may provide such follow-up services to clients after placement as are necessary to insure that the placement is suitable and that the vocational rehabilitation of the individual has been achieved.

(2) The commission may provide post-employment services to a client whose case has previously been terminated as "rehabilitated" when such services are necessary to overcome emergent or latent problems related to the original disability or handicap for which he was receiving services prior to termination.

(3) All follow-up and post-employment services provided will have the same requirements to meet the economic needs test as those services that require the needs test for a regular program of services.

NEW SECTION

WAC 67-20-446 VOCATIONAL REHABILITATION—SERVICES TO GROUPS. (1) Services to groups of handicapped persons may be provided when such services will result in a benefit to the individual members' vocational rehabilitation.

(2) Members of such groups must be eligible for vocational rehabilitation services.

(3) Special services to groups may include but are not limited to the production of brailled and recorded materials.

(4) These services shall not include removal of architectural barriers.

NEW SECTION

WAC 67-20-452 VOCATIONAL REHABILITATION SERVICES PROVIDED—OTHER GOODS AND SERVICES. (1) Such other goods and services may be provided to the client as are essential to a determination of his rehabilitation potential, to his rehabilitation plan, or to render him fit to engage in a gainful occupation.

(2) The provision of other goods and services shall be conditioned upon the economic need of the client except when provided in connection with diagnostic services.

NEW SECTION

WAC 67-20-500 PURCHASE OF SERVICES. The commission may purchase training from schools or sheltered workshops, or from business establishments which offer on-the-job training services.

NEW SECTION

WAC 67-20-505 PURCHASE OF SERVICES—SELECTION CRITERIA—SCHOOLS. (1) In determining whether a particular school is appropriate and acceptable as a training facility, the vocational rehabilitation counselor shall evaluate the curriculum, quality of training, and adequacy of total resources in relation to the client's needs. The vocational rehabilitation counselor may also consider such factors as the placement services, if any, offered by the facility, the convenience of the physical arrangements of the plant and their adaptability to the needs of the client, and the willingness of school authorities to adopt and make available such equipment as is necessary to aid the client in the most efficient pursuit of his training.

(2) The use of schools for training purposes shall generally be limited to those which are accredited, licensed, or approved either by a legal authority, or are recognized as adequate by the professional or trade group with which they are associated. The commission shall attempt to utilize for training purposes those schools and other training facilities which provide the client with the credits, credentials, diplomas, or other certifications required by the profession or trade which is the goal of the client's rehabilitation program.

(3) Tax supported schools shall be used in preference to nontax supported schools whenever possible and appropriate in light of the vocational objective of the client in question.

(4) Prior to the use of a school as a training facility the vocational rehabilitation counselor shall advise the client involved about the status of the school in which the training program will be carried out. The client shall be made particularly aware of any limitation of job opportunities which might result from the use of a school or facility of limited or no accreditation.

NEW SECTION

WAC 67-20-510 PURCHASE OF SERVICES—SELECTION CRITERIA—EMPLOYMENT TRAINING FACILITIES. A business or industrial establishment which is to be utilized by the commission for the provision of employment training services shall meet the following criteria:

(1) The facility has personnel qualified for instructional purposes by knowledge, skills, and personality;

(2) The facility has sufficiently diversified operations and adequate and suitable materials and equipment to insure a trainee thorough preparations and training within the scope and limits of his occupational objective;

(3) The training of clients is only incidental to the business activity of the facility, and in no case shall the major activity of the facility be the training of clients.

NEW SECTION

WAC 67-20-525 TERMINATION OF SERVICES FOR REASON OF INELIGIBILITY. (1) Services under a written program are to be terminated on the basis that a vocational goal cannot be achieved and the client is then no longer eligible.

(2) Whenever it has been determined based on clear evidence that an individual is ineligible for vocational rehabilitation services there shall be a certification, dated and signed by an appropriate staff member and placed in the individual's file.

NEW SECTION

WAC 67-20-530 TERMINATION OF SERVICES FOR REASONS OTHER THAN INELIGIBILITY. Vocational rehabilitation services shall be terminated when a client:

(1) Has died;

(2) Cannot be located by the commission after reasonable efforts to do so;

(3) Has been institutionalized under circumstances which preclude the provision of services for a substantial or indefinite period of time;

(4) Has moved to another jurisdiction and the commission has been unable either to continue provision of services or to refer the individual to an appropriate agency within the other jurisdiction;

(5) Removes himself for consideration by declining to accept or utilize vocational rehabilitation services after all reasonable efforts have been expended to encourage participation.

NEW SECTION

WAC 67-20-540 COMPLETION OF VOCATIONAL REHABILITATION PROGRAM. Services shall be terminated on the basis of the completion of the client's vocational rehabilitation if:

(1) The program of rehabilitation services as set forth in the client's rehabilitation plan has, insofar as possible, been completed. Services may be terminated in spite of the failure to comply with this requirement only if the vocational rehabilitation counselor and the client have mutually decided that it is necessary and/or appropriate for the client to accept employment before completing the total plan of services set forth in his rehabilitation program; and

(2) Substantial rehabilitation services have been rendered to the client by the commission. No client shall be terminated as rehabilitated unless the commission has provided him with the following substantial services:

(a) Adequate and necessary guidance in developing an understanding of his capacities and limitations, his vocational potentialities, and the health, personal, and social problems related to his vocational adjustment;

(b) Assistance in understanding the services available from the commission and other community resources and in obtaining and utilizing these services to achieve the best possible vocational adjustment;

(c) Counseling and assistance in adjusting to situations encountered during the rehabilitation process, such as control of anxieties concerning physical restoration, development of appropriate study and work habits, improving personal appearance, managing finances, and devising effective interpersonal relationships;

(d) Completion of alternative skills training.

(3) The client must have been, as a minimum, determined to have achieved a suitable employment objective which has been maintained for a period of time not less than sixty days. An occupation shall be considered suitable when, after a reasonable period of time has passed since placement, it has been confirmed that the following conditions have, insofar as possible, been met:

(a) The client and employer are mutually satisfied;

(b) The client is maintaining adequate interpersonal relationships and acceptable behavior in the employment environment;

(c) The occupation is consistent with the client's capacities, skills, and abilities;

(d) The employment and working conditions will not aggravate the client's disability, and his disability in the employment situation will not jeopardize the health or safety of himself or others;

(e) The wage and working conditions conform to state and federal legal requirements;

(f) The employment is regular, reasonably permanent, and the client receives a wage commensurate with that paid other workers for similar work.

NEW SECTION

WAC 67-20-545 NOTIFICATION OF TERMINATION. The commission shall provide written notification to every individual who has applied for services whenever any determination is made to terminate services to him. Such written notice shall specify in detail the reasons for the commission's decision to terminate services and shall clearly inform the client of his right to an administrative review, a fair hearing on the decision, and judicial review.

NEW SECTION

WAC 67-20-550 CONFIDENTIAL INFORMATION—DISCLOSURE. (1) The term "confidential information" shall mean all information and records as to personal facts regarding any past or present clients of the commission, given or made available to the commission, its representatives, or its agents in the course of the administration of the vocational rehabilitation program, including, but not limited to, lists of clients' names and addresses, information with respect to clients' financial resources, records of the commission's evaluations of factual information regarding a client, and all other information about a client, whether recorded or not recorded.

(2) The commission shall disclose confidential information, whether directly or indirectly, only under the following circumstances:

(a) Where necessary to and directly connected with the administration of the vocational rehabilitation program; or

(b) Where required by order of a court of competent jurisdiction; or

(c) Where the client has given his informed consent in writing to such disclosure.

(3) The commission shall refuse to disclose confidential information even when disclosure has been expressly or impliedly requested by the client if the information in question has been provided to the commission on the basis that it will not be disclosed to the client. Information

so withheld shall be briefly identified and listed, and said list shall be provided to the client or his authorized representative. Such confidential information shall be provided to the client only under the following circumstances:

(a) Where the person or agency which provided the information has given the commission express written authorization to release the information to the client; or

(b) Where, during the course of a fair hearing, the hearing officer has made a determination that the information in question is relevant and material to the issue under appeal and has ordered that said information be made available to the client.

(4) Confidential information may be disclosed or released to an employer in connection with the placement of a client. The commission shall release to an employer only such confidential information regarding a client as is essential to his successful placement.

(5) Confidential information may be disclosed or released to welfare agencies or programs from which the client has requested services if:

(a) The client has requested services under circumstances from which his consent may be presumed;

(b) The welfare agencies or programs involved have adopted regulations which will assure that the confidential information disclosed will continue to be held confidential; and

(c) The welfare agency or program involved can assure that the confidential information disclosed shall be used only in connection with application for and receipt of services from such agency or program.

(6) Confidential information may be disclosed or released to organizations or individuals engaged in research if:

(a) The research is directly connected with the administration of the vocational rehabilitation program;

(b) The organization or individual has furnished satisfactory assurance that the confidential information will be used only in connection with the research purposes for which it is provided;

(c) The organization or individual furnishes satisfactory assurance that the final product of the research shall not reveal any information that might serve to identify any person about whom information has been obtained from the commission without the written consent of the person involved and of the commission.

(7) Upon written request, information shall be released to the client, or, as appropriate, his parent, guardian, or other representative in connection with any proceeding or action for benefits or damages, including any proceeding or action against any public agency: PROVIDED,

(a) That only such information as is relevant to the needs of the client shall be released; and

(b) In the case of medical or psychological information, the knowledge of which may be harmful to the client, such information will be released to the parent, guardian, or other representative of the client by the commission, or to the client by a physician or by a licensed or certified psychologist.

NEW SECTION

WAC 67-20-560 ADMINISTRATIVE REVIEW. (1) Any client who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the commission or its agents with regard to his vocational rehabilitation case may file a request with the commission for, and shall thereupon receive, an administrative review and redetermination of that decision or action.

(2) A request for an administrative review may be made either verbally or in writing and may be filed in any office of the commission. A verbal request shall promptly be reduced to writing.

(3) All requests for administrative review shall:

(a) Specify the date of the decision or action being appealed;

(b) Specify as precisely as possible the issue to be resolved by the administrative review;

(c) Set forth the address of the client or of his representative; and

(d) Be signed by the client or by his representative.

(4) A request for an administrative review must be made within sixty days after receiving notice from the commission of the decision or action by the commission which is the basis for the request for review.

(5) An administrative review and redetermination shall be provided by the director's designee, and shall be provided within thirty days after the submission of the request for review.

(6) Within fifteen days after the conclusion of the administrative review the designee shall certify his findings to the client in writing specifying in reasonable detail the reasons for his findings and informing the client of his right to request and receive a fair hearing if dissatisfied with those findings.

NEW SECTION

WAC 67-20-570 FAIR HEARING. (1) Any client dissatisfied with the finding of an administrative review may request from the commission, and shall thereupon be granted, a fair hearing. A client who desires a fair hearing shall request such hearing within thirty days after receiving notice from the commission of the finding of the administrative review.

(2) A request for fair hearing shall be sent to the commission for the blind at 921 Lakeridge Drive, Olympia, WA 98502, who will forward it to the Office of Administrative Hearings.

(3) The administrative law judge will make a proposed decision to the director of the commission for the blind who will make a final determination.

(4) The client will be notified in writing by the director within fifteen days of receipt of the administrative law judge's proposed decision.

(5) A client not satisfied with the decision of the director may request a review of the director's decision by the secretary of the federal education department on the individual written rehabilitation program.

NEW SECTION

WAC 67-20-590 CLIENT RECORDS. The commission will maintain for each applicant for vocational

rehabilitation services a case record which will include to the extent pertinent, the following information:

(1) Documentation as to the preliminary diagnostic study, supporting the determination of eligibility, or the determination that an extended evaluation of rehabilitation potential is necessary to make such determination;

(2) In the case of individuals who have applied for vocational rehabilitation services and have been determined to be ineligible, documentation as to the preliminary diagnostic study specifying the reasons for such determination;

(3) Data supporting any determination that the handicapped individual is a severely handicapped individual;

(4) Documentation as to periodic assessment of the individual during an extended evaluation of rehabilitation potential;

(5) An individualized written rehabilitation program as developed and any amendments to such program;

(6) In the event the physical and mental restoration services are provided documentation supporting the determination that the clinical status of the handicapped individual is stable or slowly progressive;

(7) Documentation supporting any decision to provide services to family members;

(8) Data relating to the participation by the handicapped individual in the cost of vocational rehabilitation services;

(9) Data relating to the eligibility of the individual for similar benefits under any other program;

(10) Documentation that the individual has been advised of the confidentiality of all information pertaining to his case and documentation and other material pertinent to the release of any information concerning the handicapped individual on the basis of the written consent of the handicapped individual;

(11) Documentation as to the reason and justification for closing the case, including the employment status of the client, and if the individual is determined to be rehabilitated, the basis on which the employment was determined to be suitable;

(12) Documentation of any plans for the provision of post-employment objective has been achieved, the basis on which such plans were developed, and a description of the services provided and the outcomes achieved;

(13) Documentation as to any action and decision involving the handicapped individual's request for an administrative review of agency action; fair hearings; and judicial review; and

(14) In the case of an individual who has been provided vocational rehabilitation services under an individualized written program but who has been determined after the initiation of such services to be no longer capable of achieving a vocational goal, documentation of any reviews of such determination.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-02, filed 4/30/82; decodified and recodified as WAC 67-20-440 Vocational rehabilitation services—Placement)

WAC 67-30-050 VOCATIONAL REHABILITATION SERVICES—PLACEMENT. (1) The commission may provide or cause to be provided placement services to clients under an individualized written rehabilitation program. The commission and clients will be mutually responsible in the endeavor to find and secure suitable employment. While the commission will meet its responsibilities stated in this section, clients will be held responsible under their individualized written rehabilitation programs for actively and independently applying themselves in job-seeking efforts and self-placement.

(2) Placement services prepare a client for work and assist him/her in obtaining appropriate employment and may include the following range of activities:

(a) Organized and identifiable attempts to establish or improve the linkage of a client and a work situation.

(b) Sustained collaboration with the client in a variety of work-oriented activities culminating in the client's engagement in a job, including self-employment.

(c) Communicating and negotiating with a variety of employment resources in the community and other community resources regarding the employment of blind persons. This may or may not be on behalf of specific clients.

(d) Assisting the client in stabilizing himself/herself in a work setting to the point that the placement goal has been satisfactorily achieved.

(3) Placement services may be provided as follows:

(a) Vocational rehabilitation counselors will deliver placement services to clients as a primary function and the principal focus of their professional responsibilities and activities.

(b) A job training and placement counselor whose principle function will be to communicate and negotiate with a variety of community resources, especially employers, regarding the employment of blind persons will provide placement services. This function may or may not be on behalf of specific clients.

(c) Existing, noncost placement resources in the community such as the State Department of Employment Security, projects with industry, and other entities shall be utilized whenever possible.

(d) In certain situations, placement services may be purchased when it is in the client's vocational interests, when the commission's services are not otherwise available, or are offered by a vendor as part of a "package" involving placement as a service. The specific conditions under which placement services may be purchased are addressed in the commission's procedures governing such purchase.

(4) Placement services will be terminated when the client has been provided vocational rehabilitation services in accordance with an individualized written rehabilitation program, and been determined to have maintained a suitable employment goal for at least sixty days.

(5) Suitable placement refers to a determination that the provision of vocational rehabilitation services has enabled a client to enter or retain employment consistent with client's capacities and abilities.

(6) Clients placed by the commission in extended employment in rehabilitation facilities will have their statuses reviewed and reevaluated by the commission at

least annually. The commission will make maximum efforts to place these individuals in competitive employment or training for competitive employment whenever feasible.

(7) Placement services will be provided without consideration of similar benefits except when the purchase of placement services is contemplated.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-02, filed 4/30/82; decodified and recodified as WAC 67-20-420 Vocational rehabilitation services—Rehabilitation teaching services)

WAC 67-30-070 VOCATIONAL REHABILITATION SERVICES—REHABILITATION TEACHING SERVICES. (1) The commission will provide or cause to be provided rehabilitation teaching services to clients by rehabilitation teachers in the employ of the commission. Such services may be purchased by the commission from vendors who meet standards for these services when they are not otherwise available to a client.

(2) Rehabilitation teaching services include specific and identifiable teaching methods that are used to assist blind individuals in acquiring skills in manual dexterity, communication, home orientation, home management and general self-management.

(3) Rehabilitation teaching services may be provided during all phases of the vocational rehabilitation process wherever there is a documented need for them for diagnostic purposes and under a client's individualized written rehabilitation program.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-384 Vocational rehabilitation services—Physical and mental restoration services)

WAC 67-30-080 VOCATIONAL REHABILITATION SERVICES—PHYSICAL AND MENTAL RESTORATION SERVICES. (1) Physical and mental restoration services will be provided to or arranged for a client under an individualized written rehabilitation program when, in the judgment of the vocational rehabilitation counselor, in consultation with the medical consultant, it can be determined that:

(a) The clinical status of the client is stable or slowly progressive, as evidenced in the diagnostic study; and

(b) Such services may be expected to eliminate or substantially reduce the handicapping condition in terms of employability within a reasonable period of time; or

(c) When such services will maintain or improve functional capabilities consistent with a client's vocational rehabilitation.

(2) Diagnostic and treatment services for clients with any diseases of the eye will be provided by or under the direction of a qualified ophthalmologist to assure that there is no eye disease or other eye condition which needs consideration.

(3) Authorized physical and mental restoration services may be provided by physicians, dentists, and other health-related professionals who are licensed in the state.

(4) The client has the option, when receiving physical and mental restoration services, to choose the physician or other health-related professional and the appropriate facilities from among those licensed in the state. These service providers and the facilities must be willing to accept reimbursement in accordance with the Washington state department of social and health services schedule of maximum allowances and program descriptions.

(5) For clients in extended evaluation, restorative services may be provided to stabilize or halt progression of a chronic illness for purposes of determining eligibility.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-380 Vocational rehabilitation services—Counseling and guidance)

WAC 67-30-090 VOCATIONAL REHABILITATION SERVICES—COUNSELING AND GUIDANCE. Counseling and guidance is a necessary and key function of the vocational rehabilitation counselors in facilitating the development of the individual being served.

(1) Counseling and guidance services will be provided by the commission as necessary to:

(a) Assist the individual to understand his/her capacities, aptitudes and interests.

(b) Assist the individual to understand his/her limitations and the health problems, personal problems and social problems which may be encountered during the course of and after completion of the rehabilitation process.

(c) Assist the client to select a suitable and realistic vocational goal.

(d) Assist the individual to understand the services available to him/her from the commission and other community resources and to understand how such resources can best be obtained and utilized in his/her rehabilitation process.

(e) Assist the individual to adjust to situations encountered during the rehabilitation process. This may include but not be limited to control of anxieties concerning physical restoration, development of appropriate study and work habits, improvements in physical appearance, management of finances, preparation for job interviews and tests, and the establishment and maintenance of effective interpersonal relationships.

(f) Family members, relatives and friends of the individual to aid and assist in the rehabilitation process.

(g) Prospective employers to determine whether the individual has chosen a feasible and appropriate vocational goal.

(2) ((~~Counseling and guidance will be provided without regard to economic need.~~

~~(3) Counseling and guidance is a necessary and key function of the counselors in facilitating the development of the individual being served.~~

~~(4) Counseling and guidance is an ongoing process and will continue even though the client may be a student in the commission's rehabilitation center.~~

~~(5)~~)) Counseling and guidance is an ongoing process and will continue, as necessary, throughout all stages of the client's rehabilitation process regardless of the type

of services needed, locations of service providers, and length of time needed to complete the rehabilitation.

(3) Counseling and guidance will continue even though the client may be a student in the commission's rehabilitation center.

(4) Counseling and guidance will be provided without regard to economic need.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-388 Vocational rehabilitation services—Vocational and other training)

WAC 67-30-100 VOCATIONAL REHABILITATION SERVICES—VOCATIONAL ((~~TRAINING~~)) AND OTHER TRAINING. (1) The commission may provide, within budget constraints, any organized form of instruction which provides the knowledges and skills that are essential for performing the tasks involved in an occupation. Such knowledges and skills may be acquired through training in an institution, on the job, by correspondence, by tutors or through a combination of these methods. Training may be given for any occupation, except as provided in paragraph (5) below.

(2) The commission will operate and maintain ((a)) an orientation and training center for pre-vocational training for those clients for whom such training in the training center is determined to be appropriate.

(3) Training or training services in institutions of higher education (universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing) shall not be paid for with rehabilitation funds unless maximum efforts have been made by the commission on the client's behalf to secure grant assistance in whole or in part from other sources to pay for such training or training services. A client must demonstrate application for, and denial of, other grants and scholarships.

(4) The commission may provide, assist in providing, or cause to be provided books, tools and other training materials agreed upon in joint planning of the individualized written rehabilitation program between the counselor and the client. Assistance will be limited to seventy-five dollars per quarter or one hundred ten dollars per semester for full academic load. Students attending less than full time will have amount reduced proportionately.

(5) The Washington state constitution forbids the use of public funds to assist an individual in the pursuit of a career or degree in theology or related areas.

(6) Clients may attend private institutions or out-of-state institutions of higher learning in pursuit of a vocational goal; however, the financial assistance available to any such individual is limited by that amount ((~~available to the same individual if education were pursued in the highest cost public institution within the state unless the private institution or out-of-state institution provides the only access to the achievement of the individual's vocational goal~~)) charged at the University of Washington or the actual cost, whichever is less.

(7) The commission may provide, assist in providing, or cause to be provided financial assistance to clients in pursuit of post-graduate degrees when such degree is clearly necessary to achieve employment in a given field. However, financial assistance will not be provided to clients pursuing graduate programs only to enhance their employability or to achieve upward mobility.

(8) Training will be provided to the extent that it meets the criteria established by the client and the agency in the client's individualized written rehabilitation program and meets the standards of the occupation the client intends to enter.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-416 Vocational rehabilitation services—Reader services)

WAC 67-30-120 VOCATIONAL REHABILITATION SERVICES—READER SERVICES. (1) The commission will provide or cause to be provided reader services to those clients under an individualized written rehabilitation program who are engaging in vocational training in institutions of higher learning, business schools, technical or trade schools, and other types of training where significant amounts of reading are essential to the completion of the course and/or the advancement of the client's vocational objective. Reader services may also be provided for clients entering employment where substantial amounts of reading are necessary, but only as it relates to the initial stages of their employment.

(2) Reader services ((~~consists~~)) consist of oral reading to the blind individual of ink-print material which is not available through any of the usual, special, nonvisual methods of reading used by blind persons.

(3) Reader services may be provided, despite the availability of alternatives to ink-print, when the client's skills in using nonvisual methods are not sufficient to fulfill the blind client's immediate rehabilitation needs, progress, or initial adjustment in employment.

(4) The employment and rates of payment will be governed by the commission's procedures for purchase of reader services. Ordinarily, readers will be paid no more than the national minimum wage; however, exceptions may be made under the commission's procedures governing reader services.

(5) The commission's vocational rehabilitation program will encourage clients to make the most efficient use of readers; both as a sound economic practice and for the purpose of having clients learn to make effective use of readers in future employment and/or training settings.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-412 Vocational rehabilitation services—Interpreter services for deaf persons)

WAC 67-30-125 VOCATIONAL REHABILITATION SERVICES—INTERPRETER SERVICES FOR DEAF PERSONS. The commission will provide interpreter services for deaf persons needing this service in all stages of involvement with the commission while a

client or applicant, or during appeal of a contested decision by an employee of the commission which directly affects the client or applicant.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-02, filed 4/30/82; decodified and recodified as WAC 67-20-428 Vocational rehabilitation services—Orientation and mobility services)

WAC 67-30-130 VOCATIONAL REHABILITATION SERVICES—ORIENTATION AND MOBILITY SERVICES. (1) The commission will provide orientation and mobility services that are consistent with the client's individualized written rehabilitation program ((~~and that any problems in training, employment-seeking, employment~~)), so that any mobility problems encountered during training, seeking employment and/or post-employment((~~, related to the client's inability to travel independently,~~)) are resolved.

(2) Orientation and mobility services shall include systematic and individualized assessment, instruction, and the dissemination of resources information which can enable blind persons to travel independently with optimum efficiency, safety, grace, and self-confidence.

(3) The commission may provide or cause to be provided orientation and mobility services to individual clients through:

(a) Orientation and mobility specialists in the employ of the commission;

(b) Independent orientation and mobility specialists whose qualifications are consistent with commission standards;

(c) Orientation and mobility specialists in the employ of agencies for the blind whose qualifications are consistent with commission standards;

(d) The commission's field services offices by rehabilitation teachers in the client's home environment.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-408 Vocational rehabilitation services—Services to family members)

WAC 67-30-150 VOCATIONAL REHABILITATION SERVICES—SERVICES TO FAMILY MEMBERS. (1) Services to family members may be provided to assist a client in successful completion of his/her extended evaluation program or vocational rehabilitation program and subsequent vocational adjustment.

(2) The services provided to family members may include any of the vocational rehabilitation services available to clients of the commission. However, the services must be directly related to the vocational rehabilitation of the client. Family members of any age may be served. Services provided to family members must be documented and justified in ways consistent with agency vocational rehabilitation case documentation procedures and vocational rehabilitation policies.

(3) ((~~"Family member" may include any relative by blood or marriage of a client and all other individuals living within the same household where close interpersonal relationships between them and the client characterize a family unit.~~

(~~4~~))) Other resources and similar benefits available to the family member(s) who may be served under this section must be considered under the same rules and conditions as those of the client.

((~~(5)~~))) (4) When the service provided to a family member(s) no longer substantially contributes to a client's vocational rehabilitation program or extended evaluation program, it will be terminated.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-02, filed 4/30/82; decodified and recodified as WAC 67-20-326 Services to civil employees of the United States)

WAC 67-30-170 SERVICES TO CIVIL EMPLOYEES OF THE UNITED STATES. The commission will make vocational rehabilitation services available to civil employees of the ((~~U.S.~~)) United States Government who are disabled in the line of duty under the same conditions applied to other handicapped individuals.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-448 Vocational rehabilitation services—Occupational licenses, tools, equipment, initial stocks and supplies)

WAC 67-30-180 VOCATIONAL REHABILITATION SERVICES—OCCUPATIONAL LICENSES, TOOLS, EQUIPMENT, INITIAL STOCKS AND SUPPLIES. (1) The commission may provide or cause to be provided, within budget constraints, initial stocks and supplies as required in the client's individualized written rehabilitation program.

(a) Occupational licenses will include any license, permit or other written authority required by a state, city, or other government unit to be obtained in order to enter an occupation or enter a small business.

(b) Occupational tools will include those customarily required for a worker to perform efficiently on the job and normally provided by workers in the same or similar trade or profession, and may also include specialized tools adapted to use for blind persons or any accompanying disabling condition the client may have. Any tools provided must be directly applicable and significantly useful in the employment or training of the client.

(c) Occupational equipment will include occupational fixtures normally found in places of business. These may consist of apparatuses, machinery, and appliances that are usually of a stationary nature during the time of utilization in a particular business trade or profession. However, self-powered vehicles may be provided under this section.

(d) Initial stocks will include the initial inventory of merchandise or goods necessary for a client entering self-employment. It may also include the initial purchase of livestock as a base stock and stocks of seed, fertilizer, fuel, etc., for farming or agricultural self-employment.

(e) Initial supplies will include expendable items necessary to enable the client to carry out the day-to-day

operations and which are consumed on the premises in the course of the client's self-employment business.

(2) Occupational tools and equipment will be provided only when provision of such items becomes central to the effective training of a client for a specific occupation or trade and/or effective placement in and employment, self-employment, or post-employment setting where the items will be used.

(3) Initial stocks and supplies will be provided only when a client enters a self-employment business.

(4) The specific kinds of items and the particular methods by which they may be provided under this section are addressed in detail in the commission's procedures governing their provision.

(5) The matters of accountability, legal title, insurance, maintenance and similar considerations with regard to occupational tools, equipment, initial stocks and supplies are addressed in detail in the commission's procedures governing their provision.

(6) In the provision of items under this section, thorough consideration will be given to similar benefits and resources available to the client.

(7) Occupational licenses, tools, equipment, initial stocks, and supplies will be provided based on the clients' economic need.

AMENDATORY/RECODIFICATION SECTION (Amending Order 82-01, filed 2/24/82; decodified and recodified as WAC 67-20-404 Vocational rehabilitation services—Transportation)

WAC 67-30-185 VOCATIONAL REHABILITATION SERVICES—TRANSPORTATION. (1) The commission will provide or cause to be provided, within budget constraints, necessary travel and related expenses required to transport clients, thereby enabling them to receive services necessary for the achievement of vocational rehabilitation objectives.

(2) Transportation may include:

(a) Fares or travel costs associated with using public or private conveyances.

(b) Food and/or lodging while in travel status.

(c) Attendants or escorts for clients and the attendants' or escorts' travel costs.

(d) Reimbursement for relocation and moving expenses when a satisfactory adjustment to a job has been made and job security has been established.

(3) Transportation, except as provided during diagnostic services, will be provided based on economic need.

RECODIFICATION SECTION (Recodifying Order 82-02, filed 4/30/82; decodified and recodified as WAC 67-15-010 Physical and informational accessibility)

WAC 67-30-210 PHYSICAL AND INFORMATIONAL ACCESSIBILITY. (1) No otherwise qualified handicapped individual shall, solely by reason of handicap, be excluded from participation, be denied benefits of, or be subjected to discrimination under any commission-provided program or activity.

(2) No handicapped person will be subjected to discrimination because commission-provided facilities are inaccessible to or unusable by handicapped persons. Any construction or alteration to any present or future locations or facility, on behalf of or for the use of the commission, will be readily accessible to and useable by handicapped persons.

(3) No person shall be denied access to commission information, records or materials solely on the basis of his/her inability to utilize such information, records or materials in a customary manner.

REPEALER

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

(1) WAC 67-30-005 POPULATION TO BE SERVED.

(2) WAC 67-30-310 RESPONSIBILITIES OF MEDICAL CONSULTANT.

(3) WAC 67-30-320 OTHER GOODS AND SERVICES.

WSR 82-16-097
ADOPTED RULES
COMMISSION FOR THE BLIND
[Order 82-06—Filed August 4, 1982]

Be it resolved by the Washington State Commission for the Blind, acting at Olympia, Washington, that it does adopt the annexed rules relating to prevention of blindness, chapter 67-40 WAC.

This action is taken pursuant to Notice No. WSR 82-13-098 filed with the code reviser on June 23, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 74.16 RCW which directs that the Washington State Commission for the Blind has authority to implement the provisions of chapter 74.16 RCW, aid to blind persons.

This rule is promulgated under the general rule-making authority of the Washington State Commission for the Blind as authorized in RCW 74.16.450.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 28, 1982.

By Paul Dziedzic
Director

Chapter 67-40 WAC
PREVENTION OF BLINDNESS

WAC	
67-40-010	Purpose—Description.
67-40-015	Prevention—Staff ophthalmologist.
67-40-016	Prevention—Eye physicians advisory committee.
67-40-020	Prevention—Eligibility.

67-40-025	Prevention—Medical eligibility.
67-40-050	Prevention—Services provided.
67-40-060	Prevention—Services not provided.
67-40-070	Prevention—Authorizations and billing.
67-40-090	Prevention—Appeal and fair hearing.
67-40-440	Prevention of blindness.

NEW SECTION

WAC 67-40-010 PURPOSE—DESCRIPTION. The prevention of blindness program is established in RCW 74.16.170. Its purpose is to provide medical services to persons in order to prevent blindness and to restore sight. Responsibility for the prevention of blindness program is shared with the department of social and health services which delegates the authority to make medical need decisions to the commission for the blind. The commission authorizes assistance with costs of care when necessary.

NEW SECTION

WAC 67-40-015 PREVENTION—STAFF OPHTHALMOLOGIST. The commission for the blind shall employ an ophthalmological consultant on a part-time basis. His appointment shall be recommended to the commission by the eye physicians advisory committee for a one year term subject to renewal. He shall be responsible for reviewing recommendations made by participating ophthalmologists to determine if the proposed services fall within the scope of the prevention of blindness program.

NEW SECTION

WAC 67-40-016 PREVENTION—EYE PHYSICIANS ADVISORY COMMITTEE. (1) The eye physicians advisory committee shall be appointed by the director of the commission for the blind.

(2) It shall consist of up to eight members who have staggered four year terms.

(3) The committee shall select a chair from among its members.

(4) The eye advisory committee does the following:

(a) Recommends to the commission the criteria to be used in making decisions regarding medical services to be provided;

(b) Recommends to the commission the person to serve as staff ophthalmologist;

(c) Reviews and certifies credentials of physicians who render services under the prevention of blindness program.

NEW SECTION

WAC 67-40-020 PREVENTION—ELIGIBILITY. Application for the prevention of blindness program is made at department of social and health services local offices. Eligibility for the prevention of blindness program is a two-prong test.

(1) Financial eligibility must be established by the department of social and health services. Persons not meeting public assistance or Medicaid requirements may be found eligible if inability to pay for services can be established.

(2) Persons not meeting public assistance or Medicaid requirements may be required to participate in the costs of medical care.

(3) The commission for the blind determines medical eligibility for services.

NEW SECTION

WAC 67-40-025 PREVENTION—MEDICAL ELIGIBILITY. (1) An eye physicians advisory committee composed of eight ophthalmologists recommends the policies and criteria for the determination of medical services to be provided by the prevention of blindness program.

(2) An ophthalmological consultant, on contract to the commission, reviews individual cases and makes a decision regarding medical services to be provided based on the guidelines recommended by the eye physicians advisory committee.

(3) A medical social worker coordinates the eligibility process with the provision of services by ophthalmologists throughout the state. The medical social worker also works in cooperation with staff of the department of social and health services local office and medical assistance division.

NEW SECTION

WAC 67-40-050 PREVENTION—SERVICES PROVIDED. (1) Medical eye treatment of any condition which is likely to cause loss of vision.

(2) Surgery performed by ophthalmologists certified by the eye physicians advisory committee to prevent blindness, restore sight or relieve pain, including, but not limited to, the following:

(a) Cataract (when there is a specified visual loss, an imminent medical complication, or a special need for better vision is established).

(b) Corneal transplant (keratoplasty).

(c) Ectropion, entropion, and ptosis.

(d) Enucleation.

(e) Glaucoma.

(f) Photocoagulation for diabetic retinopathy and subretinal neovascularization.

(g) Pterygium (if advancing on pupillary area).

(h) Retinal reattachment or repair, including photocoagulation, cryopexy, and scleral buckling.

(i) Repair of perforating injuries of the eyeball and lacerations of the eyelid.

(j) Strabismus for child only, unless diplopia is present.

(k) Tumor of eyelid if malignancy is suspected or if threatening vision.

(l) Vitrectomy.

(3) Hospitalization for eye surgery or treatment in a hospital designated by the patient's ophthalmologist.

(4) Prosthetic appliances: Stock or custom-made prosthetic eyes are provided.

(5) X-rays of the orbit are provided, but not skull x-rays unless medically necessary.

(6) Drugs are provided in conjunction with authorized eye care.

(7) Cataract surgery will be provided on one eye only unless medically necessary to assure adequate vision in one eye.

NEW SECTION

WAC 67-40-060 PREVENTION—SERVICES NOT PROVIDED. Certain eye conditions which are degenerative and unlikely to respond to treatment, and certain conditions pertaining to tear ducts and eyelids rather than the eye itself shall be excluded, specifically:

(1) Routine eye examinations;

(2) Glasses and contact lenses, except following cataract surgery or when medically necessary for treatment of an eye condition such as strabismus or keratoconus;

(3) Blepharitis;

(4) Chalazion;

(5) Conjunctivitis;

(6) Macular degeneration, except subretinal neovascularization;

(7) Orthoptics (muscle training);

(8) Plastic surgery;

(9) Tumors outside the eye unless suspected malignancy threatens eye function.

NEW SECTION

WAC 67-40-070 PREVENTION—AUTHORIZATIONS AND BILLING. (1) All care beyond the initial eye examination is authorized by means of a letter.

(2) All eye care must be authorized in advance.

(3) For Medicare patients, the physician bills via the Medicare carrier. For all other patients the vendor sends the bill to the commission for the blind.

NEW SECTION

WAC 67-40-090 PREVENTION—APPEAL AND FAIR HEARING. (1) Any individual denied service may request a hearing by writing within thirty days of receipt of notification to the commission for the blind at 921 Lakeridge Drive, Olympia, WA 98502, which will forward the request to the Office of Administrative Hearings.

(2) The individual may be represented by legal counsel or by another person of his choosing.

(3) The director shall upon recommendation from the administrative law judge issue a decision.

(4) The director shall issue a final decision within fifteen days of receipt of the proposed decision.

NEW SECTION

WAC 67-40-440 PREVENTION OF BLINDNESS. (1) Clients who meet financial and medical eligibility criteria for surgery for the removal of cataracts will be provided cataract surgery on one eye only.

(2) When prevention of blindness funds are expended, service to eligible clients will be deferred until the biennium beginning July 1, 1983.

WSR 82-16-098
ADOPTED RULES
COMMISSION FOR THE BLIND
[Order 82-07—Filed August 4, 1982]

Be it resolved by the Washington State Commission for the Blind, acting at Olympia, Washington, that it does adopt the annexed rules relating to child and family services, chapter 67-50 WAC.

This action is taken pursuant to Notice No. WSR 82-13-103 filed with the code reviser on June 23, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 74.16 RCW which directs that the Washington State Commission for the Blind has authority to implement the provisions of chapter 74.16 RCW, aid to blind persons.

This rule is promulgated under the general rule-making authority of the Washington State Commission for the Blind as authorized in RCW 74.16.450.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED July 28, 1982.

By Paul Dziedzic
Director

Chapter 67-50 WAC
CHILD AND FAMILY SERVICES

WAC

67-50-010	Purpose and description.
67-50-020	Referral for services.
67-50-030	Initial interview.
67-50-035	Eligibility for services.
67-50-040	Eligibility criteria.
67-50-050	Child and family services—Services provided.
67-50-060	Termination.

NEW SECTION

WAC 67-50-010 PURPOSE AND DESCRIPTION. The authority for child and family services are established in RCW 74.16.300, 74.16.400 and 74.16-.490. The purpose of this program is to provide services to blind children and their families in order to facilitate the child's optimum participation in school and society.

NEW SECTION

WAC 67-50-020 REFERRAL FOR SERVICES. Referrals of children for child and family services shall be accepted from any and all sources.

NEW SECTION

WAC 67-50-030 INITIAL INTERVIEW. (1) The commission shall interview all referrals to child and

family services and/or their families as soon as possible following referral.

(2) At the initial interview the interviewer shall:

(a) Explain to the child and/or his family the nature and scope of available services as they relate to the child.

(b) Inform the child and/or his family of the right to confidentiality of information possessed by the commission.

(c) Obtain any information necessary in determining eligibility for child and family services.

NEW SECTION

WAC 67-50-035 ELIGIBILITY FOR SERVICES. The commission shall make eligibility determination as to every referral for child and family services. The determination of eligibility shall be made as soon as possible after referral.

NEW SECTION

WAC 67-50-040 ELIGIBILITY CRITERIA. (1) To be eligible for child and family services an individual must be between the ages of birth and twenty-one years.

(2) Any child below the age of twenty-one years who has completed high school or has discontinued his formal education shall not be eligible for child and family services. Such children shall be referred for vocational rehabilitation or other appropriate resources.

(3) Eligibility for child and family services shall be dependent on documentation of a visual impairment including one or more of the following conditions:

(a) Legal blindness or visual handicap as they are customarily defined, either in terms of qualifying reduction in visual acuity and/or a qualifying reduction in visual fields.

(b) A visual impairment which is progressive in nature and can be expected to lead to blindness within a reasonable period of time.

(c) Reductions in both visual acuity and visual fields such that the effect is substantially that of legal blindness, or visual efficiency is so reduced as to have substantially the same effect as legal blindness.

(d) A visual impairment which makes it impossible for a child to compete successfully in school and other childhood endeavors.

NEW SECTION

WAC 67-50-050 CHILD AND FAMILY SERVICES—SERVICES PROVIDED. Services provided by child and family services include:

(1) Direct consultation with children and their families to provide developmental training, general counseling, needs assessment, and information regarding other available resources.

(2) Direct consultation and technical assistance to teachers, administrators and other educational personnel in order to facilitate adequate programs for blind and visually handicapped children.

(3) Direct consultation and technical assistance to other professionals who work with blind and visually handicapped children.

(4) Periodic follow-up throughout the child's term of eligibility to assure continuation of appropriate services.

(5) Continuity of case management and facilitation of transition to vocational rehabilitation at the appropriate time.

(6) Advocacy in all sectors of society for blind and visually handicapped children and/or their families to assure their rights to participate fully in the educational, vocational and social endeavors of society in general.

NEW SECTION

WAC 67-50-060 TERMINATION. A child shall be terminated from child and family services for the following reasons:

(1) The child has completed high school;

(2) The child has withdrawn from school prior to his senior year and does not intend to return;

(3) The child has reached the age of twenty-one years;

(4) The child's vision improves to a degree which no longer meets the criteria for eligibility;

(5) The child moves from the state of Washington; or

(6) The child and/or his family requests termination.

WSR 82-16-099
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning public utility tax, WAC 458-20-179;

that the agency will at 10:30 a.m., Thursday, September 9, 1982, in the Revenue Conference Room, 415 General Administration Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 10, 1982.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is RCW 82.16.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 9, 1982.

Dated: August 4, 1982
By: Don R. McCuiston
Director, Interpretation and Appeals Division

STATEMENT OF PURPOSE

Title: WAC 458-20-179 Public Utility Tax.

Statutory Authority: RCW 82.32.300.

Summary: The purpose of the amendment is to reflect the changes in the public utility tax incurred by electric utilities under Senate Bill 5014 which became effective on August 1, 1982.

Drafters of the Rule: Don R. McCuiston, Director, Tax Rules, Interpretation and Appeals Division, 415

General Administration Building, Olympia, Washington 98504, phone: (206) 753-5525; Department of Revenue, 415 General Administration Building, Olympia, Washington 98504, phone: (206) 753-5540.

AMENDATORY SECTION (Amending Order ET 71-1, filed 7/22/71)

WAC 458-20-179 PUBLIC UTILITY TAX. Persons engaged in certain public service businesses are taxable under the public utility tax, and are exempt from tax under the business and occupation tax with respect to such businesses. However, many persons taxable under the public utility tax are also engaged in some other business which is taxable under the business and occupation tax. For example, a light and power company engaged in operating a plant or system for distribution of electrical energy for sale, may also be engaged in selling at retail various electrical appliances. Such a company would be taxable under the public utility tax with respect to ((~~the sale~~)) its last distribution of electric energy, and also taxable under the business and occupation tax with respect to ((~~the~~)) its sale of electrical appliances.

Persons who are taxable under the public utility tax, and the rate of such tax, which is applied to gross income, are those engaged in the following businesses:

1. Railroad, express, railroad car, water distribution, light and power, telephone and telegraph. Rate of tax 3.6%.

2. Gas distribution. Rate of tax 3.6%.

3. Urban transportation and common carrier vessels under 65 feet in length except tug boats operating upon the waters of the State of Washington. Rate of tax .6%.

4. Motor transportation, tugboat businesses, and all public service businesses other than those heretofore mentioned. Rate of tax 1.8%.

The rates of tax shown are imposed under RCW 82.16.020.

The term "public service businesses" includes any of the businesses defined in RCW 82.16.010(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), and (12) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business declared by the legislature to be a public utility, irrespective of whether eminent domain powers are had or state control is exercised. It includes, among others, without limiting the scope thereof: Airplane transportation, boom, dock, ferry, log patrol, pipe line, warehouse, toll bridge, toll logging road, water transportation and wharf businesses.

The term "subject to control by the state" means control by the Utilities and Transportation Commission or any other state department required by law to exercise control of business of a public service nature as to rates charged or services rendered.

The term "gross income" means "the value proceeding or accruing from the performance of the particular public service or transportation businesses involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses." The term "gross income" of a light and power business means those amounts or value accruing to a taxpayer from the "last distribution" of electrical energy which is a taxable event within this state. RCW 82.16.010(13).

LIGHT AND POWER BUSINESS - SPECIAL PROVISIONS. RCW 82.16.010(5) defines "Light and power business" to mean the business of operating a plant or system for the generation, production, or distribution of electrical energy for hire or sale. The measure of public utility tax upon the business of operating such electrical energy plants or systems is the amount or value derived from the "last distribution" of the electrical energy within this state which is subject to this state's taxing jurisdiction. Sales of electrical energy to persons outside this state or deliveries of electrical energy across the boundaries of this state are interstate transactions which do not constitute "last distributions" within this state. Thus, such sale and delivery transactions are not taxable events. Rather, it is the intent of the law that all electrical energy generated, or produced, or distributed within this state shall be subject to the uniform tax rate for light and power business, but only at the time of its "last distribution" here.

The term "last distribution" means the final transmission or transfer of electrical energy before it is consumed in this state or before it is transmitted or transferred to any point outside of this state. Thus, the taxable last distribution of electrical energy consumed within this state is the transmission or transfer of such energy to the consumer. The taxable last distribution of electrical energy for sale or consumption outside of this state is the transmission or transfer of such energy to the transmission system, bus bar, substation, tie line, grid, or power pool from which it will be directly further transmitted or transferred to points outside this state whether under any wheeling arrangement or through the distributor's own transmission or transfer system or the transmission or transfer system of any out-of-state person.

The taxpayer liable for the payment of public utility tax under the light and power business classification is the "person" (as defined by RCW 82.04.030) who last distributes electrical energy within this state as explained above.

For purposes of measuring the light and power business tax liability, the "amount or value derived from the last distribution of electrical energy" (RCW 82.16.010(13) definition of "gross income") is the total consideration in terms of money, credits, or other value, however designated, received by or accruing to the taxpayer: PROVIDED: That for electrical energy generated in this state and transmitted or transferred by the person who generated the same to points outside this state over its own transmission lines, without prior sale, the tax measure is the value of the electrical energy at the time it is generated here.

In distinguishing gross income taxable under the public utility tax from gross income taxable under the business and occupation tax, the Department of Revenue will be guided by the Uniform System of Accounts established for the specific type of concerned. However, because of differences in the Uniform System((s)) of Accounts established for various types of utility businesses, such guides will not be deemed controlling for the purposes of classifying revenue under the Revenue Act.

VOLUME EXEMPTION. Persons subject to the public utility tax are exempt from the payment of this tax for any reporting period in which taxable income reported under the combined total of all public utility tax classifications does not equal or exceed the minimum taxable amount for the reporting periods assigned to such persons according to the following schedule:

Monthly reporting basis	$500 per month
Quarterly reporting basis	$1500 per quarter
Annual reporting basis	$6000 per annum

DEDUCTIONS. Amounts derived from the following sources do not constitute taxable income in computing tax under the public utility tax:

1. Amounts derived by municipally owned or operated public services businesses directly from taxes levied for the support thereof, but not including service charges which are spread on the property tax rolls and collected as taxes.

2. Amounts derived by persons engaged in the water distribution ((~~light and power,~~)) or gas distribution business, from the sale of commodities to persons in the same public service business for resale as such within this state.

3. Amounts actually paid by a taxpayer to another person taxable under Chapter 82.16 RCW as the latter's portion of the consideration due for services jointly furnished by both. This includes the amount paid to a ferry company for the transportation of a vehicle and its contents (but not amounts paid to state owned or operated ferries) when such vehicle is carrying freight or passengers for hire and is being operated by a person engaged in the business of urban transportation or motor transportation. It does not include amounts paid for the privilege of moving such vehicles over toll bridges.

4. Amounts derived from the distribution of water through an irrigation system, solely for irrigation purposes.

5. Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities from points of origin in the state to an export elevator, wharf, dock or shipside on tidewater or navigable tributaries thereto from which such commodities are forwarded, without intervening transportation, by vessel, in their original form, to interstate or foreign destination: PROVIDED: That no deduction will be allowed when the point of origin and the point of delivery to such export elevator, wharf, dock, or shipside are located within the corporate limits of the same city or town.

6. Amounts or value paid or contributed to any county, city, town, political subdivision, or municipal or quasi municipal corporation of the State of Washington representing payments of special assessments or installments thereof and interests and penalties thereon, charges in lieu of assessments, or any other charges, payments or contributions representing a share of the cost of capital facilities constructed or to be constructed or for the retirement of obligations and payment of interest thereon issued for capital purposes. The business and occupation tax is likewise inapplicable to such amounts. Service charges shall not be included in this exemption even though used wholly or in part for capital purposes.

When revenue derived from any of the foregoing sources is included within the reported gross income, the amount thereof may be deducted in computing tax liability.

((~~Business tax is imposed under the Manufacturing—Other classification upon the generation or production of electrical energy for resale or consumption outside the state. Electrical energy so taxed is not subject to public utility tax.~~))

Contributions in aid of construction not falling within item "6" above are subject to public utility tax, except that amounts received for line extensions, connection fees, and other charges for services rendered prior to the receipt of utility services by the customer against whom the charges are made are subject to business and occupation tax under the Service and Other Activities classification rather than the public utility tax.

In addition to the foregoing deductions there also may be deducted from the reported gross income (if included therein), the following:

a. The amount of cash discount actually taken by the purchaser or customer.

b. The amount of credit losses actually sustained.

c. Amounts received from insurance companies in payment of losses.

d. Amounts received from individuals and others in payment of damages caused by them to the utility's plant or equipment.

(For specific rule pertaining to the classifications of "urban transportation" and "motor transportation," see Rule 180, and of "warehouses," see Rule 182.)

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 82-16-100
ADOPTED RULES
LIQUOR CONTROL BOARD

[Order 110 and 112, Resolution No. 119 and 121—Filed August 4, 1982]

Be it resolved by the Washington State Liquor Control Board, acting at Capitol Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does adopt the annexed rules relating to banquet permits, chapter 314-18 WAC:

New	WAC 314-18-010	Banquet permits—Authorized.
New	WAC 314-18-020	Definitions.
New	WAC 314-18-030	Applicants—Retail liquor licensees ineligible—Exceptions.
New	WAC 314-18-040	Issuance fee—Restrictions.
New	WAC 314-18-050	Sale of liquor—Not authorized.
New	WAC 314-18-060	Liquor to be served and consumed—Restrictions.
New	WAC 314-18-070	Responsibilities of permittee.
New	WAC 314-18-080	Hours of operation—Inspection of premises.
New	WAC 314-18-090	Misrepresentation on application—Consequences.
New	WAC 314-18-100	Penalties.

This action is taken pursuant to Notice Nos. WSR 82-13-019 and 82-13-028 filed with the code reviser on June 8, 1982 and June 9, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED August 4, 1982.

By Robert D. Hannah
Chairman

Chapter 314-18 WAC
BANQUET PERMITS

WAC

314-18-010	Banquet permits—Authorized.
314-18-020	Definitions.
314-18-030	Applicants—Retail liquor licensees ineligible—exceptions.
314-18-040	Issuance fee—Restrictions.
314-18-050	Sale of liquor—Not authorized.
314-18-060	Liquor to be served and consumed—Restrictions.
314-18-070	Responsibilities of permittee.
314-18-080	Hours of operation—Inspection of premises.
314-18-090	Misrepresentation on application—Consequences.
314-18-100	Penalties.

NEW SECTION

WAC 314-18-010 BANQUET PERMITS—AUTHORIZED. Pursuant to the provisions of RCW 66.20.010, the board may issue banquet permits in accordance with the following rules.

NEW SECTION

WAC 314-18-020 DEFINITIONS. In this chapter unless the context otherwise requires:

(1) "Permit" means a banquet permit authorized by RCW 66.20.010(3).

(2) "Banquet"

(a) Means any event not open to the general public to be held or conducted at a specific place upon a specific date where the persons in attendance will have some common purpose or interest, either business or social or a combination thereof, for attending;

(b) Does not mean or refer to an event or affair requiring the presence or service of food as might be construed in the more formal sense of that term; nor is there any implication that such events are limited to any specific number of times that they may be held or conducted, if the applicants are qualified and the events are conducted in conformance with this chapter;

(c) Is not intended to refer to or be applicable to an event, affair, or occasion held in the privacy of a person's home.

NEW SECTION

WAC 314-18-030 APPLICANTS—RETAIL LIQUOR LICENSEES INELIGIBLE—EXCEPTIONS. (1) Any person twenty-one years of age or older, either for himself/herself or in a representative capacity on behalf of a society, organization, or business entity, may apply for a banquet permit which authorizes the service and consumption of liquor at a specific place upon a specific date.

(2) Retail liquor licensees are NOT eligible to apply for banquet permits for events to be held at, in, or upon such licensee's premises: PROVIDED, HOWEVER, That the licensee's ineligibility will not apply:

(a) When the application is by an established organization of members or auxiliary within a licensed club;

(b) Where grand openings, or special openings following new construction or substantial alterations, or when conventions are to be held on the licensed premises;

(c) Where special occasions such as employee Christmas parties, business anniversaries, etc. are held on the licensed premises;

(d) For functions held at locations other than the licensed premises.

(3) Banquet permits may be issued to qualified applicants for private functions on a chartered bus, chartered boat, chartered plane, or a chartered passenger car on a train.

(4) A banquet permit is not required for beer or wine sampling conducted in accordance with RCW 66.28.040 as implemented by chapter 314-64 WAC.

(5) The board interprets and will apply the relevant portions of the Liquor Act (RCW 66.20.010, 66.04.010(23), 66.04.010(26), 66.24.480, 66.24.481, and 66.44.100), reading them in pari materia, as not requiring a banquet permit to be obtained by an individual for a function when that individual is not acting with a business purpose or on behalf of an organization or business entity, where each of the following conditions are met:

(a) The function to be held by the individual is of a personal, noncommercial type which would normally be held in the individual's private home but for space considerations. Examples being a birthday party, wedding reception, bar mitzvah, etc. In lieu of holding the function in his or her home, the individual has arranged for use of a facility which is to be closed off from the public during the function and which is not on any licensed premises.

(b) The function is hosted by the individual personally. That is, there is no charge in any manner whatsoever for attendance, whether by admission charge, donation, dues, fees, or otherwise, and there is no charge in any manner whatsoever for anything provided at the function (i.e., mixer, setups, ice, food, hors d'oeuvres, etc.).

(c) That there is no business purpose for the function and that no pecuniary gain is intended or realized by the individual from the holding of the function.

(d) That those persons attending the function are the personal invitees of the individual holding it.

NEW SECTION

WAC 314-18-040 ISSUANCE FEE—RESTRICTIONS. (1) Banquet permits may be issued by the board's stores and agencies to qualified applicants on forms provided by the board; the fee for each banquet permit will be ten dollars.

(2) Except for outdoor areas, banquet permits will only be issued for use at premises that are or can be arranged so that the general public can be excluded therefrom.

(3) Where the application is for a banquet to be held either partially or wholly out-of-doors, the following restrictions will apply:

(a) State parks: State parks are exempt from the law requiring a license or permit to consume liquor in a public place (RCW 66.04.011). Banquet permits shall not be issued for the service and consumption of liquor in state parks.

(b) City and county parks: Applicants will be issued banquet permits only upon presentation of written approval from the appropriate local authority for the banquet applied for.

(c) Commercial parks (privately owned and operated): Store and agency managers may issue banquet permits for use in such commercial parks even though the event is to be held partly or wholly out-of-doors.

(d) All other outdoor areas: Issuance is conditioned upon approval of the area liquor enforcement officer.

(4) Where the application is for a banquet permit for an event to be held on a college or university campus or upon the premises of an elementary or high school, public or private; permits will be issued provided that approval, in writing, by an appropriate official of the college, university, elementary, or high school is furnished with the application.

(5) Banquet permits will not be issued:

(a) For use at premises that have a license issued by the board that is or will be suspended on the date of the scheduled banquet.

(b) For functions held in a tavern.

(6) The event for which the banquet permit application is made cannot be open to the public through general admission ticket sales.

(7) The event for which the banquet permit application is made cannot be open to the public or advertised to the public.

(8) Approval of the area enforcement officer is required for banquet permits intended for use in the cocktail lounge facilities or tap rooms of class A, C, D, or H licensed premises, including hotels, restaurants, and clubs, unless the entire premises under the control of the licensee is devoted to the banquet, and then only if all licensee liquor is removed from view and securely isolated.

NEW SECTION

WAC 314-18-050 SALE OF LIQUOR—NOT AUTHORIZED. (1) A banquet permit does not authorize the sale of liquor for cash, credit, check, scrip, or in any manner whatever: PROVIDED, HOWEVER, That the cost of the occasion to those attending, if any,

may be included in the total price for the banquet, in which event, to assure participants receiving an equal share, an allocation based upon a distribution of tickets exchangeable for drinks as a part of the package price is permissible.

(2) The prohibition provided for in subsection (1) of this section extends to the sale of mixers, ice, or "set-ups" if the prices charged therefor are unrelated to the cost of such goods and/or services and approximate what the charge for a drink containing liquor would be.

(3) Liquor cannot be raffled off or offered as a prize at an event for which a banquet permit has been issued. (Such disposition would constitute a "sale" of liquor as that term is defined in RCW 66.04.010(27)).

NEW SECTION

WAC 314-18-060 LIQUOR TO BE SERVED AND CONSUMED—RESTRICTIONS. (1) Class H discount liquor or military discount liquor cannot be sold, served, or consumed under or by authority of a banquet permit. Liquor to be served will be purchased from an authorized retail source only.

(2) Licensees and/or commercial caterers shall not pay for or advance the moneys to purchase the liquor for the event for which the banquet permit application has been made, but they may transport the prepaid liquor purchased by the applicant to whom the banquet permit was issued.

(3) No banquet permittee may buy or accept delivery of liquor from any manufacturer, brewer, wholesaler, distiller, winery, importer, or agent thereof.

(4) It is not necessary for a banquet permit applicant to purchase liquor at the time the permit is issued, and individuals attending a banquet function may bring their own liquor.

NEW SECTION

WAC 314-18-070 RESPONSIBILITIES OF PERMITTEE. (1) No banquet permittee, or employee thereof, may knowingly permit the service to or consumption of liquor by any person under the age of twenty-one years who is present at the event for which a banquet permit has been issued.

(2) No banquet permittee, or employee thereof, may knowingly permit any disorderly conduct to occur or serve or permit the consumption of liquor by an apparently intoxicated person(s) on the premises for which a banquet permit has been issued.

(3) The banquet permit shall be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use.

NEW SECTION

WAC 314-18-080 HOURS OF OPERATION—INSPECTION OF PREMISES. (1) Banquet permits may be issued for any day and may authorize the service and consumption of liquor between the hours of 6:00 a.m. and 2:00 a.m. of the following day, except on New Year's Day, when the hour of closing may be extended to 3:00 a.m.

(2) Any premises where a banquet permit has been granted shall be open to inspection by any peace officer or enforcement officer of the board to the same extent as provided for in WAC 314-12-120.

NEW SECTION

WAC 314-18-090 MISREPRESENTATION ON APPLICATION—CONSEQUENCES. A misrepresentation of fact found to have been made by an applicant for any banquet permit shall be deemed a lack of good faith and shall constitute good and sufficient cause for the disapproval of such application or for the cancellation of said permit if the event for which the permit has been granted has not yet been held, or for the immediate termination of the permit if the event for which the permit has been issued is in progress.

NEW SECTION

WAC 314-18-100 PENALTIES. In addition to the general penalties provided by law (RCW 66.44.175 and 66.44.180) for the violation of board regulations, the board, upon a finding that a banquet permittee has violated any of the regulations of this chapter, may, in its discretion:

(1) Cancel or terminate the permit.

(2) Hold the applicant and/or the premises for which the banquet permit was issued ineligible for future banquet permits.

WSR 82-16-101
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Fisheries intends to adopt, amend, or repeal rules concerning buy-back regulations;

that the agency will at 10:00 a.m., Thursday, September 9, 1982, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 16, 1982.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.28.500 through 75.28.540.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 8, 1982.

Dated: August 4, 1982
By: Rolland A. Schmitten
Director

STATEMENT OF PURPOSE

Title: Chapter 220-95 WAC.

Description of Purpose: Define procedures for departmental purchase of licenses and vessel use restrictions.

Summary of Rule: WAC 220-95-011, defines application and describes required information; WAC 220-95-016, describes how applications are to be ranked; WAC 220-95-021, gives options available to the department for purchase of license and vessel use restrictions; WAC 220-95-026, establishes procedure for determining vessel value; and WAC 220-95-031, establishes use restrictions of vessels that have been sold into program or have restricted status.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Edward P. Manary, 115 General Administration Building, Olympia, Washington, 753-6627; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries.

Comments: These rules are required under RCW 75-.28.530, and are intended for the expeditious completion of the program.

These rules are the result of the Magnuson Act (PL 96-561).

Small Business Economic Impact Statement: All firms and individuals are effected equally. The only costs are time for application completion and survey.

NEW SECTION

WAC 220-95-011 APPLICATION TO SELL. A person desiring to sell a license or vessel restriction to the department of fisheries shall submit an application to the department. The application must be notarized, received during an open-application period established by the department, submitted on a departmental form and from an individual listed as a vessel owner on a license who has not accepted retraining benefits under a buy-back program administered by the department. The applicant must provide his name, address, phone number, and date of birth together with a description of the vessel, a list of licenses, and license numbers held at the time of application and a statement of whether the applicant is offering the license(s) only or the license(s) and vessel restriction pursuant to WAC 220-95-021.

NEW SECTION

WAC 220-95-016 RANKING OF APPLICATIONS. (1) The department shall separate applicants into one of the following license categories:

(a) Troll and vessel delivery permit;
(b) Purse seine;
(c) Puget Sound gill net;
(d) Willapa and Grays Harbor gill net;
(e) Charter;
(f) Reef net.

(2) The department shall establish priority rankings within each category. The department shall use license and catch records maintained by the department and may, for charters, use other license and catch records as the director finds appropriate to establish the rankings. Within a category, the department shall rank applicants beginning with applicants who have held a license the greatest cumulative number of years. For applicants other than charters with the same number of years, the department shall rank applicants beginning with the largest average poundage catch within the state for the years 1973-1977. For charters with the same number of years, the department shall rank applicants beginning with the highest average income generated by the license for sale in 1978, 1979, and 1980. The department shall accept only federal income tax records to document income.

(3) A marginal fisherman is a fisherman having an average catch for 1973-1977 ranked in the bottom five percent of all catches in that respective license category or a charter boat owner who cannot document at least four thousand dollars of income derived in Washington state from charter fishing generated by the license for sale in 1978, 1979, or 1980. The department shall accept only federal income tax records to document required income.

NEW SECTION

WAC 220-95-021 PROGRAM OPTIONS. (1) The department may purchase either an applicant's license(s) or an applicant's license(s) and a restriction on the vessel prohibiting the vessel's use as a commercial or charter salmon fishing vessel or salmon delivery vessel.

(2) The department may purchase license(s) or vessel restriction if the applicant's vessel is currently licensed to fish for or deliver salmon within the state and the applicant is qualified pursuant to RCW 75.28.510.

(3) Each vessel use restriction shall be purchased for thirty percent of the fair market value of the vessel. Purchase offers will be made in order of priority ranking established for each category of applicants pursuant to WAC 220-95-016.

(4) The department shall not purchase vessel use restrictions from marginal applicants as defined in WAC 220-95-016.

(5) License and vessel values shall be established as provided in WAC 220-95-026. After the value of the vessel has been established and the applicant has provided paid receipts for the first two surveys, the department may communicate a purchase offer to the applicant. If the applicant accepts the offer, the applicant shall sign and return the offer within ten calendar days of the date of the offer.

(6) The department may not purchase more than one vessel restriction or license from an applicant until all applicants have had an opportunity to sell.

(7) A person who previously sold either a vessel or license to the program may sell only other licenses and restrictions on other vessels owned at the time the person first sold to the program.

NEW SECTION

WAC 220-95-026 SURVEYS—VESSELS—LICENSE—PERMIT VALUES. (1) The department shall conduct a yearly market survey in consultation with the advisory board established pursuant to RCW 75.28.530 in order to determine the fair market value of licenses in each license category.

(2) The department shall establish fair market value for vessels using the following method:

(a) Each vessel shall be surveyed by two marine surveyors chosen by the applicant from a list provided by the department.

(b) A third survey shall be done if the value of the lower survey is less than fifty thousand dollars and the difference between the surveys is more than twenty percent of the lower survey, or the value of the lower survey is more than fifty thousand dollars and the difference between the surveys is more than ten percent of the lower survey value. The department shall randomly select the third surveyor from the same list supplied to the applicant. The department shall not conduct a third survey until the applicant provides the department with paid receipts for the first two surveys.

(c) The applicant and program manager or their representatives shall be in attendance during each survey.

(d) Each surveyor shall send copies of the survey to the applicant and to the department.

(e) The cost of the first two surveys shall be borne by the applicant. The department shall reimburse this cost if the applicant accepts the purchase offer. The cost of the third survey shall be borne by the department.

(f) The fair market value of the vessel shall be computed by the department averaging the two closest survey values.

(g) The department shall maintain confidentially of the surveys prior to completion of the purchase by the department.

NEW SECTION

WAC 220-95-031 USE RESTRICTIONS AND PENALTIES. (1) For a period of ten years from the date of the purchase of the vessel's restriction by the department it shall be unlawful to:

(a) Use the vessel as a commercial or charter salmon fishing vessel or as a salmon delivery vessel other than as a vessel used for angling or other personal use in waters within the state of Washington, including the concurrent waters of the Columbia river.

(b) Use the vessel as a commercial or charter salmon fishing vessel or as a salmon delivery vessel other than as a vessel used for angling or other personal use in waters outside the three mile limit off the

Washington coast in an area from the southern jetty at the mouth of the Columbia river north to the United States/Canadian border.

(c) Use the vessel as a commercial or charter salmon fishing vessel or as a salmon delivery vessel with the intent to deliver fish in another state, in waters outside the three mile limit off the Washington coast in an area from the southern jetty at the mouth of the Columbia river north to the United States/Canadian border.

(2) Failure to comply with the provisions of subsection (1) of this section will cause the state substantial damage and the amount of damage will be difficult to ascertain precisely. The vessel owner will pay to the department of fisheries as liquidated damages, in addition to all other sums payable hereunder, two hundred dollars for each day or portion thereof on which the vessel is used by any person or entity in violation of the provisions of subsection (1) of this section.

(3) The department shall have relief by injunction to prevent the operation of the vessel for the purposes prohibited in subsection (1) of this section, together with any other relief provided by law. If the vessel is used for any purpose in violation of subsection (1) of this section, in addition to any other penalties provided by law, said vessel's fish, equipment, gear and personal property on board will be subject to immediate confiscation by, and forfeiture to, the state without notice to any owner or user of the vessel. If catches of the vessel prohibited by subsection (1) of this section have been sold or transferred, the owner or user of the vessel is liable to the department in the amount thereof and all Washington state commercial fishing licenses and/or permits issued to the owner or user shall be immediately revoked without notice by the department.

(4) The vessel owner and any subsequent transferee assigns to the department any and all rights to enforce the provisions of subsection (1) of this section. At any time the department may inspect the vessel for the limited purpose of ascertaining whether the vessel is being used for any purpose or use in violation of subsection (1) of this section. If any subsequent transferee is a treaty Indian, the department will require proof of treaty status prior to approving a transfer of vessel ownership or use. Nonapplicability of use restrictions to treaty Indians will not affect imposition of use restrictions to non-Indian transferees, owners or users of any vessel.

REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 220-95-010 APPLICATION TO SELL—QUALIFICATION.
(2) WAC 220-95-015 SURVEY—VESSEL—GEAR—LICENSE—PERMIT.
(3) WAC 220-95-017 BONUS PAYMENTS.
(4) WAC 220-95-020 OFFER TO SELL.
(5) WAC 220-95-030 OFFER TO SELL—FORMS.
(6) WAC 220-95-040 PROTECTION—UNDISCLOSED LIENS, CLAIMS, ETC.
(7) WAC 220-95-045 SELLING OF VESSELS, EQUIPMENT, GEAR—CONDITIONS.
(8) WAC 220-95-050 USE OF BUY-BACK VESSELS.
(9) WAC 220-95-055 VIOLATIONS—CONDITIONS—PENALTIES.

WSR 82-16-102
PROPOSED RULES
THE EVERGREEN STATE COLLEGE
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that The Evergreen State College intends to adopt, amend, or repeal rules concerning governance and decision-making;

that the institution will at 1:30 p.m., Thursday, September 9, 1982, in the Board Room, Room 3112, The Evergreen State College, Daniel Evans Library Building, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.40.120(11).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before September 9, 1982.

Dated: August 4, 1982
By: Daniel J. Evans
President

STATEMENT OF PURPOSE

Governance and Decision Making: To provide for involvement in internal decision making and grievance from internal decision making by members of the Evergreen faculty, students and staff, both classified and exempt.

Statutory Authority: RCW 28B.40.120(11).

Summary of Rule: Establishes a procedure for campus participation in decisions; a grievance system that covers issues over which the trustees of the college have final authority, and establishes a code of conduct for people at Evergreen.

Agency Personnel Responsible for Drafting: Ritannette Cooper, Director of Employee Relations, The Evergreen State College, TA-00, 866-6361; Implementation: Daniel J. Evans, President, The Evergreen State College, TA-00, 866-6100; and Enforcement: The Board of Trustees, The Evergreen State College, Herb Gelman, Chairman, 1982-83, TA-00, 866-6100.

The Evergreen State College, a public education institution higher education system of the state of Washington, Olympia, Washington 98505.

Chapter 174-107 WAC
GOVERNANCE AND DECISION-MAKING AT EVERGREEN

WAC

174-107-100 Definitions.
174-107-110 The social contract—General.
174-107-120 The social contract—Purpose.
174-107-130 The social contract—Freedom and civility.
174-107-140 The social contract—Individual and institutional rights.
174-107-150 The social contract—Society and the college.
174-107-160 The social contract—Prohibition against discrimination.
174-107-170 The social contract—Right to privacy.
174-107-180 The social contract—Intellectual freedom and honesty.
174-107-190 The social contract—Open forum and access to information.
174-107-200 The social contract—Political activities.
174-107-210 The legal nature and status of the Evergreen State College.
174-107-220 Standards for decision-making and governance at Evergreen.
174-107-230 Implementation of governance policies and procedures: The Evergreen council.
174-107-240 The Evergreen council—Membership.
174-107-250 The Evergreen council—The executive committee.
174-107-260 The Evergreen council—Subcommittees.
174-107-270 The Evergreen council—Ad hoc committees.
174-107-280 The Evergreen council—Standing committees and consultative constituency groups.
174-107-290 The Evergreen council—Community access.
174-107-300 The Evergreen council—The agenda.
174-107-310 The Evergreen council—Meetings.
174-107-320 The Evergreen council—Minutes of meetings.

174-107-330	The Evergreen council—Actions of council.
174-107-340	The Evergreen council—Relationship with administrators.
174-107-350	The Evergreen council—Appeals from and notification of decisions or findings.
174-107-360	Conflict resolution, general.
174-107-370	Mediation/mediator.
174-107-380	Mediator of legal issues.
174-107-400	Hearing board procedures.
174-107-410	Petition for hearing and preliminary procedures.
174-107-420	Hearing board chairperson.
174-107-430	Requirements of disputants.
174-107-440	Guidelines: The hearing.
174-107-450	Admissible documents.
174-107-460	Components of hearings.
174-107-470	Challenges to board members.
174-107-500	Presentation of evidence.
174-107-510	Timelines for hearing.
174-107-520	Hearing board deliberations and decisions.
174-107-530	Appeals from hearing decisions.
174-107-540	Amending procedure for governance document.
174-107-560	Evaluation of governance.

NEW SECTION

WAC 174-107-100 DEFINITIONS. (1) Adjudicator: Designated community member who is responsible for reviewing a variety of situations involving social, emotional, and/or behavioral problems.

(2) Consultative constituency groups: A group usually composed of one constituency of the campus, that provides advice to an administrator on issues principally pertinent to that constituency, e.g. faculty meetings, the President's Council.

(3) DTF (Disappearing Task Force): The ad hoc committee system at Evergreen by which community involvement in decision-making is sought, policy developed and faculty and administrators hired.

(4) DTF implementation/review committee of the Evergreen council: This is a subcommittee of the council. Its responsibility is to receive the charge and membership and final report of all DTF's; maintain file on each DTF charged including the response to the final report made by decision-maker or charger of the DTF. In addition, this subcommittee may pursue any issues in the DTF report or response that it deems appropriate.

(5) Evergreen community: Currently enrolled or on leave students and all staff and faculty in pay or on leave status.

(6) Evergreen council: The campus advisory and deliberative body.

(7) Executive committee of the Evergreen council: Four members of the council, who are selected by the council to serve as the facilitators for campus governance.

(8) Grievable issues: Any issues that arise as a result of a proposed or promulgated policy; or as a result of decisions made under existing campus policy to which a community member objects; or points of conflict between individuals concerning issues over which the college has final determination.

(9) Grievance procedures: Formal procedure through which members of the community seek to resolve points of disagreement involving a campus promulgated rule or decision.

(10) Hearing board subcommittee: This is a subcommittee of four members of the council. Chaired by either a faculty member or a staff member for continuity purposes, its responsibility is to adjudicate any conflicts referred to it by the executive committee.

(11) Mediator: Designated intervenor in potential conflicts between two members or groups of the community.

(12) Nongrievable issues: Any issue over which the college lacks final determination, including but not limited to: Points covered by federal or state law; contractual agreements between the college and noncommunity members; collective bargaining agreements, affirmative action complaints.

(13) Social contract: This bill of rights and responsibilities outlines a statement of philosophy and a code of behavior and expectations for all members of the Evergreen community.

(14) Standing committees: Annually reconstituted committees whose function is necessary or desirable for the foreseeable future. These committees may either be advisory or have decision-making authority delegated from an administrator. The committees will be composed of representatives of all four constituencies (e.g., Faculty Leaves Committee, Staff Professional Development Committee, S & A Board, Farm Board, Environmental Advisory Committee, Visual Environment Committee).

NEW SECTION

WAC 174-107-110 THE SOCIAL CONTRACT—GENERAL. Evergreen is an institution and a community that continues to organize itself so that it can clear away obstacles to learning. In order that both creative and routine work can be focused on education, and so that the mutual and reciprocal roles of the campus community members can best reflect the goals and purposes of the college, a system of governance and decision-making consonant with those goals and purposes is required.

NEW SECTION

WAC 174-107-120 THE SOCIAL CONTRACT—PURPOSE. (1) The Evergreen State College requires a social contract rather than a list of prohibitions and negative rules. Evergreen can thrive only if members respect the rights of others while enjoying their own rights. Students, faculty, administrators, and staff members may differ widely in their specific interests, in the degree and kinds of experiences they bring to Evergreen, and in the functions which they have agreed to perform. All must share alike in prizing academic and interpersonal honesty, in responsibly obtaining and in providing full and accurate information, and in resolving their differences through due process and with a strong will to collaboration.

(2) The Evergreen community should support experimentation with new and better ways to achieve Evergreen's goals. Specifically, it must attempt to emphasize the sense of community and require members of the campus community to play multiple, reciprocal, and reinforcing roles in both the teaching/learning process and in the governance process.

NEW SECTION

WAC 174-107-130 THE SOCIAL CONTRACT—FREEDOM AND CIVILITY. The individual members of the Evergreen community are responsible for protecting each other and visitors on campus from physical harm, from personal threats, and from uncivil abuse. Civility is not just a word; it must be present in all our interactions. Similarly, the institution is obligated, both by principle and by the general law, to protect its property from damage and unauthorized use and its operating processes from interruption. Members of the community must exercise the right accorded them to voice their opinions with respect to basic matters of policy and other issues. The Evergreen community will support the right of its members, individually or in groups, to express ideas, judgments, and opinions in speech or writing. The members of the community, however, are obligated to make statements in their own names and not as expressions on behalf of the college. Among the basic rights of individuals are freedom of speech, freedom of peaceful assembly and association, freedom of belief, and freedom from intimidation, violence, and abuse.

NEW SECTION

WAC 174-107-140 THE SOCIAL CONTRACT—INDIVIDUAL AND INSTITUTIONAL RIGHTS. Each member of the community must protect: (1) The fundamental rights of others in the community as citizens; (2) the right of each member in the community to pursue different learning objectives within the limits defined by Evergreen's curriculum or resources of people, materials, equipment and money; (3) the rights and obligations of Evergreen as an institution established by the state of Washington; and (4) individual rights to fair and equitable procedures when the institution acts to protect the safety of its members.

NEW SECTION

WAC 174-107-150 THE SOCIAL CONTRACT—SOCIETY AND THE COLLEGE. (1) Members of the Evergreen community recognize that the college is part of the larger society as represented by the state of Washington, which funds it, and by the community of greater Olympia, in which it is located. Because the Evergreen community is part of the larger society, the campus is not a sanctuary from the general law or invulnerable to general public opinion.

(2) All members of the Evergreen community should strive to prevent the financial, political, or other exploitation of the campus by any individual or group.

(3) Evergreen has the right to prohibit individuals and groups from using its name, its financial or other resources, and its facilities for commercial, or political activities.

NEW SECTION

WAC 174-107-160 THE SOCIAL CONTRACT--PROHIBITION AGAINST DISCRIMINATION. There may be no discrimination at Evergreen with respect to race, sex, age, handicap, sexual orientation, religious or political belief, or national origin in considering individuals' admission, employment, or promotion. To this end the college has adopted an affirmative action policy (See Evergreen Administrative Code chapter 174-148 WAC, Equal opportunity policies and procedures—Affirmative action program).

NEW SECTION

WAC 174-107-170 THE SOCIAL CONTRACT—RIGHT TO PRIVACY. (1) All members of the college community have the right to organize their personal lives and conduct according to their own values and preferences, with an appropriate respect for the rights of others to organize their lives differently.

(2) All members of the Evergreen community are entitled to privacy in the college's offices, facilities devoted to educational programs, and housing. The same right of privacy extends to personal papers, confidential records, and personal effects, whether maintained by the individual or by the institution.

(3) Evergreen does not stand in loco parentis for its members.

NEW SECTION

WAC 174-107-180 THE SOCIAL CONTRACT—INTELLECTUAL FREEDOM AND HONESTY. (1) Evergreen's members live under a special set of rights and responsibilities, foremost among which is that of enjoying the freedom to explore ideas and to discuss their explorations in both speech and print. Both institutional and individual censorship are at variance with this basic freedom. Research or other intellectual efforts, the results of which must be kept secret or may be used only for the benefit of a special interest group, violate the principle of free inquiry.

(2) An essential condition for learning is the freedom and right on the part of an individual or group to express minority, unpopular, or controversial points of view. Only if minority and unpopular points of view are listened to, and are given opportunity for expression will Evergreen provide bona fide opportunities for significant learning.

(3) Honesty is an essential condition of learning, teaching or working. It includes the presentation of one's own work in one's own name, the necessity to claim only those honors earned, and the recognition of one's own biases and prejudices.

NEW SECTION

WAC 174-107-190 THE SOCIAL CONTRACT—OPEN FORUM AND ACCESS TO INFORMATION. (1) All members of the Evergreen community enjoy the right to hold and to participate in public meetings, to post notices on the campus, and to engage in peaceful demonstrations. Reasonable and impartially applied rules may be set with respect to time, place and use of Evergreen facilities in these activities. Meetings of public significance cannot be held in secret.

(2) As an institution, Evergreen has the obligation to provide an open forum for the members of its community to present and to debate public issues, to consider the problems of the college, and to serve as a mechanism of widespread involvement in the life of the larger community.

(3) The governance system must rest on open and ready access to information by all members of the community as well as on the effective keeping of necessary records.

(4) In the Evergreen community, individuals should not feel intimidated or be subject to reprisal for voicing their concerns or for participating in governance or policy making.

(5) Decision making processes must provide equal opportunity to initiate and participate in policy making, and Evergreen policies apply equally regardless of job description, status or role in the community.

NEW SECTION

WAC 174-107-200 THE SOCIAL CONTRACT—POLITICAL ACTIVITIES. The college is obligated not to take a position, as an institution, in electoral politics or on public issues except for those matters which directly affect its integrity, the freedom of the members of its community, its financial support, and its educational programs. At the same time, Evergreen has the obligation to support the right of its community's members to engage, as citizens of the larger society, in political affairs, in any way that they may elect within the provision of the general law.

NEW SECTION

WAC 174-107-210 THE LEGAL NATURE AND STATUS OF THE EVERGREEN STATE COLLEGE. (1) The Evergreen State College, established in Thurston county by the 1967 Washington State Legislature, operates under the provision of the Revised Code of Washington (chapter 28B.40 RCW).

(2) Management of the college, care and preservation of its property, erection and construction of necessary buildings and other facilities, and authority to control collection and disbursement of funds is vested in a five-member board of trustees appointed by the governor with the consent of the senate for six-year overlapping terms. Evergreen's president is chosen by and is directly responsible to the board of trustees for executive direction and supervision of all operations of the college. The president is appointed for a six-year term, reviewable annually and renewable for one additional six-year term. The trustees and the president in turn delegate many duties and responsibilities to others in the Evergreen community.

(3) The governance system recognizes that Evergreen is bound by at least two sets of laws and regulations. The first set includes those federal, state, and local regulations which are legal in nature and binding upon all public institutions. The second set of rules and regulations and procedures, promulgated by Evergreen for internal use, make up the system of governance designed to advance the goals and objectives of the college. The campus grievance procedure and mediation process is not intended to handle issues or conflict that are governed by legal forums, such as the Revised Code of Washington or contractual or bargaining agreements. The governance system is intended to provide an avenue of response and participation under campus promulgated rules and regulations.

NEW SECTION

WAC 174-107-220 STANDARDS FOR DECISION-MAKING AND GOVERNANCE AT EVERGREEN. (1) Evergreen must have an acknowledged governance day so that administrative responsibilities of the community members will not interfere with the productivity, service and creativity of the campus. To this end all general campus governance (faculty meetings, DTF's, and standing committees) shall, whenever possible, take place on Wednesdays. No classes, or labs, shall be held on Wednesday prior to 5:00 p.m.

(2) Decisions and methods to be used for their implementation must be handled at the level of responsibility and accountability closest to those affected by a particular decision. Those persons involved in making decisions must be held accountable. "Accountable" means subject to consequences, commensurate with the seriousness of the decision. Decisions must be made only after consultation with those who are affected by the issue. Consultation must be a formal process to assure the widest possible community involvement.

(3) Location of those responsible for the functioning of various areas of the community is identified in the college's organization chart, the Faculty Handbook, and the Evergreen Administrative Code. Delegated duties and responsibilities should be made as explicit as possible, and information regarding the decision-making roles of various members of the Evergreen community should be made easily available.

(4) Evergreen's system of governance must provide an opportunity for participation by members of the Evergreen community.

(5) The community must avoid fractioning into decision-making constituency groups. Members may form consultative constituency groups that augment the decision-making process.

(6) Evergreen wishes to avoid the usual patterns of extensive standing committees and governing councils. Instead, the community uses short-term ad hoc committees named disappearing task forces (DTF) for the purposes of gathering information, preparing position papers, proposing policy, or offering advice. All DTF meetings are open to the public and the DTF must provide advance notice of time, date and location of meetings through the campus newsletter in the college relations office and if possible through the student newspaper.

Standing committees are discouraged, but should a standing committee be deemed essential, those desiring to establish such must submit a request to the Evergreen council through the president's office (see Evergreen council for procedures).

(7) Wherever possible decision-making groups should use the consensus approach.

(8) In cases of conflict, due process procedures set forth in the appropriate sections of the WAC/EAC must be followed.

(9) Governance procedures must be flexible enough to change as the institution changes and must, therefore, provide for an amendment procedure and periodic evaluation.

NEW SECTION

WAC 174-107-230 IMPLEMENTATION OF GOVERNANCE POLICIES AND PROCEDURES: THE EVERGREEN COUNCIL. The Evergreen council serves as a central forum where students, faculty, administrators and staff may meet for action, discussion and advice on issues affecting the college and its members. It shall act as advocate for the governance and decision-making document.

The council will have an active function of investigating, reporting and recommending on issues brought by members of the community. The council also will have a "watchdog" function as the place where the college's principles are reiterated and actions are weighed for compliance with those principles.

NEW SECTION

WAC 174-107-240 THE EVERGREEN COUNCIL—MEMBERSHIP. (1) The membership of the council shall consist of regular members and alternates. The president, four exempt staff, four classified staff, four faculty, and four students shall be regular members. Two exempt staff, two classified staff, two faculty, and four students shall be the alternates.

(2) Members shall be selected randomly by the president's office using the institutional computer roster.

(3) Terms on the Evergreen council shall be for one year, except as noted elsewhere in this document. No one but the president will be expected to serve more than one term, except as noted elsewhere in this document.

(4) Only the members of the council may vote at council meetings or participate in consensus decisions.

(5) The president shall convene a meeting of the council within thirty days of appointment with appropriate notice to the community.

(6) The names of the members shall be published quarterly in the student newspaper and the campus newsletter. Posters shall be printed annually with the names and telephone numbers of the members, the chairman of each subcommittee, and the names and telephone numbers of the executive committee. These posters shall include information about the Evergreen council and the grievance procedures.

(7) Membership on the council is obligatory on any member of the Evergreen community when that person is selected for service, unless he or she is excused for good cause. Faculty are required to allow student members a reasonable time from class sessions for their council service without penalty. Program covenants will acknowledge the responsibility of students and faculty to serve on the council, if selected. Appointment letters to staff and faculty contracts will acknowledge the responsibility to serve. Supervisors are required to release subordinates who are members of the council and to allow reasonable time away from other duties for council service, also without penalty. Membership on the council will provide an exemption from DTF service.

NEW SECTION

WAC 174-107-250 THE EVERGREEN COUNCIL—THE EXECUTIVE COMMITTEE. (1) The executive committee, a committee of four, one from each constituency, shall serve as the adjudication center on issues dealing with the governance document. The committee shall decide if an issue is covered by the governance document and whether the issue shall be considered by the council. The committee shall be the focal point for all issues on campus. It will be the responsibility of the committee to assure timely and fair resolution of all issues and grievances filed with the council.

(2) The committee shall organize itself within ten working days of selection by the council and will publicly announce its readiness to consider issues. The executive committee shall meet at least weekly at a regular time and place.

(3) The committee will make all determinations that involve interpretations or challenges to COG, including determinations as to whether an issue is covered by the grievance procedure.

NEW SECTION

WAC 174-107-260 THE EVERGREEN COUNCIL—SUBCOMMITTEES. There will be minimum of two subcommittees within the council: The hearing board, DTF implementation/review committee or other subcommittees. The council shall establish such ad hoc committees as issues dictate.

(1) Hearing board subcommittee will be composed of four members: One faculty, one exempt, one classified staff, and one student. For purposes of continuity a staff or faculty member shall serve as chair of this subcommittee. Members will be selected randomly from the constituency groups of those individuals previously selected for council membership. Hearing board members will be members of the council but shall serve for five quarters rather than four. During the fifth quarter the board will provide continuity to the council and will assist the new hearing board in organizing itself. The incoming hearing board shall adjudicate any issues that occur after its selection. The outgoing hearing board shall handle any issue that is submitted before the new board is constituted, and shall be discharged at the time the new board is constituted. (See WAC 174-108-06004 for specific responsibilities and procedures of the hearing board.)

(2) DTF implementation/review committee of the Evergreen council: This is a subcommittee of the council. Its responsibility is to receive the charge and membership and final report of all DTF's; maintain file on each DTF charged including the response to the final report made by decision-maker or charger of the DTF. In addition, this subcommittee may pursue any issues in the DTF report or response that it deems appropriate.

NEW SECTION

WAC 174-107-270 THE EVERGREEN COUNCIL—AD HOC COMMITTEES. Ad hoc committees may be established to address specific issues or carry out particular activities of the council. Members from the community shall be appointed by the full council as appropriate.

NEW SECTION

WAC 174-107-280 THE EVERGREEN COUNCIL—STANDING COMMITTEES AND CONSULTATIVE CONSTITUENCY GROUPS. (1) The council has the authority and responsibility to review and act upon requests for establishment of official consultative constituency groups.

(2) The council shall establish or act on a request to establish all standing committees. All existing or newly requested standing committees must seek annual recognition for the council. The request must include the reason for establishment of the committee and the role of the committee as an adjunct to decision-making.

(3) Each committee shall have a life of one calendar year. The committee must be reconstituted annually and be approved by the Evergreen council. Failure to seek reconstitution will result in the committee's loss of standing on campus.

NEW SECTION

WAC 174-107-290 THE EVERGREEN COUNCIL—COMMUNITY ACCESS. (1) Any member of the Evergreen community wishing to bring a matter before the council shall submit a written statement of the question, grievance, problem or proposal to the executive committee of the council in care of the office of the president which shall immediately forward all correspondence to the executive committee. The executive committee shall decide within eight days to:

(a) Forward the matter to the committee-of-the-whole (i.e., the entire council) for consideration;

(b) Decline to investigate or carry the matter to the committee-of-the-whole either because it is trivial or lies outside the council's jurisdiction or violates the intent of the document; or

(c) Refer matters back to appropriate office or person, or campus mediator or to the appropriate subcommittee.

(2) The community member shall be advised in writing within nine days as to which procedure shall be followed.

(3) The community member shall be notified in writing within thirty days of the resolution or recommended action by the council.

NEW SECTION

WAC 174-107-300 THE EVERGREEN COUNCIL—THE AGENDA. (1) Matters referred to the council by a subcommittee;

(2) Matters referred to the council by the executive committee;

(3) Matters placed on the agenda by two members of the council.

NEW SECTION

WAC 174-107-310 THE EVERGREEN COUNCIL—MEETINGS. (1) The council shall meet at least monthly during the academic year, at a regular time and place established by the executive committee. In addition, five members can call a meeting. All meetings of the council, and the agenda for the next meeting, must be announced at least one week in advance through the college newspaper (if it is published during that period), on KAOS, the campus newsletter (or in a written announcement delivered to every office on campus if the newsletter is not published during that week) and in notices posted prominently around the campus.

(2) Those members of the council who are present constitute a quorum.

NEW SECTION

WAC 174-107-320 THE EVERGREEN COUNCIL—MINUTES OF MEETINGS. (1) Minutes shall be made at regular or special council meetings; recording equipment and supplies, or staff shall be the responsibility of the president's office.

(2) Minutes will be distributed five days after the meeting through the usual communications' channels, including the campus newsletter and student media.

NEW SECTION

WAC 174-107-330 THE EVERGREEN COUNCIL—ACTIONS OF COUNCIL. The council has the authority to call witnesses, review any document except those subject to personnel regulations, security generated, or registration records of students, and to hold open hearings and forums. At the conclusion of its deliberation, the council may:

(1) Rule in favor of either side or neither;

(2) Set up a DTF to investigate an issue or formulate a policy;

(3) Issue a public comment or judgment;

(4) Censure either side or both;

(5) Forward an issue to the board of trustees, through the president's office;

(6) Any combination of all of the above.

NEW SECTION

WAC 174-107-340 THE EVERGREEN COUNCIL—RELATIONSHIP WITH ADMINISTRATORS. Notice of action will be given to the appropriate administrator for implementation as necessary. The administrator will give the council a summary of his/her implementation or refusal thereof within thirty calendar days of receipt of the notice.

NEW SECTION

WAC 174-107-350 THE EVERGREEN COUNCIL—APPEALS FROM AND NOTIFICATION OF DECISIONS OR FINDINGS. (1) Decisions of the Evergreen council may be appealed to the trustees within thirty calendar days. No appeal shall be heard from an appellant who has failed to participate in the process prior to the decision. Appeals beyond the council must be made in accordance with WAC 174-107-540.

(2) All actions of the council shall be made public through publication in the campus newsletter, and whenever possible, through college newspaper, and broadcasting on campus radio station. Decisions of the council will be available at the information center and posted in several prominent locations on campus.

NEW SECTION

WAC 174-107-360 CONFLICT RESOLUTION, GENERAL. Members of the Evergreen community who come into conflict with one another should make a determined effort to resolve problems peacefully and constructively between themselves before recourse to mediation and grievance procedures.

(1) Mediation and grievance procedures are set up to serve currently enrolled students and current campus employees. However, former students and employees shall be permitted to grieve issues within the time frame in subsection (2) of this section if the adverse action occurred while the individual was in current status and if the adverse action is covered by the COG document.

(2) Issues covered by the governance document must be grieved within sixty days of receipt of notice of the adverse action.

(3) A determination notice will be issued by the Evergreen council or its subcommittees, within thirty days of the petition date.

(4) In disputes concerning timelines the executive committee of the Evergreen council will consider receipt of notice to be a reasonable time after the date of any official documents are issued. However, the Evergreen council may determine appropriate deviations from these time frames for good and sufficient reasons.

(5) Discrimination complaints and all other disputes covered by the Revised Code of Washington, federal and local regulations which are of a legal nature and binding on all public institutions or contractual agreements shall not be referred to the campus grievance procedure. The attorney general shall serve as advisor to the executive committee should a ruling on jurisdiction be required.

NEW SECTION

WAC 174-107-370 MEDIATION/MEDIATOR. (1) Mediator: Designated intervener in potential conflicts between two members or groups of the community. Individuals in the community should contact the mediator before requesting access to the grievance procedure.

(2) When unable to work out their difference one-to-one, the aggrieved parties shall contact the campus mediator for assistance. The mediator may appoint a third party mediator (m) if the parties fail to agree upon one, or the mediator may serve as the mediator him/herself. The mediator may, if appropriate, refer the party or parties to the adjudicator. Mediation implies deliberation that attempts to result in a solution that will be accepted by the contending parties.

(3) If one party refuses to participate in third party mediation, the campus mediator may refer the issue to the hearing board through the executive committee.

(4) The third party mediation process is deliberately left unstructured; this is done to give the third party mediator the widest possible latitude; the mediator may, at his or her option, adopt any rules or procedures deemed necessary for the orderly resolution of the dispute.

(5) Within five work days of conclusion of mediation, the mediator shall send a summary statement of the nature of the conflict to the executive committee, through the president's office with a copy to the disputants. Mediation should be concluded within ten class days of the request for mediation.

NEW SECTION

WAC 174-107-380 MEDIATOR OF LEGAL ISSUES. (1) In the event of action by authorized administrators which result in an action against a student that involves social, mental/medical incapacity, trespass orders issued on behavioral problems on campus, a student wishing to appeal these actions must request a hearing with the mediator within ten days.

(2) The mediator shall, upon receipt of the letter requesting a hearing, notify the administrator and shall hold a hearing on the issue.

(3) The mediator will, within three days, render a decision or notify both parties that additional information is required before a decision can be made.

(4) The decision of the mediator may be appealed to the president within ten class days.

(5) The decision of the president shall be final.

NEW SECTION

WAC 174-107-400 HEARING BOARD PROCEDURES. (1) Twelve temporary members (three from each constituency group) will be selected from the computer run for one hearing only to join the four regular members. These twelve temporary members will be a pool of available replacements for regular members of the board who disqualify themselves or are disqualified through challenge. Any such replacements must be from the constituency group of the member leaving.

(2) The first responsibility of hearing board members is to their education and work commitments. To insure that the hearing board does not become overworked, regular members may petition the executive committee to convene a supplemental hearing board from the Evergreen council to hear cases if the board feels it is overloaded.

(3) The hearing board cannot hear cases which challenge this governance document. (See WAC 174-107-250(3).)

NEW SECTION

WAC 174-107-410 PETITION FOR HEARING AND PRELIMINARY PROCEDURES. If third party mediation has failed, a disputant who wishes to pursue resolution of a dispute may petition for a hearing within five days of receipt of mediator findings.

(1) Petition for a hearing:

(a) All requests for hearings shall contain the following:

(i) Specific charges or issues for review and response; a hearing will reply only to charges or issues stated in the petition.

(ii) Specific actions or remedy requested.

(b) The petitioner shall deliver a copy of the petition to the other party or agent in the dispute at the time it is submitted to the president's office. The respondent shall be entitled to file a response to the petition, but the time lines will continue to be met while (b) is being accomplished.

(2) Within five class days of receiving a petition for a hearing, the hearing board will convene to review the petition and the mediator's statement, and respond in writing to the disputants accepting or rejecting the case, or clearly stating the conditions which must be met before the request can be accepted. The hearing board may question the executive committee whether the issue is/is not grievable through COG. The executive committee may seek assistance from the attorney general. A decision not to hear a case may be appealed to the board of trustees if the appellant has participated in mediation, and if the appellant has followed the requirements of the hearing board.

NEW SECTION

WAC 174-107-420 HEARING BOARD CHAIRPERSON. (1) The hearing board chairperson will inform the disputants of the date, time, place of the hearing and procedures to be followed. The hearing shall commence within ten class days of acceptance by the hearing board.

(2) The chairperson of the hearing board shall notify disputants in advance of the hearing of time limits for presentation of the issue. Each side may allocate this time as it sees fit. Time for cross-examination will not count against either side, but may be limited. Time required of resource persons requested by the hearing board will likewise not count against either side, but may be limited. The board may modify the time limit if it feels the need.

NEW SECTION

WAC 174-107-430 REQUIREMENTS OF DISPUTANTS. (1) The hearing board may wish to have both parties submit a short and plainly written statement or the matters of positions asserted before the hearing convenes. If so, the chairperson shall request such from each party at the time of notification of the hearing. All documents will be shared with all principals in the dispute.

(2) Each party in the dispute may select one spokesperson. Disputants may be represented by a designee not party to the dispute, but the disputants must participate in order to have the right of appeal.

(3) Petitioner and respondent are responsible for reporting the names of their witnesses and spokesperson, at least three days in advance of the hearing to the chairman of the board and to each other and for insuring that witnesses on their behalf appear at the hearing.

(4) Failure to participate shall not be considered as a good or sufficient reason to postpone the hearing.

NEW SECTION

WAC 174-107-440 GUIDELINES: THE HEARING. (1) The hearing is not a trial, but a forum for full expression of differences. Fairness and truth must be the responsibility of all participants.

(2) The person pressing the complaint is the petitioner. The person responding to the complaint is the respondent. The petitioner and respondent collectively are known as the disputants.

(3) Both parties in the dispute have a right to a fair hearing.

NEW SECTION

WAC 174-107-450 ADMISSIBLE DOCUMENTS. When a hearing board proceeding is held following conclusion of mediation, the hearing shall be conducted without any reference to the mediation report. Further, statements, testimony, and all other evidence given during mediation shall be confidential and shall not be subject to discovery or released to anyone, without permission of the person who divulged the information (RCW 28B.19.120(4)), and the permission of the disputants. However, the summary statement of the mediator is not confidential and shall be considered a matter of public record. (See Mediation (5).)

NEW SECTION

WAC 174-107-460 COMPONENTS OF HEARINGS. Meetings of the hearing board include hearings and deliberations. Hearings shall be open to the community. Deliberations will be closed unless the board unanimously agrees that they will be open. That decision may be re considered at any point during the deliberations. "Open meeting" means that observers not directly involved in the case may observe but not participate in discussion.

NEW SECTION

WAC 174-107-470 CHALLENGES TO BOARD MEMBERS. (1) As soon as the hearing board convenes, any of the hearing board members is subject to challenge by each side represented in a dispute. Each side may preemptorily request the removal of one member of the board.

(2) Disputants must show cause for additional challenges, which are unlimited, if good cause is shown. The hearing board chair shall judge whether good cause is shown. Challenged members are to be replaced by alternate members, previously selected from the constituency groups.

NEW SECTION

WAC 174-107-500 PRESENTATION OF EVIDENCE. (1) Petitioner may first present a brief opening statement. Respondent shall follow with a brief opening statement.

(2) Petitioner may present witnesses along with pertinent, supportive evidence. Subsequent to each witness' testimony, respondent may cross-examine; redirect is allowed and recross-examination, if necessary.

(3) Respondent may present witnesses along with pertinent, supportive evidence. Subsequent to each witness' testimony, respondent may cross-examine.

(4) Petitioner shall present his/her closing arguments, then the respondent shall present his/her closing arguments.

(5) The chairperson of the hearing board is responsible for the smooth functioning of the hearing and providing for a fair hearing for both sides. For example, the chairperson may interrupt to keep the hearing pertinent to the issues and keep hearsay evidence off the records. The chairperson shall rule on procedural objections from the disputants. During the proceedings hearing board members upon recognition from the chair may ask questions which they feel are important to their understanding of the issues or facts.

NEW SECTION

WAC 174-107-510 TIMELINES FOR HEARING. (1) The board may grant delays in the hearing proceedings for valid reasons. For example, the board may wish to allow temporary adjournment to permit a party to respond to new and unexpected material coming to light during the hearing.

(2) The hearing board shall reach a decision within thirty days of receipt of petition for hearing.

NEW SECTION

WAC 174-107-520 HEARING BOARD DELIBERATIONS AND DECISIONS. (1) The hearing board, in deliberating, will consider only the merits of the case and not the consequences of its decision. Finding of fact shall be based exclusively on the evidence and on matters officially noticed.

(2) The hearing board will provide to both parties written notice of its decision within ten days of the close of the hearings, or within thirty class days of filing of original petition, whichever is greater.

(3) The community members shall have access to a transcript or record of the hearings and findings of the hearing board.

The record in a contested case shall include:

(a) All documents, motions, and intermediate rulings;

(b) Evidence received or considered;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof, objections, and rulings thereon;

(e) Proposed findings and exceptions;

(f) Content of closed deliberations; and

(g) Any decision, opinion, or report by the chairperson presiding at the hearing.

(4) The board may elect, upon group unanimous vote, to divulge the contents of closed deliberations verbally or in written form. All communication concerning deliberations shall be from the chair of the board. Board members must refrain from discussing the decision or the deliberations.

(5) Oral proceedings may be transcribed if necessary for the purposes of trustees' rehearing or review. A copy of the record or any part thereof will be furnished upon request and payment of the costs of transcription or duplication.

NEW SECTION

WAC 174-107-530 APPEALS FROM HEARING DECISIONS. (1) Appeal beyond the campus hearing board may be made by a petition to the board of trustees within ten days. Such an appeal request may only be accepted if the appellant participated in mediation and in the hearing. The decision may be challenged if it:

(a) Is clearly erroneous in view of the entire record as submitted;

(b) Is arbitrary or capricious;

(c) Is beyond jurisdiction of Evergreen (i.e., is covered by federal, state, local statutes);

(d) Is contrary to usual practice at Evergreen.

(2) The appeal may include only information entered into the hearing record.

(3) If neither party appeals within ten days of issuance, the decision shall be made final and published within the appropriate news sources.

NEW SECTION

WAC 174-107-540 AMENDING PROCEDURE FOR GOVERNANCE DOCUMENT. (1) Amending of this document may be initiated by filing a notice of change with the Evergreen council. The notice shall contain a narrative of the reason for the change desired, the section to be amended or emended/presented in Code Reviser's Language.

(2) The executive committee shall call a meeting of the council to consider the change.

(3) The council may hold hearings, poll the campus and/or review past practices. It is the responsibility of the council to notify the petitioner of what procedure will be followed in the review of the section of this document that is in question. The council must provide the petitioner with any/all documents used in the review. The petitioner may, if he/she desires, serve as an ex officio member of the council during the deliberations.

(4) Within thirty days the council shall forward a statement of its position to the president's office for consideration by the board of trustees along with the original petition for change.

(5) The trustees shall notify the campus as per the usual public notice requirements before any action is taken on a proposed change.

NEW SECTION

WAC 174-107-560 EVALUATION OF GOVERNANCE. (1) The president will, on April 30th of every fourth year, ask the Evergreen council to convene a DTF on governance which will include faculty, staff, students and a member of the board of trustees to evaluate the Evergreen governance system.

(2) It will be the responsibility of the DTF to affirm the effectiveness of the system or to propose changes. When the DTF has completed its deliberations, it will schedule a series of open meetings, inviting all members of the community to discuss further revision before forwarding the final document by April 30 to the president for implementation the fifth year in September.

WSR 82-16-103
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 82-27—Filed August 4, 1982]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Odessa ground-water subarea management policy, repealing chapter 173-130 WAC and Odessa ground-water subarea management policy, adopting chapter 173-130A WAC.

This action is taken pursuant to Notice Nos. WSR 82-10-073 and 82-14-040 filed with the code reviser on May 5, 1982 and June 30, 1982. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21A-.060, 43.21A.080, 43.27A.090, 90.44.130 and 90.54.040(2) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency 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) in the adoption of these rules.

APPROVED AND ADOPTED August 3, 1982.

By Donald W. Moos
Director

Chapter 173-130A-WAC
ODESSA GROUND WATER SUBAREA MANAGEMENT POLICY

WAC

173-130A-010	Authority.
173-130A-020	Background.
173-130A-030	Definitions.
173-130A-040	Purpose.
173-130A-050	Exemptions.
173-130A-060	Rate of decline in water level to be controlled.
173-130A-070	Maximum lowering of the water table.
173-130A-080	Regulation of withdrawal of ground water.
173-130A-090	Notice of regulation.
173-130A-100	Applications for withdrawal of ground water.
173-130A-110	Distance of wells from East Low Canal.
173-130A-120	Ground water mound-Columbia Basic Project interests.
173-130A-130	Irrigation season.
173-130A-140	Airlines.
173-130A-150	Water duty.
173-130A-160	Development schedule.
173-130A-170	Casing and sealing.
173-130A-180	Reworking wells.
173-130A-190	Bore hole information.
173-130A-200	Acreage expansion program.
173-130A-210	General implementation.
173-130A-220	Regulation review.

NEW SECTION

WAC 173-130A-010 AUTHORITY. This regulation is promulgated by the department of ecology under authority and procedures provided in chapters 34.04, 43.21A. 90.03 and 90.44 RCW.

NEW SECTION

WAC 173-130A-020 BACKGROUND. The Odessa ground water subarea was established and the boundaries set forth in chapter 173-128A WAC.

NEW SECTION

WAC 173-130A-030 DEFINITIONS. For the purposes of this chapter, the following definitions shall be used:

(1) "Water table" shall mean the surface formed by mapping the altitude at which water stands in wells.

(2) "Priority" shall mean the date of receipt by the department of ecology or its predecessor of an acceptable application to appropriate public ground water.

(3) "Department" shall mean the department of ecology.

(4) "Bore hole information" shall include data required to determine the extent and nature of subsurface geologic and hydrologic properties. Examples of bore hole information includes data contained on a completed department Water Well Report form, all or a portion of a suite of geophysical logs such as resistivity, flow, caliper, and television video scanning.

NEW SECTION

WAC 173-130A-040 PURPOSE. The purpose of this regulation is to provide a procedure for managing ground water within the Odessa ground water subarea to insure the maintenance of a safe sustaining yield from the ground water body within a reasonable and feasible pumping lift.

NEW SECTION

WAC 173-130A-050 EXEMPTIONS. The following shall not be subject to this management regulation:

(1) Wells from which the withdrawal is less than 5,000 gallons per day;

(2) Wells drilled under prior authorization which were defined as "Zone C" wells in WAC 173-130-030(3), now repealed.

NEW SECTION

WAC 173-130A-060 RATE OF DECLINE IN WATER LEVEL TO BE CONTROLLED. The rate of decline in the water level will be limited to a total amount of thirty feet in three consecutive years. In the case of a new well, the base time shall commence in the spring following the first season of irrigation use.

NEW SECTION

WAC 173-130A-070 MAXIMUM LOWERING OF THE WATER TABLE. These regulations will be used to prevent the spring static water table, as measured prior to commencement of pumping for irrigation, from lowering more than three hundred feet below the altitude of the static water level as it existed in the spring of 1967.

NEW SECTION

WAC 173-130A-080 REGULATION OF WITHDRAWAL OF GROUND WATER. (1) Upon complaint from a water right holder that the water level in the associated well or wells is being drawn down at a rate in excess of thirty feet in three years as set forth in WAC 173-130A-060 as a primary result of pumping by subsequent appropriators, the department shall evaluate the complaint and take appropriate regulatory action, to the extent practicable, to protect the rights of the prior appropriator.

(2) Whenever the department has reason to believe that the provision of WAC 173-130A-070 is going to be violated, regulatory action to limit withdrawals in the affected area will be initiated according to the procedure outlined in WAC 173-130A-090. Such regulation shall conform to the priority of the pertinent, valid rights and shall prevail on an annual basis until the condition no longer exists, unless the aggregate withdrawal is decreased by mutual agreement of the affected water right holders pursuant to RCW 90.44.180.

(3) The department shall take regulatory action, to the extent necessary, to assure compliance with water right conditions.

NEW SECTION

WAC 173-130A-090 NOTICE OF REGULATION. (1) Notice of regulation shall be provided to each water right holder within the area identified pursuant to WAC 173-130A-080(2) by certified mail on or before May 1 of each year when regulation of withdrawals is contemplated for the next calendar year. Said notice shall also provide for a public meeting within thirty days to be held in the affected area to discuss proposed regulatory action.

(2) Within sixty days following this public meeting, departmental orders will be sent to those water right holders to be regulated.

NEW SECTION

WAC 173-130A-100 APPLICATIONS FOR WITHDRAWAL OF GROUND WATER. All applications for permits to appropriate ground water from within the Odessa ground water subarea shall be analyzed in order of priority to determine the calculated effect that the requested rate and volume of withdrawal will have on existing ground water declines. No permit will be issued for withdrawals which calculations show will cause the conditions of WAC 173-130A-060 or 173-130A-070 to be exceeded at any location within the subarea.

NEW SECTION

WAC 173-130A-110 DISTANCE OF WELLS FROM EAST LOW CANAL. No well may be drilled closer than one-quarter mile to the centerline of the East Low Canal.

NEW SECTION

WAC 173-130A-120 GROUND WATER MOUND-COLUMBIA BASIN PROJECT INTERESTS. Irrigation of Columbia Basin Project lands lying westerly of the East Low Canal and canal leakage have caused development of a ground water mound lying generally under the canal. The retention of existing water levels under the canal is necessary to maintain the present water table gradient toward the Potholes Reservoir to allow the recapture and utilization of artificially stored ground water (see order of the department of ecology, under Docket No. 74-772, dated the 8th day of January, 1975). All applications for permit within the following described area will be evaluated on a case-by-case basis consistent with this chapter. Additionally, the potential effects of the proposed appropriation on existing rights including protection of the ground water mound will be determined. All new permits will be conditioned to assure retention of the existing water levels under the East Low Canal.

Twp N	Rge E	Section
17	30	15, 16, 23, 24 and all those portions of 9 through 11, 13 and 14 lying southerly of the East Low Canal.
	31	3, 4, 9 through 11, 14 through 16, 19 through 23, and those portions of 5, 6, 8, and 17 lying easterly of the East Low Canal.
18	30	1, 12, and all those portions of 2, 11, 13 and 14 lying easterly of East Low Canal.
	31	4 through 10, 15, 16, 21, 22, 27 through 29, 32 through 34, and all those portions of 17 through 20, 30 and 31 lying northerly and easterly of the East Low Canal.
19	29	1 through 3, 10 through 14, 24 through 26, and all those portions of 4, 9, 15, 16, 22, 23, 27, and 34 through 36 lying easterly and northerly of the East Low Canal.
	30	19 through 23, 25 through 27, 29, 30, 36, and all those portions of 28, 31 through 35 lying northerly and easterly of the East Low Canal.
	31	30 and 31
20	29	27, 35, and all those portions of 21, 28, 33 and 34 lying easterly of the East Low Canal.

NEW SECTION

WAC 173-130A-130 IRRIGATION SEASON. The irrigation season for withdrawal of ground water in the Odessa ground water subarea shall be from February 1 to November 30, each year. However, the department recognizes that conditions will vary from year to year, making application of water to the land necessary during December and/or January in some years. Permission to withdraw ground water during December and January may be granted by the department upon showing of a need by individual permit or certificate holders and if not inconsistent with the regulatory program of this chapter.

NEW SECTION

WAC 173-130A-140 AIRLINES. An airline and pressure gauge shall be installed and maintained in operating condition on all new or reworked wells and equipped with a standard tire valve, placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls. The total length of the airline and any changes in length shall be reported to the department.

NEW SECTION

WAC 173-130A-150 WATER DUTY. The duty of water issued in permits for agricultural irrigation shall be not more than 2.5 acre feet per acre per calendar year.

NEW SECTION

WAC 173-130A-160 DEVELOPMENT SCHEDULE. All new permits issued will require beginning of construction of the authorized well(s) within two years after permit issuance. Beginning of construction means that the well drilling has been started and is being actively pursued toward completion. No extensions of time will be granted to this schedule. Violation of this requirement will result in cancellation of the related permits.

NEW SECTION

WAC 173-130A-170 CASING AND SEALING. In order to protect existing shallow domestic and stock water wells, and springs, casing and sealing requirements will be determined on a case-by-case basis and included as a provision on all new permits issued. New permits will also be conditioned to prohibit cascading water in wells in accordance with chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells). Sealing of required casing shall consist of filling the annular space between casing and well bore with cement grout placed by pumping from the bottom of the casing to land surface. Alternative methods to

provide the same protection afforded by casing and sealing may be submitted to the department for review and shall only be used if approved in writing by the department prior to well completion.

NEW SECTION

WAC 173-130A-180 REWORKING WELLS. Any well which is reworked shall be constructed to comply with the casing and sealing provisions of WAC 173-130A-170. Reworking shall include, but not be limited to, reaming to enlarge well diameter or deepening.

NEW SECTION

WAC 173-130A-190 BORE HOLE INFORMATION. It shall be the responsibility of the owner of all new or reworked wells drilled in the Odessa ground water subarea to provide the department of ecology with such logs as the department may reasonably require.

NEW SECTION

WAC 173-130A-200 ACREAGE EXPANSION PROGRAM. (1) Water right certificate holders who wish to expand their authorized irrigated acreage while not increasing actual historic withdrawal rates in gallons per minute or acre feet per year, within the maximum limits of their water right, may submit a request in writing to the department at least four months prior to initiation of irrigation. Such request shall include documentation substantiating actual quantities applied to a beneficial use within authorized acreage for a minimum of the three previous consecutive irrigation seasons. This documentation shall consist of accurate flow meter readings, electrical consumption which has been converted to actual acre footage withdrawn, or any other data acceptable to the department.

(2) The acreage expansion, if authorized, will allow the certificate holder to apply the average of the quantity of water beneficially used during the past three consecutive years to more land.

(3) Where the acreage expansion program is continuous from year to year, the initial documentation of beneficial use of water shall apply to each subsequent year.

(4) New wells will not be permitted to be drilled as part of this program. Every well authorized for use under this program must be equipped with an accurately operating flow meter before acreage expansion can be implemented.

(5) By December 31 of each year, the water user shall submit in writing to the department a statement of the total water used, in acre feet, under the acreage expansion program for the completed irrigation season.

(6) The acreage expansion program will be administered as a temporary change through an annual letter of authorization. No permanent amendment or change in any water right certificate shall be issued as part of this program.

The penalty for noncompliance with the provisions of this section shall include, but not be limited to, termination from the acreage expansion program for one calendar year.

NEW SECTION

WAC 173-130A-210 GENERAL IMPLEMENTATION. The department recognizes the uncertainties associated with ground water occurrence and water well construction, both being dependant in large part on the geologic and hydrologic characteristics of the aquifer materials underlying a specific proposed well site. Therefore, the department shall endeavor to implement this chapter in a reasonable and practical manner consistent with its purpose.

NEW SECTION

WAC 173-130A-220 REGULATION REVIEW. The department may review these regulations whenever requested or by action initiated by the department.

REPEALER

The following chapter of the Washington Administrative Code is repealed in its entirety:

(1) WAC 173-130-010 BACKGROUND.
(2) WAC 173-130-020 AUTHORITY.
(3) WAC 173-130-030 DEFINITIONS.
(4) WAC 173-130-040 PURPOSE.
(5) WAC 173-130-050 DEPTH ZONE DESIGNATION.
(6) WAC 173-130-060 RATE OF DECLINE IN WATER LEVEL TO BE CONTROLLED.
(7) WAC 173-130-070 MAXIMUM LOWERING OF THE WATER TABLE.
(8) WAC 173-130-080 REGULATION OF WITHDRAWAL OF GROUND WATER.
(9) WAC 173-130-090 NOTICE OF REGULATION.
(10) WAC 173-130-100 NO INCREASE IN GROUNDWATER WITHDRAWALS DURING REGULATION.
(11) WAC 173-130-110 SUPPLEMENTAL WELLS REGULATED.
(12) WAC 173-130-120 ANNUAL VOLUME OF WATER DETERMINED.
(13) WAC 173-130-130 NEW GROUNDWATER WITHDRAWALS.
(14) WAC 173-130-140 NEW APPLICATIONS FOR WITHDRAWAL OF GROUNDWATERS.
(15) WAC 173-130-150 TIME SEQUENCE FOR PROCESSING NEW APPLICATIONS TO APPROPRIATE GROUND WATER.
(16) WAC 173-130-155 REWORKING WELLS.
(17) WAC 173-130-160 BORE HOLD LOGS REQUIRED.
(18) WAC 173-130-170 DISTANCE OF WELLS FROM EAST LOW CANAL.
(19) WAC 173-130-180 SUPPLEMENTAL SURFACE WATER.
(20) WAC 173-130-190 GROUNDWATER SUPERVISORS.
(21) WAC 173-130-195 IRRIGATION SEASON.
(22) WAC 173-130-200 REVIEW OF REGULATIONS.

WSR 82-16-104
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed August 4, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Olympia, City of, amending WAC 173-19-4203;

that the agency will at 2:00 p.m., Tuesday, September 7, 1982, in the Hearings Room, Department of Ecology, Air and Land Offices, Rowesix, 4224 Sixth Avenue S.E., Lacey, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 28, 1982.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

The specific statute these rules are intended to implement is chapter 90.58 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 17, 1982.

Dated: August 3, 1982
By: Donald W. Moos
Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-4203 Olympia, City of.

Description of Purpose: Adoption of revised shoreline master program into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts revisions to the shoreline master program for the City of Olympia.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeanne Holloman, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6264.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government; local government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: N/A.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-4203 OLYMPIA, CITY OF. City of Olympia master program approved May 21, 1976. Revision approved September 28, 1982.

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)
RES = Restoration of section to previous form
REVIEW = Review of previously adopted rule

Suffixes:

-P = Proposed action
-C = Continuance of previous proposal
-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.

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16-316-0025	REP-P	82-04-082
16-316-0025	REP	82-08-033
16-316-0026	REP-P	82-04-082
16-316-0026	REP	82-08-033
16-316-0027	REP-P	82-04-082
16-316-0027	REP	82-08-033

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16-316-0037	REP	82-08-033
16-316-0038	REP-P	82-04-082
16-316-0038	REP	82-08-033
16-316-004	REP-P	82-04-082
16-316-004	REP	82-08-033
16-316-0043	REP-P	82-04-082
16-316-0043	REP	82-08-033
16-316-0044	REP-P	82-04-082
16-316-0044	REP	82-08-033
16-316-0045	REP-P	82-04-082
16-316-0045	REP	82-08-033
16-316-0053	REP-P	82-04-082
16-316-0053	REP	82-08-033
16-316-0058	REP-P	82-04-082
16-316-0058	REP	82-08-033
16-316-0059	REP-P	82-04-082
16-316-0059	REP	82-08-033
16-316-006	REP-P	82-04-082
16-316-006	REP	82-08-033
16-316-0062	REP-P	82-04-082
16-316-0062	REP	82-08-033
16-316-0065	REP-P	82-04-082
16-316-0065	REP	82-08-033
16-316-0081	REP-P	82-04-082
16-316-0081	REP	82-08-033
16-316-0086	REP-P	82-04-082
16-316-0086	REP	82-08-033
16-316-0096	REP-P	82-04-082
16-316-0096	REP	82-08-033
16-316-160	AMD-P	82-04-082
16-316-160	AMD	82-08-033
16-316-165	AMD-P	82-04-082
16-316-165	AMD	82-08-033
16-316-214	NEW-P	82-04-082
16-316-214	NEW	82-08-033
16-316-270	AMD-P	82-04-082
16-316-270	AMD	82-08-033
16-316-370	AMD-P	82-04-082
16-316-370	AMD	82-08-033
16-316-620	AMD-P	82-04-082
16-316-620	AMD	82-08-033
16-316-727	NEW-P	82-05-013
16-316-727	NEW	82-08-034
16-316-790	AMD-P	82-04-082
16-316-790	AMD	82-08-033
16-316-800	AMD-P	82-04-082
16-316-800	AMD	82-08-033
16-316-810	AMD-P	82-04-082
16-316-810	AMD	82-08-033
16-316-815	NEW-P	82-04-082
16-316-815	NEW	82-08-033
16-316-820	AMD-P	82-04-082
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16-316-830	AMD-P	82-04-082
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16-528-040	AMD-C	82-10-065
16-528-040	AMD	82-11-002
16-536-010	AMD-P	82-05-050
16-536-010	AMD	82-15-020
16-536-020	AMD-P	82-05-050
16-536-020	AMD	82-15-020
16-536-040	AMD-P	82-05-050
16-536-040	AMD	82-15-020
16-620-210	AMD	82-04-001
16-620-255	REP	82-04-001
16-620-280	AMD	82-04-001
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16-620-360	REP	82-04-001
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16-750-010	AMD	82-06-045
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24-12-010	AMD-P	82-14-079
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34-02-020	NEW-P	82-10-051
34-02-020	NEW-C	82-15-043
34-02-030	NEW-P	82-10-051
34-02-030	NEW-C	82-15-043
34-02-040	NEW-P	82-10-051
34-02-040	NEW-C	82-15-043
34-04-010	NEW-P	82-10-051
34-04-010	NEW-C	82-15-043
34-04-020	NEW-P	82-10-051
34-04-020	NEW-C	82-15-043
34-04-030	NEW-P	82-10-051
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34-04-050	NEW-C	82-15-043
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34-04-060	NEW-C	82-15-043
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34-04-070	NEW-C	82-15-043
34-04-080	NEW-P	82-10-051
34-04-080	NEW-C	82-15-043
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34-04-090	NEW-C	82-15-043
34-04-100	NEW-P	82-10-051
34-04-100	NEW-C	82-15-043
34-04-110	NEW-P	82-10-051
34-04-110	NEW-C	82-15-043
34-04-120	NEW-P	82-10-051
34-04-120	NEW-C	82-15-043
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48-20-060	NEW	82-14-023
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48-20-100	NEW	82-14-023
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67-14-010	NEW	82-16-095
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67-14-020	NEW	82-16-095
67-14-030	NEW-P	82-13-101
67-14-030	NEW	82-16-095
67-14-040	NEW-P	82-13-101
67-14-040	NEW	82-16-095
67-14-050	NEW-P	82-13-101
67-14-050	NEW	82-16-095
67-14-060	NEW-C	82-04-054
67-14-060	NEW-P	82-13-101
67-14-060	NEW	82-16-095
67-14-070	NEW-P	82-13-101
67-14-070	NEW	82-16-095
67-14-080	NEW-P	82-13-101
67-14-080	NEW	82-16-095
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67-14-090	NEW	82-16-095
67-14-110	NEW-P	82-13-101
67-14-110	NEW	82-16-095
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67-14-150	NEW	82-16-095
67-14-160	NEW-P	82-13-101
67-14-160	NEW	82-16-095
67-14-170	NEW-P	82-13-101
67-14-170	NEW	82-16-095
67-14-180	NEW-P	82-13-101
67-14-180	NEW	82-16-095
67-15-010	RECOD-P	82-13-108
67-15-010	RECOD	82-16-096
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67-20-080	NEW-P	82-13-108
67-20-080	NEW	82-16-096
67-20-085	NEW-P	82-13-108
67-20-085	NEW	82-16-096
67-20-090	NEW-P	82-13-108
67-20-090	NEW	82-16-096
67-20-095	NEW-P	82-13-108
67-20-095	NEW	82-16-096
67-20-100	NEW-P	82-13-108
67-20-100	NEW	82-16-096
67-20-105	NEW-P	82-13-108
67-20-105	NEW	82-16-096
67-20-110	NEW-P	82-13-108
67-20-110	NEW	82-16-096
67-20-120	NEW-P	82-13-108
67-20-120	NEW	82-16-096
67-20-180	NEW-E	82-10-026
67-20-180	NEW-P	82-13-108
67-20-180	NEW	82-16-096
67-20-185	NEW-E	82-10-026
67-20-185	NEW-P	82-13-108
67-20-185	NEW	82-16-096
67-20-190	NEW-E	82-10-026
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67-20-190	NEW	82-16-096
67-20-200	NEW-E	82-10-026
67-20-200	NEW-P	82-13-108
67-20-200	NEW	82-16-096
67-20-255	NEW-P	82-13-108

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67-20-260	NEW	82-16-096
67-20-270	NEW-P	82-13-108
67-20-270	NEW	82-16-096
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67-20-275	NEW	82-16-096
67-20-280	NEW-P	82-13-108
67-20-280	NEW	82-16-096
67-20-281	NEW-P	82-13-108
67-20-281	NEW	82-16-096
67-20-300	NEW-P	82-13-108
67-20-300	NEW	82-16-096
67-20-325	NEW-P	82-13-108
67-20-325	NEW	82-16-096
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67-20-326	RECOD	82-16-096
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67-20-350	NEW	82-16-096
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67-20-384	RECOD	82-16-096
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67-20-385	NEW-P	82-13-108
67-20-385	NEW	82-16-096
67-20-388	RECOD-P	82-13-108
67-20-388	RECOD	82-16-096
67-20-390	NEW-P	82-13-108
67-20-390	NEW	82-16-096
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67-20-412	RECOD	82-16-096
67-20-416	RECOD-P	82-13-108
67-20-416	RECOD	82-16-096
67-20-420	RECOD-P	82-13-108
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67-20-440	RECOD-P	82-13-108
67-20-440	RECOD	82-16-096
67-20-444	NEW-P	82-13-108
67-20-444	NEW	82-16-096
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67-20-448	RECOD	82-16-096
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67-20-452	NEW	82-16-096
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67-20-500	NEW	82-16-096
67-20-505	NEW-P	82-13-108
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67-20-510	NEW-P	82-13-108
67-20-510	NEW	82-16-096
67-20-525	NEW-P	82-13-108
67-20-525	NEW	82-16-096
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67-20-570	NEW	82-16-096
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67-30-070	NEW-P	82-06-039
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67-30-130	AM/DE	82-16-096
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82-20-050	NEW-P	82-02-074
82-20-050	NEW	82-05-030
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132S-11-050	REP-P	82-16-016
132S-11-060	REP-P	82-16-016
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132S-30-012	NEW-P	82-16-016
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132S-50-185	NEW-P	82-16-016
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132S-108-020	REP-P	82-16-016
132S-108-030	REP-P	82-16-016
132S-108-040	REP-P	82-16-016
132S-108-050	REP-P	82-16-016
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132S-108-150	REP-P	82-16-016
132S-108-160	REP-P	82-16-016
132S-108-170	REP-P	82-16-016
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132S-108-260	REP-P	82-16-016
132S-108-270	REP-P	82-16-016
132S-108-280	REP-P	82-16-016
132S-108-290	REP-P	82-16-016
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132S-116-130	REP-P	82-16-016
132S-116-140	REP-P	82-16-016
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132S-116-160	REP-P	82-16-016
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132S-116-210	REP-P	82-16-016
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132S-116-230	REP-P	82-16-016
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132S-116-250	REP-P	82-16-016
132S-116-260	REP-P	82-16-016
132S-116-270	REP-P	82-16-016
132S-116-280	REP-P	82-16-016
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132S-136-210	REP-P	82-16-016
132S-136-220	REP-P	82-16-016
132S-136-230	REP-P	82-16-016
132S-136-240	REP-P	82-16-016
132S-136-250	REP-P	82-16-016
132S-136-260	REP-P	82-16-016
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132S-136-280	REP-P	82-16-016
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132S-168-120	REP-P	82-16-016
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132S-172-020	REP-P	82-16-016
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132S-173-020	REP-P	82-16-016
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132S-175-020	REP-P	82-16-016
132S-175-030	REP-P	82-16-016
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132S-185-010	REP-P	82-16-016
132S-185-020	REP-P	82-16-016
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132S-185-050	REP-P	82-16-016
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132S-190-010	REP-P	82-16-016
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137-60-050	NEW-P	82-03-015
137-60-050	NEW-E	82-03-016
137-60-050	NEW	82-07-006
137-60-060	NEW-P	82-03-015
137-60-060	NEW-E	82-03-016
137-60-060	NEW	82-07-006
137-60-070	NEW-P	82-03-015
137-60-070	NEW-E	82-03-016
137-60-070	NEW	82-07-006
137-60-080	NEW-P	82-03-015
137-60-080	NEW-E	82-03-016
137-60-080	NEW	82-07-006
137-60-090	NEW-P	82-03-015
137-60-090	NEW-E	82-03-016
137-60-090	NEW	82-07-006
137-60-100	NEW-P	82-03-015
137-60-100	NEW-E	82-03-016
137-60-100	NEW	82-07-006
137-60-110	NEW-P	82-03-015
137-60-110	NEW-E	82-03-016
137-60-110	NEW	82-07-006
137-60-120	NEW-P	82-03-015
137-60-120	NEW-E	82-03-016
137-60-120	NEW	82-07-006
137-60-130	NEW-P	82-03-015
137-60-130	NEW-E	82-03-016
137-60-130	NEW	82-07-006
137-60-140	NEW-P	82-03-015
137-60-140	NEW-E	82-03-016
137-60-140	NEW	82-07-006
137-65-010	NEW-P	82-14-031
137-65-010	NEW-E	82-14-034
137-65-020	NEW-P	82-14-031
137-65-020	NEW-E	82-14-034
137-65-030	NEW-P	82-14-031
137-65-030	NEW-E	82-14-034
137-65-040	NEW-P	82-14-031
137-65-040	NEW-E	82-14-034
137-65-050	NEW-P	82-14-031
137-65-050	NEW-E	82-14-034
137-65-060	NEW-P	82-14-031
137-65-060	NEW-E	82-14-034
137-65-070	NEW-P	82-14-031
137-65-070	NEW-E	82-14-034
137-65-080	NEW-P	82-14-031
137-65-080	NEW-E	82-14-034
137-70-010	NEW-P	82-14-030
137-70-010	NEW-E	82-14-033
137-70-020	NEW-P	82-14-030
137-70-020	NEW-E	82-14-033
137-70-030	NEW-P	82-14-030
137-70-030	NEW-E	82-14-033
137-70-040	NEW-P	82-14-030
137-70-040	NEW-E	82-14-033
137-70-050	NEW-P	82-14-030
137-70-050	NEW-E	82-14-033
137-70-060	NEW-P	82-14-030
137-70-060	NEW-E	82-14-033
137-70-070	NEW-P	82-14-030
137-70-070	NEW-E	82-14-033
137-70-080	NEW-P	82-14-030
137-70-080	NEW-E	82-14-033
137-80-010	NEW-P	82-14-032
137-80-020	NEW-P	82-14-032
137-80-030	NEW-P	82-14-032
137-80-040	NEW-P	82-14-032
137-80-050	NEW-P	82-14-032
137-80-060	NEW-P	82-14-032
139-36-010	REP-P	82-04-065
139-36-010	REP	82-07-051
139-36-020	NEW-P	82-04-066
139-36-020	NEW	82-07-052
139-36-030	NEW-P	82-04-066
139-36-030	NEW	82-07-052
139-36-031	NEW-P	82-04-066
139-36-031	NEW	82-07-052
139-36-032	NEW-P	82-04-066
139-36-032	NEW	82-07-052
139-36-033	NEW-P	82-04-066
139-36-033	NEW	82-07-052
139-36-034	NEW-P	82-04-066
139-36-034	NEW	82-07-052
139-36-040	NEW-P	82-04-066
139-36-040	NEW	82-07-052
139-36-041	NEW-P	82-04-066
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139-36-050	NEW-P	82-04-066
139-36-050	NEW	82-07-052
139-36-051	NEW-P	82-04-066
139-36-051	NEW	82-07-052
139-36-060	NEW-P	82-04-066
139-36-060	NEW	82-07-052
139-36-061	NEW-P	82-04-066
139-36-061	NEW	82-07-052
139-50-010	NEW-P	82-03-047
139-50-010	NEW	82-07-053
154	NEW-C	82-12-027
154-01	NEW-C	82-08-054
154-01-010	NEW-E	82-04-017
154-01-010	NEW-E	82-10-005
154-01-010	NEW	82-13-043
154-04	NEW-C	82-08-054
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154-04-010	NEW-E	81-10-005
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154-04-020	NEW	82-13-043
154-04-030	NEW-E	82-04-017
154-04-030	NEW-E	81-10-005
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154-04-040	NEW-E	82-04-017
154-04-040	NEW-E	81-10-005
154-04-040	NEW	82-13-043
154-04-050	NEW-E	82-04-017
154-04-050	NEW-E	81-10-005
154-04-050	NEW	82-13-043
154-04-060	NEW-E	81-10-005
154-04-060	NEW-E	82-04-017
154-04-060	NEW	82-13-043
154-04-070	NEW-E	82-04-017
154-04-070	NEW-E	81-10-005
154-04-070	NEW	82-13-043
154-04-080	NEW-E	82-04-017
154-04-080	NEW-E	81-10-005
154-04-080	NEW	82-13-043
154-04-090	NEW-E	82-04-017
154-04-090	NEW-E	81-10-005
154-04-090	NEW	82-13-043
154-04-100	NEW-E	82-04-017
154-04-100	NEW-E	81-10-005
154-04-100	NEW	82-13-043
154-04-110	NEW-E	82-04-017
154-04-110	NEW-E	81-10-005
154-04-110	NEW	82-13-043
154-08	NEW-C	82-08-054
154-08-010	NEW-E	82-04-017
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154-08-020	NEW	82-13-043
154-08-030	NEW-E	82-04-017
154-08-030	NEW-E	82-10-005
154-08-030	NEW	82-13-043
154-08-040	NEW-E	82-04-017
154-08-040	NEW-E	82-10-005
154-08-040	NEW	82-13-043
154-08-050	NEW-E	82-04-017
154-08-050	NEW-E	82-10-005
154-08-050	NEW	82-13-043
154-12	NEW-C	82-08-054
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154-12-070	NEW	82-13-043
154-12-080	NEW-E	82-04-017
154-12-080	NEW-E	82-10-005
154-12-080	NEW	82-13-043
154-12-090	NEW-E	82-04-017
154-12-090	NEW-E	82-10-005
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154-12-110	NEW-E	82-04-017
154-12-110	NEW-E	82-10-005
154-12-110	NEW	82-13-043
154-16	NEW-C	82-08-054
154-16-010	NEW-E	82-04-017
154-16-010	NEW-E	82-10-005
154-16-010	NEW	82-13-043
154-16-020	NEW-E	82-04-017
154-16-020	NEW-E	82-10-005
154-16-020	NEW	82-13-043
154-20	NEW-C	82-08-054
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154-20-010	NEW-E	82-10-005
154-20-010	NEW	82-13-043
154-20-020	NEW-E	82-04-017
154-20-020	NEW-E	82-10-005
154-20-020	NEW	82-13-043
154-24	NEW-C	82-08-054
154-24-010	NEW-E	82-04-017
154-24-010	NEW-E	82-10-005
154-24-010	NEW	82-13-043
154-28	NEW-C	82-08-054
154-28-010	NEW-E	82-04-017
154-28-010	NEW-E	82-10-005
154-28-010	NEW	82-13-043
154-32	NEW-C	82-08-054
154-32-010	NEW-E	82-04-017
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154-32-010	NEW	82-13-043
154-32-020	NEW-E	82-04-017
154-32-020	NEW-E	82-10-005
154-32-020	NEW	82-13-043
154-36	NEW-C	82-08-054
154-36-010	NEW-E	82-04-017
154-36-010	NEW-E	82-10-005
154-36-010	NEW	82-13-043

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154-40	NEW-C	82-08-054
154-40-010	NEW-E	82-04-017
154-40-010	NEW-E	82-10-005
154-40-010	NEW	82-13-043
154-44	NEW-C	82-08-054
154-44-010	NEW-E	82-04-017
154-44-010	NEW-E	82-10-005
154-44-010	NEW	82-13-043
154-48	NEW-C	82-08-054
154-48-010	NEW-E	82-04-017
154-48-010	NEW-E	82-10-005
154-48-010	NEW	82-13-043
154-52	NEW-C	82-08-054
154-52-010	NEW-E	82-04-017
154-52-010	NEW-E	82-10-005
154-52-010	NEW	82-13-043
154-56	NEW-C	82-08-054
154-56-010	NEW-E	82-04-017
154-56-010	NEW-E	82-10-005
154-56-010	NEW	82-13-043
154-60	NEW-C	82-08-054
154-60-010	NEW-E	82-04-017
154-60-010	NEW-E	82-10-005
154-60-010	NEW	82-13-043
154-64	NEW-C	82-08-054
154-64-010	NEW-E	82-04-017
154-64-010	NEW-E	82-10-005
154-64-010	NEW	82-13-043
154-64-020	NEW-E	82-04-017
154-64-020	NEW-E	82-10-005
154-64-020	NEW	82-13-043
154-64-030	NEW-E	82-04-017
154-64-030	NEW-E	82-10-005
154-64-030	NEW	82-13-043
154-64-040	NEW-E	82-04-017
154-64-040	NEW-E	82-10-005
154-64-040	NEW	82-13-043
154-64-050	NEW-E	82-04-017
154-64-050	NEW-E	82-10-005
154-64-050	NEW	82-13-043
154-64-060	NEW-E	82-04-017
154-64-060	NEW-E	82-10-005
154-64-060	NEW	82-13-043
154-68	NEW-C	82-08-054
154-68-010	NEW-E	82-04-017
154-68-010	NEW-E	82-10-005
154-68-010	NEW	82-13-043
154-68-020	NEW-E	82-04-017
154-68-020	NEW-E	82-10-005
154-68-020	NEW	82-13-043
162-06-010	NEW-P	82-12-053
162-06-010	NEW-C	82-16-070
162-06-030	NEW-P	82-12-053
162-06-030	NEW-C	82-16-070
162-16-160	NEW-P	82-08-070
162-16-160	NEW-C	82-12-023
162-16-160	NEW-C	82-16-082
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162-16-170	NEW-C	82-12-023
162-16-170	NEW-C	82-16-082
162-26-010	NEW-P	82-12-053
162-26-010	NEW-C	82-16-070
162-26-020	NEW-P	82-12-053
162-26-020	NEW-C	82-16-070
162-26-030	NEW-P	82-12-053
162-26-030	NEW-C	82-16-070
162-26-035	NEW-P	82-12-053
162-26-035	NEW-C	82-16-070
162-26-040	NEW-P	82-12-053
162-26-040	NEW-C	82-16-070
162-26-050	NEW-P	82-12-053
162-26-050	NEW-C	82-16-070
162-26-060	NEW-P	82-12-053
162-26-060	NEW-C	82-16-070
162-26-070	NEW-P	82-12-053
162-26-070	NEW-C	82-16-070
162-26-080	NEW-P	82-12-053
162-26-080	NEW-C	82-16-070
162-26-090	NEW-P	82-12-053
162-26-090	NEW-C	82-16-070
162-26-100	NEW-P	82-12-053
162-26-100	NEW-C	82-16-070
162-26-110	NEW-P	82-12-053
162-26-110	NEW-C	82-16-070
162-26-120	NEW-P	82-12-053
162-26-120	NEW-C	82-16-070
162-26-130	NEW-P	82-12-053
162-26-130	NEW-C	82-16-070
162-38-010	NEW-P	82-12-053
162-38-010	NEW-C	82-16-070
162-38-020	NEW-P	82-12-053
162-38-020	NEW-C	82-16-070
162-38-030	NEW-P	82-12-053
162-38-030	NEW-C	82-16-070
162-38-035	NEW-P	82-12-053
162-38-035	NEW-C	82-16-070
162-38-040	NEW-P	82-12-053
162-38-040	NEW-C	82-16-070
162-38-050	NEW-P	82-12-053
162-38-050	NEW-C	82-16-070
162-38-060	NEW-P	82-12-053
162-38-060	NEW-C	82-16-070
162-38-070	NEW-P	82-12-053
162-38-070	NEW-C	82-16-070
162-38-080	NEW-P	82-12-053
162-38-080	NEW-C	82-16-070
162-38-090	NEW-P	82-12-053
162-38-090	NEW-C	82-16-070
162-38-100	NEW-P	82-12-053
162-38-100	NEW-C	82-16-070
162-38-110	NEW-P	82-12-053
162-38-110	NEW-C	82-16-070
162-38-120	NEW-P	82-12-053
162-38-120	NEW-C	82-16-070
167-04-010	REP-P	82-07-084
167-04-030	REP-P	82-07-084
167-04-050	REP-P	82-07-084
167-06-010	REP-P	82-07-084
167-06-020	REP-P	82-07-084
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172-116-050	AMD	82-07-038
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172-116-280	AMD	82-07-038
172-116-300	AMD	82-07-038
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173-19-160	AMD	82-11-105
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173-19-240	AMD-P	82-13-106
173-19-250	AMD	82-05-018
173-19-2521	AMD	82-02-079
173-19-2524	AMD-P	82-08-075
173-19-2524	AMD	82-11-106
173-19-2601	AMD-C	82-02-076
173-19-2601	AMD	82-03-042
173-19-2601	AMD-P	82-03-043
173-19-2601	AMD	82-07-003
173-19-2901	AMD-P	82-13-106
173-19-2902	AMD	82-02-078
173-19-310	AMD-P	82-10-075
173-19-310	AMD	82-14-017
173-19-3208	AMD-P	82-13-106
173-19-330	AMD-C	82-05-015
173-19-330	AMD-C	82-06-012
173-19-330	AMD	82-07-045
173-19-3514	AMD-P	82-05-056
173-19-3514	AMD	82-10-002
173-19-370	AMD-P	82-10-076
173-19-370	AMD-C	82-14-088
173-19-3704	AMD-P	82-10-076
173-19-3704	AMD	82-14-089
173-19-390	AMD-P	82-10-075
173-19-390	AMD	82-14-018
173-19-3910	AMD-C	82-05-016
173-19-3910	AMD	82-06-013
173-19-420	AMD-P	82-03-043
173-19-420	AMD	82-07-004
173-19-4202	AMD	82-02-080
173-19-4203	AMD-P	82-16-104
173-19-4206	AMD	82-02-081
173-19-450	AMD	82-02-077
173-19-450	AMD-P	82-03-043
173-19-450	AMD	82-07-005
173-19-4502	AMD-P	82-05-056
173-19-4502	AMD	82-10-001
173-20-520	AMD-P	82-07-099
173-20-520	AMD-P	82-11-102
173-80-010	NEW	82-05-011
173-80-020	NEW	82-05-011
173-80-030	NEW	82-05-011
173-80-040	NEW	82-05-011
173-80-050	NEW	82-05-011
173-80-060	NEW	82-05-011
173-80-070	NEW	82-05-011
173-128-010	REP-P	82-10-074
173-128-010	REP	82-14-041
173-128-020	REP-P	82-10-074
173-128-020	REP	82-14-041
173-128-030	REP-P	82-10-074
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173-128-040	REP-P	82-10-074
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173-128A-010	NEW	82-14-041
173-128A-020	NEW-P	82-10-074
173-128A-020	NEW	82-14-041
173-128A-030	NEW-P	82-10-074
173-128A-030	NEW	82-14-041
173-128A-040	NEW-P	82-10-074
173-128A-040	NEW	82-14-041
173-128A-050	NEW-P	82-10-074
173-128A-050	NEW	82-14-041
173-130	REP-C	82-14-040
173-130-010	REP-P	82-10-073
173-130-010	REP	82-16-103
173-130-020	REP-P	82-10-073
173-130-020	REP	82-16-103
173-130-030	REP-P	82-10-073
173-130-030	REP	82-16-103
173-130-040	REP-P	82-10-073
173-130-040	REP	82-16-103
173-130-050	REP-P	82-10-073
173-130-050	REP	82-16-103
173-130-060	REP-P	82-10-073
173-130-060	REP	82-16-103
173-130-070	REP-P	82-10-073
173-130-070	REP	82-16-103
173-130-080	REP-P	82-10-073
173-130-080	REP	82-16-103
173-130-090	REP-P	82-10-073
173-130-090	REP	82-16-103
173-130-100	REP-P	82-10-073
173-130-100	REP	82-16-103
173-130-110	REP-P	82-10-073
173-130-110	REP	82-16-103
173-130-120	REP-P	82-10-073
173-130-120	REP	82-16-103
173-130-130	REP-P	82-10-073
173-130-130	REP	82-16-103
173-130-140	REP-P	82-10-073
173-130-140	REP	82-16-103
173-130-150	REP-P	82-10-073
173-130-150	REP	82-16-103
173-130-155	REP-P	82-10-073
173-130-155	REP	82-16-103
173-130-160	REP-P	82-10-073
173-130-160	REP	82-16-103
173-130-170	REP-P	82-10-073
173-130-170	REP	82-16-103
173-130-180	REP-P	82-10-073
173-130-180	REP	82-16-103
173-130-190	REP-P	82-10-073
173-130-190	REP	82-16-103
173-130-195	REP-P	82-10-073
173-130-195	REP	82-16-103
173-130-200	REP-P	82-10-073
173-130-200	REP	82-16-103
173-130A	NEW-C	82-14-040
173-130A-010	NEW-P	82-10-073
173-130A-010	NEW	82-16-103
173-130A-020	NEW-P	82-10-073
173-130A-020	NEW	82-16-103
173-130A-030	NEW-P	82-10-073
173-130A-030	NEW	82-16-103
173-130A-040	NEW-P	82-10-073
173-130A-040	NEW	82-16-103
173-130A-050	NEW-P	82-10-073
173-130A-050	NEW	82-16-103
173-130A-060	NEW-P	82-10-073
173-130A-060	NEW	82-16-103
173-130A-070	NEW-P	82-10-073
173-130A-070	NEW	82-16-103
173-130A-080	NEW-P	82-10-073
173-130A-080	NEW	82-16-103
173-130A-090	NEW-P	82-10-073
173-130A-090	NEW	82-16-103
173-130A-100	NEW-P	82-10-073
173-130A-100	NEW	82-16-103
173-130A-110	NEW-P	82-10-073
173-130A-110	NEW	82-16-103
173-130A-120	NEW-P	82-10-073
173-130A-120	NEW	82-16-103
173-130A-130	NEW-P	82-10-073
173-130A-130	NEW	82-16-103
173-130A-140	NEW-P	82-10-073
173-130A-140	NEW	82-16-103
173-130A-150	NEW-P	82-10-073
173-130A-150	NEW	82-16-103
173-130A-160	NEW-P	82-10-073
173-130A-160	NEW	82-16-103
173-130A-170	NEW-P	82-10-073
173-130A-170	NEW	82-16-103
173-130A-180	NEW-P	82-10-073
173-130A-180	NEW	82-16-103
173-130A-190	NEW-P	82-10-073
173-130A-190	NEW	82-16-103
173-130A-200	NEW-P	82-10-073
173-130A-200	NEW	82-16-103
173-130A-210	NEW-P	82-10-073
173-130A-210	NEW	82-16-103
173-130A-220	NEW	82-16-103
173-201-010	AMD-P	82-06-056
173-201-010	AMD	82-12-078
173-201-020	REP-P	82-06-056
173-201-020	REP	82-12-078
173-201-025	AMD-P	82-06-056
173-201-025	AMD	82-12-078
173-201-035	AMD-P	82-06-056
173-201-035	AMD	82-12-078
173-201-045	AMD-P	82-06-056
173-201-045	AMD	82-12-078
173-201-050	REP-P	82-06-056
173-201-050	REP	82-12-078
173-201-070	AMD-P	82-06-056
173-201-070	AMD	82-12-078
173-201-080	AMD-P	82-06-056
173-201-080	AMD	82-12-078
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173-201-090	AMD-P	82-06-056
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173-201-120	AMD	82-12-078
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173-230-080	AMD	82-09-056
173-230-100	AMD-P	82-05-055
173-230-100	AMD	82-09-056
173-230-110	AMD-P	82-05-055
173-230-110	AMD	82-09-056
173-302	REP-C	82-04-046
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173-302-020	REP	82-05-023
173-302-030	REP	82-05-023
173-302-040	REP	82-05-023
173-302-050	REP	82-05-023
173-302-060	REP	82-05-023
173-302-070	REP	82-05-023
173-302-080	REP	82-05-023
173-302-090	REP	82-05-023
173-302-100	REP	82-05-023
173-302-110	REP	82-05-023
173-302-120	REP	82-05-023
173-302-130	REP	82-05-023
173-302-140	REP	82-05-023
173-302-150	REP	82-05-023
173-302-160	REP	82-05-023
173-302-165	REP	82-05-023
173-302-170	REP	82-05-023
173-302-180	REP	82-05-023
173-302-190	REP	82-05-023
173-302-200	REP	82-05-023
173-302-210	REP	82-05-023
173-302-220	REP	82-05-023
173-302-230	REP	82-05-023
173-302-240	REP	82-05-023
173-302-250	REP	82-05-023
173-302-260	REP	82-05-023
173-302-270	REP	82-05-023
173-302-280	REP	82-05-023
173-302-290	REP	82-05-023
173-302-300	REP	82-05-023
173-302-310	REP	82-05-023
173-302-320	REP	82-05-023
173-302-330	REP	82-05-023
173-302-340	REP	82-05-023
173-302-350	REP	82-05-023
173-302-360	REP	82-05-023
173-302-370	REP	82-05-023
173-302-380	REP	82-05-023
173-302-390	REP	82-05-023
173-303	AMD-C	82-04-046
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173-303-020	NEW	82-05-023
173-303-030	NEW	82-05-023
173-303-040	NEW	82-05-023
173-303-045	NEW	82-05-023
173-303-050	NEW	82-05-023
173-303-060	NEW	82-05-023
173-303-070	NEW	82-05-023
173-303-071	NEW	82-05-023
173-303-075	NEW	82-05-023
173-303-080	NEW	82-05-023
173-303-081	NEW	82-05-023
173-303-082	NEW	82-05-023
173-303-083	NEW	82-05-023
173-303-084	NEW	82-05-023
173-303-090	NEW	82-05-023
173-303-100	NEW	82-05-023
173-303-101	NEW	82-05-023
173-303-102	NEW	82-05-023
173-303-103	NEW	82-05-023
173-303-104	NEW	82-05-023
173-303-110	NEW	82-05-023
173-303-120	NEW	82-05-023
173-303-130	NEW	82-05-023
173-303-140	NEW	82-05-023
173-303-141	NEW	82-05-023
173-303-145	NEW	82-05-023
173-303-150	NEW	82-05-023
173-303-160	NEW	82-05-023
173-303-170	NEW	82-05-023
173-303-180	NEW	82-05-023
173-303-190	NEW	82-05-023
173-303-200	NEW	82-05-023
173-303-210	NEW	82-05-023
173-303-220	NEW	82-05-023
173-303-230	NEW	82-05-023
173-303-240	NEW	82-05-023
173-303-250	NEW	82-05-023
173-303-260	NEW	82-05-023
173-303-270	NEW	82-05-023
173-303-275	NEW	82-05-023
173-303-280	NEW	82-05-023
173-303-290	NEW	82-05-023
173-303-300	NEW	82-05-023

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173-303-340	NEW	82-05-023
173-303-350	NEW	82-05-023
173-303-360	NEW	82-05-023
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173-303-380	NEW	82-05-023
173-303-390	NEW	82-05-023
173-303-395	NEW	82-05-023
173-303-400	NEW	82-05-023
173-303-500	NEW	82-05-023
173-303-510	NEW	82-05-023
173-303-520	NEW	82-05-023
173-303-575	NEW	82-05-023
173-303-600	NEW	82-05-023
173-303-610	NEW	82-05-023
173-303-620	NEW	82-05-023
173-303-630	NEW	82-05-023
173-303-640	NEW	82-05-023
173-303-650	NEW	82-05-023
173-303-660	NEW	82-05-023
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173-303-801	NEW	82-05-023
173-303-805	NEW	82-05-023
173-303-810	NEW	82-05-023
173-303-815	NEW	82-05-023
173-303-820	NEW	82-05-023
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173-303-840	NEW	82-05-023
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173-490-020	AMD-P	82-11-104
173-490-020	AMD	82-16-021
173-490-025	AMD-P	82-11-104
173-490-025	AMD	82-16-021
173-490-040	AMD-P	82-11-104
173-490-040	AMD	82-16-021
173-490-080	AMD-P	82-11-104
173-490-080	AMD	82-16-021
173-490-203	AMD-P	82-11-104
173-490-203	AMD	82-16-021
173-490-204	AMD-P	82-11-104
173-490-204	AMD	82-16-021
173-490-205	AMD-P	82-11-104
173-490-205	AMD	82-16-021
173-490-206	REP-P	82-11-104
173-490-206	REP	82-16-021
173-490-208	NEW-P	82-11-104
173-490-208	NEW	82-16-021
173-563-020	AMD-P	82-14-087
173-563-040	AMD-P	82-14-087
173-563-050	AMD-P	82-14-087
173-563-052	NEW-P	82-14-087
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173-563-060	AMD-P	82-14-087
173-563-080	AMD-P	82-14-087
173-563-100	AMD-P	82-14-087
173-563-140	NEW-P	82-14-087
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174-104-010	AMD-C	82-09-009
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174-107-110	NEW-P	82-16-102
174-107-120	NEW-P	82-16-102
174-107-130	NEW-P	82-16-102
174-107-140	NEW-P	82-16-102
174-107-150	NEW-P	82-16-102
174-107-160	NEW-P	82-16-102
174-107-170	NEW-P	82-16-102
174-107-180	NEW-P	82-16-102
174-107-190	NEW-P	82-16-102
174-107-200	NEW-P	82-16-102
174-107-210	NEW-P	82-16-102
174-107-220	NEW-P	82-16-102
174-107-230	NEW-P	82-16-102
174-107-240	NEW-P	82-16-102
174-107-250	NEW-P	82-16-102
174-107-260	NEW-P	82-16-102
174-107-270	NEW-P	82-16-102
174-107-280	NEW-P	82-16-102
174-107-290	NEW-P	82-16-102
174-107-300	NEW-P	82-16-102
174-107-310	NEW-P	82-16-102
174-107-320	NEW-P	82-16-102
174-107-330	NEW-P	82-16-102
174-107-340	NEW-P	82-16-102
174-107-350	NEW-P	82-16-102
174-107-360	NEW-P	82-16-102
174-107-370	NEW-P	82-16-102
174-107-380	NEW-P	82-16-102
174-107-400	NEW-P	82-16-102
174-107-410	NEW-P	82-16-102
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174-107-450	NEW-P	82-16-102
174-107-460	NEW-P	82-16-102
174-107-470	NEW-P	82-16-102
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174-107-520	NEW-P	82-16-102
174-107-530	NEW-P	82-16-102
174-107-540	NEW-P	82-16-102
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180-90-140	AMD	82-04-004
180-90-160	AMD	82-04-004
180-100-010	REP-P	82-15-038
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192-12-015	NEW-E	82-15-003
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192-16-009	AMD-P	82-13-058
192-16-009	AMD-E	82-15-003
192-16-016	NEW-P	82-13-058
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194-10-030	AMD-P	82-13-044
194-10-040	AMD-P	82-13-044
194-10-050	AMD-P	82-13-044
194-10-060	AMD-P	82-13-044
194-10-090	AMD-P	82-13-044
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194-16-010	NEW-P	82-07-088
194-16-010	NEW	82-11-005
194-16-020	NEW-E	82-07-087
194-16-020	NEW-P	82-07-088
194-16-020	NEW	82-11-005
194-16-030	NEW-E	82-07-087
194-16-030	NEW-P	82-07-088
194-16-030	NEW	82-11-005
194-16-040	NEW-E	82-07-087
194-16-040	NEW-P	82-07-088
194-16-040	NEW	82-11-005
194-16-050	NEW-E	82-07-087
194-16-050	NEW-P	82-07-088
194-16-050	NEW	82-11-005
194-16-060	NEW-E	82-07-087
194-16-060	NEW-P	82-07-088
194-16-060	NEW	82-11-005
194-16-070	NEW-E	82-07-087
194-16-070	NEW-P	82-07-088
194-16-070	NEW	82-11-005
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204-22-050	NEW	82-16-047
204-24	AMD-C	82-06-040
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204-24-040	AMD-E	82-04-048
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204-24-040	AMD	82-11-045
204-24-050	AMD-E	82-04-048
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204-56-010	REP	82-11-040
204-56-015	NEW-P	82-06-041
204-56-015	NEW	82-11-040
204-56-020	REP-P	82-06-041
204-56-020	REP	82-11-040
204-56-025	NEW-P	82-06-041
204-56-025	NEW	82-11-040
204-56-030	REP-P	82-06-041
204-56-030	REP	82-11-040
204-56-035	NEW-P	82-06-041
204-56-035	NEW	82-11-040
204-56-040	REP-P	82-06-041
204-56-040	REP	82-11-040
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204-56-065	NEW-P	82-06-041
204-56-065	NEW	82-11-040
204-56-075	NEW-P	82-06-041
204-56-075	NEW	82-11-040
204-56-085	NEW-P	82-06-041
204-56-085	NEW	82-11-040
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204-56-99001	NEW	82-11-040
204-56-99002	NEW-P	82-06-041
204-56-99002	NEW	82-11-040
204-56-99003	NEW-P	82-06-041
204-56-99003	NEW	82-11-040
204-56-99004	NEW-P	82-06-041
204-56-99004	NEW	82-11-040
204-56-99005	NEW-P	82-06-041
204-56-99005	NEW	82-11-040
204-56-99006	NEW-P	82-06-041
204-56-99006	NEW	82-11-040
204-56-99007	NEW-P	82-06-041
204-56-99007	NEW	82-11-040
204-56-99008	NEW-P	82-06-041
204-56-99008	NEW	82-11-040
204-56-99009	NEW-P	82-06-041
204-56-99009	NEW	82-11-040
204-56-99010	NEW-P	82-06-041
204-56-99010	NEW	82-11-040
204-56-99011	NEW-P	82-06-041
204-56-99011	NEW	82-11-040
204-56-99012	NEW-P	82-06-041
204-56-99012	NEW	82-11-040
204-56-99013	NEW-P	82-06-041
204-56-99013	NEW	82-11-040
204-70	AMD-C	82-16-046
204-70-040	AMD-E	82-04-047
204-70-040	AMD-E	82-11-041
204-70-040	AMD-P	82-11-042
204-70-040	AMD-E	82-16-048
204-70-100	AMD-E	82-04-047
204-70-100	AMD-E	82-11-041
204-70-100	AMD-P	82-11-042
204-70-100	AMD-E	82-16-048
204-70-110	NEW-E	82-11-041
204-70-110	NEW-P	82-11-042
204-70-110	NEW-E	82-16-048
204-70-120	AMD-E	82-04-047
204-70-120	REP-E	82-11-041
204-70-120	REP-P	82-11-042
204-70-120	REP-E	82-16-048
204-88-010	NEW-E	82-11-043
204-88-010	NEW-P	82-11-044
204-88-010	NEW	82-16-047
204-88-020	NEW-E	82-11-043
204-88-020	NEW-P	82-11-044
204-88-020	NEW	82-16-047
204-88-030	NEW-E	82-11-043
204-88-030	NEW-P	82-11-044
204-88-030	NEW	82-16-047
204-88-040	NEW-E	82-11-043
204-88-040	NEW-P	82-11-044
204-88-040	NEW	82-16-047
204-88-050	NEW-E	82-11-043
204-88-050	NEW-P	82-11-044
204-88-050	NEW	82-16-047
204-88-060	NEW-E	82-11-043
204-88-060	NEW-P	82-11-044
204-88-060	NEW	82-16-047
204-88-070	NEW-E	82-11-043
204-88-070	NEW-P	82-11-044
204-88-070	NEW	82-16-047
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212-16-010	REP-E	82-12-013
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212-16-020	REP-E	82-12-013
212-16-020	REP-P	82-13-002
212-16-025	REP-E	82-12-013
212-16-025	REP-P	82-13-002
212-16-030	REP-E	82-12-013
212-16-030	REP-P	82-13-002
212-16-035	REP-E	82-12-013
212-16-035	REP-P	82-13-002
212-16-040	REP-E	82-12-013
212-16-040	REP-P	82-13-002
212-16-045	REP-E	82-12-013
212-16-045	REP-P	82-13-002
212-16-050	REP-E	82-12-013
212-16-050	REP-P	82-13-002
212-16-055	REP-E	82-12-013
212-16-055	REP-P	82-13-002
212-16-075	REP-E	82-12-013
212-16-075	REP-P	82-13-002
212-16-080	REP-E	82-12-013
212-16-080	REP-P	82-13-002
212-16-085	REP-E	82-12-013
212-16-085	REP-P	82-13-002
212-16-090	REP-E	82-12-013
212-16-090	REP-P	82-13-002
212-16-095	REP-E	82-12-013
212-16-095	REP-P	82-13-002
212-16-100	REP-E	82-12-013
212-16-100	REP-P	82-13-002
212-16-105	REP-E	82-12-013
212-16-105	REP-P	82-13-002
212-16-110	REP-E	82-12-013
212-16-110	REP-P	82-13-002
212-16-115	REP-E	82-12-013
212-16-115	REP-P	82-13-002
212-16-120	REP-E	82-12-013
212-16-120	REP-P	82-13-002
212-16-125	REP-E	82-12-013
212-16-125	REP-P	82-13-002
212-16-130	REP-E	82-12-013
212-16-130	REP-P	82-13-002
212-16-135	REP-E	82-12-013
212-16-135	REP-P	82-13-002
212-16-140	REP-E	82-12-013
212-16-140	REP-P	82-13-002
212-16-145	REP-E	82-12-013
212-16-145	REP-P	82-13-002
212-16-150	REP-E	82-12-013
212-16-150	REP-P	82-13-002
212-16-155	REP-E	82-12-013
212-16-155	REP-P	82-13-002
212-16-160	REP-E	82-12-013
212-16-160	REP-P	82-13-002
212-16-175	REP-E	82-12-013
212-16-175	REP-P	82-13-002
212-16-180	REP-E	82-12-013
212-16-180	REP-P	82-13-002
212-16-185	REP-E	82-12-013
212-16-185	REP-P	82-13-002
212-16-190	REP-E	82-12-013
212-16-190	REP-P	82-13-002
212-16-195	REP-E	82-12-013
212-16-195	REP-P	82-13-002
212-16-200	REP-E	82-12-013
212-16-200	REP-P	82-13-002
212-16-205	REP-E	82-12-013
212-16-205	REP-P	82-13-002
212-16-210	REP-E	82-12-013
212-16-210	REP-P	82-13-002
212-16-215	REP-E	82-12-013
212-16-215	REP-P	82-13-002
212-16-220	REP-E	82-12-013
212-16-220	REP-P	82-13-002
212-16-225	REP-E	82-12-013
212-16-225	REP-P	82-13-002
212-16-230	REP-E	82-12-013
212-16-230	REP-P	82-13-002
212-16-235	REP-E	82-12-013
212-16-235	REP-P	82-13-002
212-16-240	REP-E	82-12-013
212-16-240	REP-P	82-13-002
212-16-245	REP-E	82-12-013
212-16-245	REP-P	82-13-002
212-16-250	REP-E	82-12-013
212-16-250	REP-P	82-13-002
212-16-255	REP-E	82-12-013
212-16-255	REP-P	82-13-002
212-16-260	REP-E	82-12-013
212-16-260	REP-P	82-13-002
212-16-275	REP-E	82-12-013
212-16-275	REP-P	82-13-002
212-16-280	REP-E	82-12-013
212-16-280	REP-P	82-13-002
212-16-285	REP-E	82-12-013
212-16-285	REP-P	82-13-002
212-16-290	REP-E	82-12-013
212-16-290	REP-P	82-13-002
212-16-295	REP-E	82-12-013
212-16-295	REP-P	82-13-002
212-16-300	REP-E	82-12-013
212-16-300	REP-P	82-13-002
212-16-305	REP-E	82-12-013
212-16-305	REP-P	82-13-002
212-16-310	REP-E	82-12-013
212-16-310	REP-P	82-13-002
212-16-315	REP-E	82-12-013
212-16-315	REP-P	82-13-002
212-16-320	REP-E	82-12-013
212-16-320	REP-P	82-13-002
212-16-335	REP-E	82-12-013
212-16-335	REP-P	82-13-002
212-16-340	REP-E	82-12-013
212-16-340	REP-P	82-13-002
212-16-345	REP-E	82-12-013
212-16-345	REP-P	82-13-002
212-16-350	REP-E	82-12-013
212-16-350	REP-P	82-13-002
212-16-355	REP-E	82-12-013
212-16-355	REP-P	82-13-002
212-16-360	REP-E	82-12-013
212-16-360	REP-P	82-13-002
212-16-365	REP-E	82-12-013
212-16-365	REP-P	82-13-002
212-16-370	REP-E	82-12-013
212-16-370	REP-P	82-13-002
212-16-385	REP-E	82-12-013
212-16-385	REP-P	82-13-002
212-16-390	REP-E	82-12-013
212-16-390	REP-P	82-13-002
212-16-395	REP-E	82-12-013
212-16-395	REP-P	82-13-002
212-16-400	REP-E	82-12-013
212-16-400	REP-P	82-13-002
212-16-405	REP-E	82-12-013
212-16-405	REP-P	82-13-002
212-16-420	REP-E	82-12-013
212-16-420	REP-P	82-13-002
212-16-425	REP-E	82-12-013
212-16-425	REP-P	82-13-002
212-16-430	REP-E	82-12-013
212-16-430	REP-P	82-13-002
212-16-435	REP-E	82-12-013
212-16-435	REP-P	82-13-002
212-16-440	REP-E	82-12-013
212-16-440	REP-P	82-13-002
212-16-455	REP-E	82-12-013
212-16-455	REP-P	82-13-002
212-16-460	REP-E	82-12-013
212-16-460	REP-P	82-13-002
212-16-465	REP-E	82-12-013
212-16-465	REP-P	82-13-002
212-16-470	REP-E	82-12-013
212-16-470	REP-P	82-13-002

Table of WAC Sections Affected

WAC #		WSR #
212-16-475	REP-E	82-12-013
212-16-475	REP-P	82-13-002
212-16-480	REP-E	82-12-013
212-16-480	REP-P	82-13-002
212-16-485	REP-E	82-12-013
212-16-485	REP-P	82-13-002
212-16-490	REP-E	82-12-013
212-16-490	REP-P	82-13-002
212-16-495	REP-E	82-12-013
212-16-495	REP-P	82-13-002
212-16-510	REP-E	82-12-013
212-16-510	REP-P	82-13-002
212-16-515	REP-E	82-12-013
212-16-515	REP-P	82-13-002
212-16-520	REP-E	82-12-013
212-16-520	REP-P	82-13-002
212-16-525	REP-E	82-12-013
212-16-525	REP-P	82-13-002
212-16-530	REP-E	82-12-013
212-16-530	REP-P	82-13-002
212-16-535	REP-E	82-12-013
212-16-535	REP-P	82-13-002
212-16-540	REP-E	82-12-013
212-16-540	REP-P	82-13-002
212-16-545	REP-E	82-12-013
212-16-545	REP-P	82-13-002
212-16-560	REP-E	82-12-013
212-16-560	REP-P	82-13-002
212-16-565	REP-E	82-12-013
212-16-565	REP-P	82-13-002
212-16-570	REP-E	82-12-013
212-16-570	REP-P	82-13-002
212-16-575	REP-E	82-12-013
212-16-575	REP-P	82-13-002
212-16-580	REP-E	82-12-013
212-16-580	REP-P	82-13-002
212-16-585	REP-E	82-12-013
212-16-585	REP-P	82-13-002
212-16-590	REP-E	82-12-013
212-16-590	REP-P	82-13-002
212-16-595	REP-E	82-12-013
212-16-595	REP-P	82-13-002
212-16-600	REP-E	82-12-013
212-16-600	REP-P	82-13-002
212-16-605	REP-E	82-12-013
212-16-605	REP-P	82-13-002
212-16-610	REP-E	82-12-013
212-16-610	REP-P	82-13-002
212-16-615	REP-E	82-12-013
212-16-615	REP-P	82-13-002
212-16-620	REP-E	82-12-013
212-16-620	REP-P	82-13-002
212-16-625	REP-E	82-12-013
212-16-625	REP-P	82-13-002
212-16-630	REP-E	82-12-013
212-16-630	REP-P	82-13-002
212-16-635	REP-E	82-12-013
212-16-635	REP-P	82-13-002
212-16-640	REP-E	82-12-013
212-16-640	REP-P	82-13-002
212-16-645	REP-E	82-12-013
212-16-645	REP-P	82-13-002
212-16-650	REP-E	82-12-013
212-16-650	REP-P	82-13-002
212-16-655	REP-E	82-12-013
212-16-655	REP-P	82-13-002
212-16-660	REP-E	82-12-013
212-16-660	REP-P	82-13-002
212-16-665	REP-E	82-12-013
212-16-665	REP-P	82-13-002
212-16-670	REP-E	82-12-013
212-16-670	REP-P	82-13-002
212-16-675	REP-E	82-12-013
212-16-675	REP-P	82-13-002
212-16-680	REP-E	82-12-013
212-16-680	REP-P	82-13-002
212-16-685	REP-E	82-12-013
212-16-685	REP-P	82-13-002
212-16-690	REP-E	82-12-013
212-16-690	REP-P	82-13-002
212-16-695	REP-E	82-12-013
212-16-695	REP-P	82-13-002
212-16-700	REP-E	82-12-013
212-16-700	REP-P	82-13-002
212-16-705	REP-E	82-12-013
212-16-705	REP-P	82-13-002
212-16-710	REP-E	82-12-013
212-16-710	REP-P	82-13-002
212-16-715	REP-E	82-12-013
212-16-715	REP-P	82-13-002
212-16-720	REP-E	82-12-013
212-16-720	REP-P	82-13-002
212-16-725	REP-E	82-12-013
212-16-725	REP-P	82-13-002
212-16-730	REP-E	82-12-013
212-16-730	REP-P	82-13-002
212-16-735	REP-E	82-12-013
212-16-735	REP-P	82-13-002
212-16-750	REP-E	82-12-013
212-16-750	REP-P	82-13-002
212-16-755	REP-E	82-12-013
212-16-755	REP-P	82-13-002
212-16-760	REP-E	82-12-013
212-16-760	REP-P	82-13-002
212-16-765	REP-E	82-12-013
212-16-765	REP-P	82-13-002
212-16-770	REP-E	82-12-013
212-16-770	REP-P	82-13-002
212-16-775	REP-E	82-12-013
212-16-775	REP-P	82-13-002
212-16-780	REP-E	82-12-013
212-16-780	REP-P	82-13-002
212-16-785	REP-E	82-12-013
212-16-785	REP-P	82-13-002
212-16-800	REP-E	82-12-013
212-16-800	REP-P	82-13-002
212-16-805	REP-E	82-12-013
212-16-805	REP-P	82-13-002
212-16-810	REP-E	82-12-013
212-16-810	REP-P	82-13-002
212-16-815	REP-E	82-12-013
212-16-815	REP-P	82-13-002
212-16-820	REP-E	82-12-013
212-16-820	REP-P	82-13-002
212-16-825	REP-E	82-12-013
212-16-825	REP-P	82-13-002
212-16-830	REP-E	82-12-013
212-16-830	REP-P	82-13-002
212-16-845	REP-E	82-12-013
212-16-845	REP-P	82-13-002
212-16-850	REP-E	82-12-013
212-16-850	REP-P	82-13-002
212-16-855	REP-E	82-12-013
212-16-855	REP-P	82-13-002
212-16-860	REP-E	82-12-013
212-16-860	REP-P	82-13-002
212-16-865	REP-E	82-12-013
212-16-865	REP-P	82-13-002
212-16-870	REP-E	82-12-013
212-16-870	REP-P	82-13-002
212-16-875	REP-E	82-12-013
212-16-875	REP-P	82-13-002
212-16-880	REP-E	82-12-013
212-16-880	REP-P	82-13-002
212-16-885	REP-E	82-12-013
212-16-885	REP-P	82-13-002
212-16-890	REP-E	82-12-013
212-16-890	REP-P	82-13-002
212-16-895	REP-E	82-12-013
212-16-895	REP-P	82-13-002
212-16-900	REP-E	82-12-013
212-16-900	REP-P	82-13-002
212-16-905	REP-E	82-12-013
212-16-905	REP-P	82-13-002
212-16-910	REP-E	82-12-013
212-16-910	REP-P	82-13-002
212-16-950	REP-E	82-12-013
212-16-950	REP-P	82-13-002
212-17-001	NEW-E	82-12-001
212-17-001	NEW-P	82-13-001
212-17-010	NEW-E	82-12-001
212-17-010	NEW-P	82-13-001
212-17-015	NEW-E	82-12-001
212-17-015	NEW-P	82-13-001
212-17-020	NEW-E	82-12-001
212-17-020	NEW-P	82-13-001
212-17-025	NEW-E	82-12-001
212-17-025	NEW-P	82-13-001
212-17-030	NEW-E	82-12-001
212-17-030	NEW-P	82-13-001
212-17-035	NEW-E	82-12-001
212-17-035	NEW-P	82-13-001
212-17-040	NEW-E	82-12-001
212-17-040	NEW-P	82-13-001
212-17-045	NEW-E	82-12-001
212-17-045	NEW-P	82-13-001
212-17-050	NEW-E	82-12-001
212-17-050	NEW-P	82-13-001
212-17-055	NEW-E	82-12-001
212-17-055	NEW-P	82-13-001
212-17-060	NEW-E	82-12-001
212-17-060	NEW-P	82-13-001
212-17-065	NEW-E	82-12-001
212-17-065	NEW-P	82-13-001
212-17-070	NEW-E	82-12-001
212-17-070	NEW-P	82-13-001
212-17-075	NEW-E	82-12-001
212-17-075	NEW-P	82-13-001
212-17-080	NEW-E	82-12-001
212-17-080	NEW-P	82-13-001
212-17-085	NEW-E	82-12-001
212-17-085	NEW-P	82-13-001
212-17-090	NEW-E	82-12-001
212-17-090	NEW-P	82-13-001
212-17-095	NEW-E	82-12-001
212-17-095	NEW-P	82-13-001
212-17-100	NEW-E	82-12-001
212-17-100	NEW-P	82-13-001
212-17-105	NEW-E	82-12-001
212-17-105	NEW-P	82-13-001
212-17-110	NEW-E	82-12-001
212-17-110	NEW-P	82-13-001
212-17-115	NEW-E	82-12-001
212-17-115	NEW-P	82-13-001
212-17-120	NEW-E	82-12-001
212-17-120	NEW-P	82-13-001
212-17-125	NEW-E	82-12-001
212-17-125	NEW-P	82-13-001
212-17-130	NEW-E	82-12-001
212-17-130	NEW-P	82-13-001
212-17-135	NEW-E	82-12-001
212-17-135	NEW-P	82-13-001
212-17-140	NEW-E	82-12-001
212-17-140	NEW-P	82-13-001
212-17-145	NEW-E	82-12-001
212-17-145	NEW-P	82-13-001
212-17-150	NEW-E	82-12-001
212-17-150	NEW-P	82-13-001
212-17-155	NEW-E	82-12-001
212-17-155	NEW-P	82-13-001
212-17-160	NEW-E	82-12-001
212-17-160	NEW-P	82-13-001
212-17-165	NEW-E	82-12-001
212-17-165	NEW-P	82-13-001
212-17-170	NEW-E	82-12-001
212-17-170	NEW-P	82-13-001
212-17-175	NEW-E	82-12-001
212-17-175	NEW-P	82-13-001
212-17-180	NEW-E	82-12-001
212-17-180	NEW-P	82-13-001
212-17-185	NEW-E	82-12-001

Table of WAC Sections Affected

WAC #		WSR #
212-17-185	NEW-P	82-13-001
212-17-190	NEW-E	82-12-001
212-17-190	NEW-P	82-13-001
212-17-195	NEW-E	82-12-001
212-17-195	NEW-P	82-13-001
212-17-200	NEW-E	82-12-001
212-17-200	NEW-P	82-13-001
212-17-205	NEW-E	82-12-001
212-17-205	NEW-P	82-13-001
212-17-210	NEW-E	82-12-001
212-17-210	NEW-P	82-13-001
212-17-215	NEW-E	82-12-001
212-17-215	NEW-P	82-13-001
212-17-220	NEW-E	82-12-001
212-17-220	NEW-P	82-13-001
212-17-225	NEW-E	82-12-001
212-17-225	NEW-P	82-13-001
212-17-230	NEW-E	82-12-001
212-17-230	NEW-P	82-13-001
212-17-235	NEW-E	82-12-001
212-17-235	NEW-P	82-13-001
212-17-240	NEW-E	82-12-001
212-17-240	NEW-P	82-13-001
212-17-245	NEW-E	82-12-001
212-17-245	NEW-P	82-13-001
212-17-250	NEW-E	82-12-001
212-17-250	NEW-P	82-13-001
212-17-255	NEW-E	82-12-001
212-17-255	NEW-P	82-13-001
212-17-260	NEW-E	82-12-001
212-17-260	NEW-P	82-13-001
212-17-265	NEW-E	82-12-001
212-17-265	NEW-P	82-13-001
212-17-270	NEW-E	82-12-001
212-17-270	NEW-P	82-13-001
212-17-275	NEW-E	82-12-001
212-17-275	NEW-P	82-13-001
212-17-280	NEW-E	82-12-001
212-17-280	NEW-P	82-13-001
212-17-285	NEW-E	82-12-001
212-17-285	NEW-P	82-13-001
212-17-290	NEW-E	82-12-001
212-17-290	NEW-P	82-13-001
212-17-295	NEW-E	82-12-001
212-17-295	NEW-P	82-13-001
212-17-300	NEW-E	82-12-001
212-17-300	NEW-P	82-13-001
212-17-305	NEW-E	82-12-001
212-17-305	NEW-P	82-13-001
212-17-310	NEW-E	82-12-001
212-17-310	NEW-P	82-13-001
212-17-315	NEW-E	82-12-001
212-17-315	NEW-P	82-13-001
212-17-320	NEW-E	82-12-001
212-17-320	NEW-P	82-13-001
212-17-325	NEW-E	82-12-001
212-17-325	NEW-P	82-13-001
212-17-330	NEW-E	82-12-001
212-17-330	NEW-P	82-13-001
212-17-335	NEW-E	82-12-001
212-17-335	NEW-P	82-13-001
212-17-340	NEW-E	82-12-001
212-17-340	NEW-P	82-13-001
212-17-345	NEW-E	82-12-001
212-17-345	NEW-P	82-13-001
212-17-350	NEW-E	82-12-001
212-17-350	NEW-P	82-13-001
212-17-355	NEW-E	82-12-001
212-17-355	NEW-P	82-13-001
212-17-360	NEW-E	82-12-001
212-17-360	NEW-P	82-13-001
212-17-900	NEW-E	82-12-001
212-17-900	NEW-P	82-13-001
212-26-001	NEW-P	82-07-075
212-26-001	NEW	82-11-029
212-26-005	NEW-P	82-07-075
212-26-005	NEW	82-11-029
212-26-010	NEW-P	82-07-075
212-26-010	NEW	82-11-029
212-26-015	NEW-P	82-07-075
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275-25-527	NEW-P	82-02-054
275-25-527	NEW-E	82-02-056
275-25-527	NEW	82-06-034
275-27-230	AMD-P	82-02-054
275-27-230	AMD-E	82-02-056
275-27-230	AMD	82-06-034
275-27-600	REP-P	82-02-054
275-27-600	REP-E	82-02-056
275-27-600	REP	82-06-034
275-27-605	REP-P	82-02-054
275-27-605	REP-E	82-02-056
275-27-605	REP	82-06-034
275-27-610	REP-P	82-02-054
275-27-610	REP-E	82-02-056
275-27-610	REP	82-06-034
275-27-615	REP-P	82-02-054
275-27-615	REP-E	82-02-056
275-27-615	REP	82-06-034
275-27-620	REP-P	82-02-054
275-27-620	REP-E	82-02-056
275-27-620	REP	82-06-034
275-27-630	REP-P	82-02-054
275-27-630	REP-E	82-02-056
275-27-630	REP	82-06-034
275-27-635	REP-P	82-02-054
275-27-635	REP-E	82-02-056
275-27-635	REP	82-06-034
275-27-640	REP-P	82-02-054
275-27-640	REP-E	82-02-056
275-27-640	REP	82-06-034
275-27-660	REP-P	82-02-054
275-27-660	REP-E	82-02-056
275-27-660	REP	82-06-034
275-27-665	REP-P	82-02-054
275-27-665	REP-E	82-02-056
275-27-665	REP	82-06-034
275-27-680	REP-P	82-02-054
275-27-680	REP-E	82-02-056
275-27-680	REP	82-06-034
275-27-685	REP-P	82-02-054
275-27-685	REP-E	82-02-056
275-27-685	REP	82-06-034
275-38-001	NEW-P	82-09-071
275-38-001	NEW-E	82-10-032
275-38-001	NEW	82-16-080
275-38-005	NEW-P	82-09-071
275-38-005	NEW-E	82-10-032
275-38-005	NEW	82-16-080
275-38-007	NEW-P	82-09-071
275-38-007	NEW-E	82-10-032
275-38-007	NEW	82-16-080
275-38-015	NEW-P	82-09-071
275-38-015	NEW-E	82-10-032
275-38-015	NEW	82-16-080
275-38-020	NEW-P	82-09-071
275-38-020	NEW-E	82-10-032
275-38-020	NEW	82-16-080
275-38-025	NEW-P	82-09-071
275-38-025	NEW-E	82-10-032
275-38-025	NEW	82-16-080
275-38-030	NEW-P	82-09-071
275-38-030	NEW-E	82-10-032
275-38-030	NEW	82-16-080
275-38-035	NEW-P	82-09-071
275-38-035	NEW-E	82-10-032
275-38-035	NEW	82-16-080
275-38-040	NEW-P	82-09-071
275-38-040	NEW-E	82-10-032
275-38-040	NEW	82-16-080
275-38-045	NEW-P	82-09-071
275-38-045	NEW-E	82-10-032
275-38-045	NEW	82-16-080
275-38-050	NEW-P	82-09-071
275-38-050	NEW-E	82-10-032
275-38-050	NEW	82-16-080
275-38-055	NEW-P	82-09-071
275-38-055	NEW-E	82-10-032
275-38-055	NEW	82-16-080
275-38-060	NEW-P	82-09-071
275-38-060	NEW-E	82-10-032
275-38-060	NEW	82-16-080
275-38-065	NEW-P	82-09-071
275-38-065	NEW-E	82-10-032
275-38-065	NEW	82-16-080
275-38-075	NEW-P	82-09-071
275-38-075	NEW-E	82-10-032
275-38-075	NEW	82-16-080
275-38-080	NEW-P	82-09-071
275-38-080	NEW-E	82-10-032
275-38-080	NEW	82-16-080
275-38-510	NEW-P	82-09-071
275-38-510	NEW-E	82-10-032

WAC #		WSR #
275-38-510	NEW	82-16-080
275-38-515	NEW-P	82-09-071
275-38-515	NEW-E	82-10-032
275-38-515	NEW	82-16-080
275-38-520	NEW-P	82-09-071
275-38-520	NEW-E	82-10-032
275-38-520	NEW	82-16-080
275-38-525	NEW-P	82-09-071
275-38-525	NEW-E	82-10-032
275-38-525	NEW	82-16-080
275-38-530	NEW-P	82-09-071
275-38-530	NEW-E	82-10-032
275-38-530	NEW	82-16-080
275-38-535	NEW-P	82-09-071
275-38-535	NEW-E	82-10-032
275-38-535	NEW	82-16-080
275-38-540	NEW-P	82-09-071
275-38-540	NEW-E	82-10-032
275-38-540	NEW	82-16-080
275-38-545	NEW-P	82-09-071
275-38-545	NEW-E	82-10-032
275-38-545	NEW	82-16-080
275-38-550	NEW-P	82-09-071
275-38-550	NEW-E	82-10-032
275-38-550	NEW	82-16-080
275-38-555	NEW-P	82-09-071
275-38-555	NEW-E	82-10-032
275-38-555	NEW	82-16-080
275-38-560	NEW-P	82-09-071
275-38-560	NEW-E	82-10-032
275-38-560	NEW	82-16-080
275-38-565	NEW-P	82-09-071
275-38-565	NEW-E	82-10-032
275-38-565	NEW	82-16-080
275-38-570	NEW-P	82-09-071
275-38-570	NEW-E	82-10-032
275-38-570	NEW	82-16-080
275-38-575	NEW-P	82-09-071
275-38-575	NEW-E	82-10-032
275-38-575	NEW	82-16-080
275-38-580	NEW-P	82-09-071
275-38-580	NEW-E	82-10-032
275-38-585	NEW-P	82-09-071
275-38-585	NEW-E	82-10-032
275-38-585	NEW	82-16-080
275-38-590	NEW-P	82-09-071
275-38-590	NEW-E	82-10-032
275-38-590	NEW	82-16-080
275-38-595	NEW-P	82-09-071
275-38-595	NEW-E	82-10-032
275-38-595	NEW	82-16-080
275-38-600	NEW-P	82-09-071
275-38-600	NEW-E	82-10-032
275-38-600	NEW	82-16-080
275-38-605	NEW-P	82-09-071
275-38-605	NEW-E	82-10-032
275-38-605	NEW	82-16-080
275-38-610	NEW-P	82-09-071
275-38-610	NEW-E	82-10-032
275-38-610	NEW	82-16-080
275-38-615	NEW-P	82-09-071
275-38-615	NEW-E	82-10-032
275-38-615	NEW	82-16-080
275-38-620	NEW-P	82-09-071
275-38-620	NEW-E	82-10-032
275-38-620	NEW	82-16-080
275-38-625	NEW-P	82-09-071
275-38-625	NEW-E	82-10-032
275-38-625	NEW	82-16-080
275-38-630	NEW-P	82-09-071
275-38-630	NEW-E	82-10-032
275-38-630	NEW	82-16-080
275-38-635	NEW-P	82-09-071
275-38-635	NEW-E	82-10-032
275-38-635	NEW	82-16-080
275-38-640	NEW-P	82-09-071
275-38-640	NEW-E	82-10-032
275-38-640	NEW	82-16-080
275-38-642	NEW-P	82-09-071
275-38-642	NEW-E	82-10-032
275-38-642	NEW	82-16-080
275-38-643	NEW-P	82-09-071
275-38-643	NEW-E	82-10-032
275-38-645	NEW-P	82-09-071
275-38-645	NEW-E	82-10-032
275-38-645	NEW	82-16-080
275-38-650	NEW-P	82-09-071
275-38-650	NEW-E	82-10-032
275-38-650	NEW	82-16-080
275-38-655	NEW-P	82-09-071
275-38-655	NEW-E	82-10-032
275-38-655	NEW	82-16-080
275-38-660	NEW-P	82-09-071
275-38-660	NEW-E	82-10-032
275-38-660	NEW	82-16-080
275-38-665	NEW-P	82-09-071
275-38-665	NEW-E	82-10-032
275-38-665	NEW	82-16-080
275-38-667	NEW-P	82-09-071
275-38-667	NEW-E	82-10-032
275-38-667	NEW	82-16-080
275-38-670	NEW-P	82-09-071
275-38-670	NEW-E	82-10-032
275-38-670	NEW	82-16-080
275-38-675	NEW-P	82-09-071
275-38-675	NEW-E	82-10-032
275-38-675	NEW	82-16-080
275-38-678	NEW-P	82-09-071
275-38-678	NEW-E	82-10-032
275-38-678	NEW	82-16-080
275-38-680	NEW-P	82-09-071
275-38-680	NEW-E	82-10-032
275-38-680	NEW	82-16-080
275-38-685	NEW-P	82-09-071
275-38-685	NEW-E	82-10-032
275-38-685	NEW	82-16-080
275-38-690	NEW-P	82-09-071
275-38-690	NEW-E	82-10-032
275-38-690	NEW	82-16-080
275-38-695	NEW-P	82-09-071
275-38-695	NEW-E	82-10-032
275-38-695	NEW	82-16-080
275-38-700	NEW-P	82-09-071
275-38-700	NEW-E	82-10-032
275-38-700	NEW	82-16-080
275-38-705	NEW-P	82-09-071
275-38-705	NEW-E	82-10-032
275-38-705	NEW	82-16-080
275-38-715	NEW-P	82-09-071
275-38-715	NEW-E	82-10-032
275-38-715	NEW	82-16-080
275-38-720	NEW-P	82-09-071
275-38-720	NEW-E	82-10-032
275-38-720	NEW	82-16-080
275-38-725	NEW-P	82-09-071
275-38-725	NEW-E	82-10-032
275-38-725	NEW	82-16-080
275-38-730	NEW-P	82-09-071
275-38-730	NEW-E	82-10-032
275-38-730	NEW	82-16-080
275-38-735	NEW-P	82-09-071
275-38-735	NEW-E	82-10-032
275-38-735	NEW	82-16-080
275-38-740	NEW-P	82-09-071
275-38-740	NEW-E	82-10-032
275-38-740	NEW	82-16-080
275-38-745	NEW-P	82-09-071
275-38-745	NEW-E	82-10-032
275-38-745	NEW	82-16-080
275-38-750	NEW-P	82-09-071
275-38-750	NEW-E	82-10-032
275-38-750	NEW	82-16-080
275-38-760	NEW-P	82-09-071
275-38-760	NEW-E	82-10-032
275-38-760	NEW	82-16-080
275-38-765	NEW-P	82-09-071
275-38-765	NEW-E	82-10-032
275-38-765	NEW	82-16-080
275-38-770	NEW-P	82-09-071
275-38-770	NEW-E	82-10-032
275-38-770	NEW	82-16-080
275-38-775	NEW-P	82-09-071
275-38-775	NEW-E	82-10-032
275-38-775	NEW	82-16-080
275-38-780	NEW-P	82-09-071
275-38-780	NEW-E	82-10-032
275-38-780	NEW	82-16-080
275-38-785	NEW-P	82-09-071
275-38-785	NEW-E	82-10-032
275-38-785	NEW	82-16-080
275-38-790	NEW-P	82-09-071
275-38-790	NEW-E	82-10-032
275-38-790	NEW	82-16-080
275-38-795	NEW-P	82-09-071
275-38-795	NEW-E	82-10-032
275-38-795	NEW	82-16-080
275-38-800	NEW-P	82-09-071
275-38-800	NEW-E	82-10-032
275-38-800	NEW	82-16-080
275-38-805	NEW-P	82-09-071
275-38-805	NEW-E	82-10-032
275-38-805	NEW	82-16-080
275-38-810	NEW-P	82-09-071
275-38-810	NEW-E	82-10-032
275-38-810	NEW	82-16-080
275-38-812	NEW-P	82-09-071
275-38-812	NEW-E	82-10-032
275-38-812	NEW	82-16-080
275-38-815	NEW-P	82-09-071
275-38-815	NEW-E	82-10-032
275-38-815	NEW	82-16-080
275-38-820	NEW-P	82-09-071
275-38-820	NEW-E	82-10-032
275-38-820	NEW	82-16-080
275-38-830	NEW-P	82-09-071
275-38-830	NEW-E	82-10-032
275-38-830	NEW	82-16-080
275-38-835	NEW-P	82-09-071
275-38-835	NEW-E	82-10-032
275-38-835	NEW	82-16-080
275-38-840	NEW-P	82-09-071
275-38-840	NEW-E	82-10-032
275-38-840	NEW	82-16-080
275-38-845	NEW-P	82-09-071
275-38-845	NEW-E	82-10-032
275-38-845	NEW	82-16-080
275-38-850	NEW-P	82-09-071
275-38-850	NEW-E	82-10-032
275-38-850	NEW	82-16-080
275-38-855	NEW-P	82-09-071
275-38-855	NEW-E	82-10-032
275-38-855	NEW-E	82-14-069
275-38-855	NEW	82-16-080
275-38-860	NEW-P	82-09-071
275-38-860	NEW-E	82-10-032
275-38-860	NEW	82-16-080
275-38-865	NEW-P	82-09-071
275-38-865	NEW-E	82-10-032
275-38-865	NEW	82-16-080
275-38-870	NEW-P	82-09-071
275-38-870	NEW-E	82-10-032
275-38-870	NEW	82-16-080
275-38-875	NEW-P	82-09-071
275-38-875	NEW-E	82-10-032
275-38-875	NEW	82-16-080
275-38-880	NEW-P	82-09-071
275-38-880	NEW-E	82-10-032
275-38-880	NEW	82-16-080
275-38-885	NEW-P	82-09-071
275-38-885	NEW-E	82-10-032
275-38-885	NEW	82-16-080

Table of WAC Sections Affected

WAC #		WSR #
275-38-895	NEW-P	82-09-071
275-38-895	NEW-E	82-10-032
275-38-895	NEW	82-16-080
275-38-900	NEW-P	82-09-071
275-38-900	NEW-E	82-10-032
275-38-900	NEW	82-16-080
275-38-905	NEW-P	82-09-071
275-38-905	NEW-E	82-10-032
275-38-905	NEW	82-16-080
275-38-910	NEW-P	82-09-071
275-38-910	NEW-E	82-10-032
275-38-910	NEW	82-16-080
275-38-915	NEW-P	82-09-071
275-38-915	NEW-E	82-10-032
275-38-915	NEW	82-16-080
275-38-920	NEW-P	82-09-071
275-38-920	NEW-E	82-10-032
275-38-920	NEW	82-16-080
275-38-925	NEW-P	82-09-071
275-38-925	NEW-E	82-10-032
275-38-925	NEW	82-16-080
275-38-930	NEW-P	82-09-071
275-38-930	NEW-E	82-10-032
275-38-930	NEW	82-16-080
275-38-935	NEW-P	82-09-071
275-38-935	NEW-E	82-10-032
275-38-935	NEW	82-16-080
275-38-940	NEW-P	82-09-071
275-38-940	NEW-E	82-10-032
275-38-940	NEW	82-16-080
275-38-945	NEW-P	82-09-071
275-38-945	NEW-E	82-10-032
275-38-945	NEW	82-16-080
275-38-950	NEW-P	82-09-071
275-38-950	NEW-E	82-10-032
275-38-950	NEW	82-16-080
275-38-955	NEW-P	82-09-071
275-38-955	NEW-E	82-10-032
275-38-955	NEW	82-16-080
275-38-960	NEW-P	82-09-071
275-38-960	NEW-E	82-10-032
275-38-960	NEW	82-16-080
275-40-010	REP	82-04-023
275-40-020	REP	82-04-023
275-40-030	REP	82-04-023
275-40-040	REP	82-04-023
275-40-050	REP	82-04-023
275-40-060	REP	82-04-023
275-40-070	REP	82-04-023
275-52-010	REP	82-04-023
275-52-015	REP	82-04-023
275-52-020	REP	82-04-023
275-55	AMD-C	82-05-024
275-55-010	AMD	82-07-024
275-55-020	AMD	82-07-024
275-55-021	NEW	82-07-024
275-55-030	AMD	82-07-024
275-55-040	AMD	82-07-024
275-55-041	REP	82-07-024
275-55-050	AMD	82-07-024
275-55-060	AMD	82-07-024
275-55-061	REP	82-07-024
275-55-070	REP	82-07-024
275-55-071	NEW	82-07-024
275-55-080	REP	82-07-024
275-55-081	NEW	82-07-024
275-55-090	AMD	82-07-024
275-55-100	REP	82-07-024
275-55-110	AMD	82-07-024
275-55-120	REP	82-07-024
275-55-121	NEW	82-07-024
275-55-130	REP	82-07-024
275-55-131	NEW	82-07-024
275-55-140	REP	82-07-024
275-55-141	NEW	82-07-024
275-55-150	REP	82-07-024
275-55-151	NEW	82-07-024
275-55-160	REP	82-07-024
275-55-161	NEW	82-07-024
275-55-170	REP	82-07-024
275-55-171	NEW	82-07-024
275-55-180	REP	82-07-024
275-55-181	NEW	82-07-024
275-55-190	REP	82-07-024
275-55-191	NEW	82-07-024
275-55-200	REP	82-07-024
275-55-201	NEW	82-07-024
275-55-210	REP	82-07-024
275-55-211	NEW	82-07-024
275-55-220	REP	82-07-024
275-55-230	REP	82-07-024
275-55-231	NEW	82-07-024
275-55-240	REP	82-07-024
275-55-241	NEW	82-07-024
275-55-250	REP	82-07-024
275-55-260	REP	82-07-024
275-55-261	NEW	82-07-024
275-55-263	NEW	82-07-024
275-55-270	REP	82-07-024
275-55-271	NEW	82-07-024
275-55-280	REP	82-07-024
275-55-281	NEW	82-07-024
275-55-282	REP	82-07-024
275-55-284	REP	82-07-024
275-55-286	REP	82-07-024
275-55-288	REP	82-07-024
275-55-290	REP	82-07-024
275-55-291	NEW	82-07-024
275-55-293	NEW	82-07-024
275-55-295	NEW	82-07-024
275-55-297	NEW	82-07-024
275-55-301	NEW	82-07-024
275-55-331	NEW	82-07-024
275-55-341	NEW	82-07-024
275-55-351	NEW	82-07-024
275-55-361	NEW	82-07-024
275-55-363	NEW	82-07-024
275-55-365	NEW	82-07-024
275-55-367	NEW	82-07-024
275-55-371	NEW	82-07-024
275-92-310	REP-P	82-04-059
275-92-310	REP	82-08-055
275-92-315	REP-P	82-04-059
275-92-315	REP	82-08-055
275-92-320	REP-P	82-04-059
275-92-320	REP	82-08-055
275-92-325	REP-P	82-04-059
275-92-325	REP	82-08-055
275-92-330	REP-P	82-04-059
275-92-330	REP	82-08-055
275-92-335	REP-P	82-04-059
275-92-335	REP	82-08-055
275-92-340	REP-P	82-04-059
275-92-340	REP	82-08-055
275-92-345	REP-P	82-04-059
275-92-345	REP	82-08-055
275-92-350	REP-P	82-04-059
275-92-350	REP	82-08-055
275-92-355	REP-P	82-04-059
275-92-355	REP	82-08-055
275-92-400	REP-P	82-04-059
275-92-400	REP	82-08-055
275-92-405	REP-P	82-04-059
275-92-405	REP	82-08-055
275-92-410	REP-P	82-04-059
275-92-410	REP	82-08-055
275-92-415	REP-P	82-04-059
275-92-415	REP	82-08-055
275-92-510	REP-P	82-04-059
275-92-510	REP	82-08-055
275-92-515	REP-P	82-04-059
275-92-515	REP	82-08-055
275-92-520	REP-P	82-04-059
275-92-520	REP	82-08-055
275-92-525	REP-P	82-04-059
275-92-525	REP	82-08-055
275-92-530	REP-P	82-04-059
275-92-530	REP	82-08-055
275-92-535	REP-P	82-04-059
275-92-535	REP	82-08-055
275-92-540	REP-P	82-04-059
275-92-540	REP	82-08-055
275-92-545	REP-P	82-04-059
275-92-545	REP	82-08-055
275-92-550	REP-P	82-04-059
275-92-550	REP	82-08-055
275-92-555	REP-P	82-04-059
275-92-555	REP	82-08-055
275-92-560	REP-P	82-04-059
275-92-560	REP	82-08-055
275-92-565	REP-P	82-04-059
275-92-565	REP	82-08-055
275-93-005	REP-P	82-03-015
275-93-005	REP-E	82-03-016
275-93-005	REP	82-07-006
275-93-010	REP-P	82-03-015
275-93-010	REP-E	82-03-016
275-93-010	REP	82-07-006
275-93-020	REP-P	82-03-015
275-93-020	REP-E	82-03-016
275-93-020	REP	82-07-006
275-93-040	REP-P	82-03-015
275-93-040	REP-E	82-03-016
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275-93-050	REP-E	82-03-016
275-93-050	REP	82-07-006
275-93-060	REP-P	82-03-015
275-93-060	REP-E	82-03-016
275-93-060	REP	82-07-006
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275-93-140	REP	82-07-006
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284-17-110	REP-P	82-07-056
284-17-110	REP	82-10-016
284-17-120	NEW-P	82-07-056
284-17-120	NEW	82-10-016
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284-24-015	NEW-P	82-02-059
284-24-015	NEW	82-06-036
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284-24-020	REP	82-06-036
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284-24-050	REP	82-06-036
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284-24-060	NEW	82-06-036
284-24-070	NEW-P	82-02-059
284-24-070	NEW	82-06-036
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296-24-17001	REP-P	82-08-004
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296-24-17011	REP-P	82-08-004
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296-24-17013	REP	82-13-045
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296-24-17023	REP-P	82-08-004
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296-24-95601	NEW-P	82-02-065
296-24-95601	NEW	82-08-026
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296-24-95613	NEW-P	82-02-065
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296-48-010	REP-P	82-05-006
296-48-010	REP	82-09-053
296-48-020	REP-P	82-05-006
296-48-020	REP	82-09-053
296-48-051	REP-P	82-05-006
296-48-051	REP	82-09-053
296-48-600	REP-P	82-05-006
296-48-600	REP	82-09-053
296-48-602	REP-P	82-05-006
296-48-602	REP	82-09-053
296-48-604	REP-P	82-05-006
296-48-604	REP	82-09-053
296-48-605	REP-P	82-05-006
296-48-605	REP	82-09-053
296-48-610	REP-P	82-05-006
296-48-610	REP	82-09-053
296-48-615	REP-P	82-05-006
296-48-615	REP	82-09-053
296-48-620	REP-P	82-05-006
296-48-620	REP	82-09-053
296-48-625	REP-P	82-05-006
296-48-625	REP	82-09-053
296-48-630	REP-P	82-05-006
296-48-630	REP	82-09-053
296-48-635	REP-P	82-05-006
296-48-635	REP	82-09-053
296-48-636	REP-P	82-05-006
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296-48-640	REP-P	82-05-006
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296-48-701	REP-P	82-05-006
296-48-701	REP	82-09-053
296-48-702	REP-P	82-05-006
296-48-702	REP	82-09-053
296-48-703	REP-P	82-05-006
296-48-703	REP	82-09-053
296-48-704	REP-P	82-05-006
296-48-704	REP	82-09-053
296-48-706	REP-P	82-05-006
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296-48-730	REP-P	82-05-006
296-48-730	REP	82-09-053
296-48-735	REP-P	82-05-006
296-48-735	REP	82-09-053
296-48-740	REP-P	82-05-006
296-48-740	REP	82-09-053
296-48-745	REP-P	82-05-006
296-48-745	REP	82-09-053
296-48-750	REP-P	82-05-006
296-48-750	REP	82-09-053
296-48-755	REP-P	82-05-006
296-48-755	REP	82-09-053
296-48-760	REP-P	82-05-006
296-48-760	REP	82-09-053
296-48-761	REP-P	82-05-006
296-48-761	REP	82-09-053
296-48-765	REP-P	82-05-006
296-48-765	REP	82-09-053
296-48-770	REP-P	82-05-006
296-48-770	REP	82-09-053
296-48-775	REP-P	82-05-006
296-48-775	REP	82-09-053
296-48-776	REP-P	82-05-006
296-48-776	REP	82-09-053
296-48-780	REP-P	82-05-006
296-48-780	REP	82-09-053
296-48-781	REP-P	82-05-006
296-48-781	REP	82-09-053
296-48-782	REP-P	82-05-006
296-48-782	REP	82-09-053
296-48-785	REP-P	82-05-006
296-48-785	REP	82-09-053
296-48-790	REP-P	82-05-006
296-48-790	REP	82-09-053
296-48-795	REP-P	82-05-006
296-48-795	REP	82-09-053
296-48-800	AMD-E	82-04-014
296-48-800	REP-P	82-05-006
296-48-800	AMD-E	82-09-031
296-48-800	REP	82-09-053
296-48-825	REP-P	82-05-006
296-48-825	REP	82-09-053
296-48-830	REP-P	82-05-006
296-48-830	REP	82-09-053
296-48-890	REP-P	82-05-006
296-48-890	REP	82-09-053
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296-48A-200	REP	82-09-053
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296-48A-400	REP	82-09-053
296-48A-405	REP-P	82-05-006
296-48A-405	REP	82-09-053
296-48A-410	REP-P	82-05-006
296-48A-410	REP	82-09-053
296-48A-600	REP-P	82-05-006
296-48A-600	REP	82-09-053
296-48A-605	REP-P	82-05-006
296-48A-605	REP	82-09-053
296-48A-610	REP-P	82-05-006
296-48A-610	REP	82-09-053
296-48A-615	REP-P	82-05-006
296-48A-615	REP	82-09-053
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296-48A-700	REP	82-09-053
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296-48A-750	REP	82-09-053
296-48A-755	REP-P	82-05-006
296-48A-755	REP	82-09-053
296-48A-770	REP-P	82-05-006
296-48A-770	REP	82-09-053
296-48A-780	REP-P	82-05-006
296-48A-780	REP	82-09-053
296-48A-800	REP-P	82-05-006
296-48A-800	REP	82-09-053
296-48A-990	REP-P	82-05-006
296-48A-990	REP	82-09-053
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296-48B-515	REP	82-04-060
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296-48B-535	REP	82-04-060
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296-48B-550	REP	82-04-060
296-48B-555	REP	82-04-060
296-48B-560	REP	82-04-060
296-48B-565	REP	82-04-060
296-48B-570	REP	82-04-060
296-48B-575	REP	82-04-060
296-48B-580	REP	82-04-060
296-48B-585	REP	82-04-060
296-48B-590	REP	82-04-060
296-48B-595	REP	82-04-060
296-48B-598	REP	82-04-060
296-48B-600	REP	82-04-060
296-48B-610	REP	82-04-060
296-48B-615	REP	82-04-060
296-48B-620	REP	82-04-060
296-48B-675	REP	82-04-060
296-48B-680	REP	82-04-060
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296-52-090	AMD-E	82-07-013
296-52-090	AMD	82-08-026
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296-62-07349	AM/DE	82-13-045
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296-62-07515	AMD-P	82-08-004
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296-150A-020	REP	82-12-004
296-150A-021	NEW-P	82-05-007
296-150A-021	NEW	82-12-004
296-150A-024	NEW-P	82-05-007
296-150A-024	NEW	82-12-004
296-150A-025	REP-P	82-05-007
296-150A-025	REP	82-12-004
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296-150A-027	REP	82-12-004
296-150A-030	NEW-P	82-05-007
296-150A-030	NEW	82-12-004
296-150A-035	NEW-P	82-05-007
296-150A-035	NEW	82-12-004
296-150A-040	NEW-P	82-05-007
296-150A-040	NEW	82-12-004
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296-150A-045	NEW	82-12-004
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296-150A-050	REP	82-12-004
296-150A-051	NEW-P	82-05-007
296-150A-051	NEW	82-12-004
296-150A-055	NEW-P	82-05-007
296-150A-055	NEW	82-12-004
296-150A-060	NEW-P	82-05-007
296-150A-060	NEW	82-12-004
296-150A-065	NEW-P	82-05-007
296-150A-065	NEW	82-12-004
296-150A-070	NEW-P	82-05-007
296-150A-070	NEW	82-12-004
296-150A-075	NEW-P	82-05-007
296-150A-075	NEW	82-12-004
296-150A-080	NEW-P	82-05-007
296-150A-080	NEW	82-12-004
296-150A-085	NEW-P	82-05-007
296-150A-085	NEW	82-12-004
296-150A-090	NEW-P	82-05-007
296-150A-090	NEW	82-12-004
296-150A-095	NEW-P	82-05-007
296-150A-095	NEW	82-12-004
296-150A-100	NEW-P	82-05-007
296-150A-100	NEW	82-12-004
296-150A-105	NEW-P	82-05-007
296-150A-105	NEW	82-12-004
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296-150A-130	NEW-P	82-05-007
296-150A-130	NEW	82-12-004
296-150A-135	NEW-P	82-05-007
296-150A-135	NEW	82-12-004
296-150A-140	NEW-P	82-05-007
296-150A-140	NEW	82-12-004
296-150A-145	NEW-P	82-05-007
296-150A-145	NEW	82-12-004
296-150A-150	NEW-P	82-05-007
296-150A-150	NEW	82-12-004
296-150A-155	NEW-P	82-05-007
296-150A-155	NEW	82-12-004
296-150A-160	NEW-P	82-05-007
296-150A-160	NEW	82-12-004
296-150A-165	NEW-P	82-05-007
296-150A-170	NEW-P	82-05-007
296-150A-170	NEW	82-12-004
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296-150A-300	NEW	82-12-004
296-150A-315	REP-P	82-05-007
296-150A-315	REP	82-12-004
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296-150A-325	REP	82-12-004
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296-150A-330	REP	82-12-004
296-150A-333	REP-P	82-05-007
296-150A-333	REP	82-12-004
296-150A-335	REP-P	82-05-007
296-150A-335	REP	82-12-004
296-150A-400	REP-P	82-05-007
296-150A-400	REP	82-12-004
296-150A-405	REP-P	82-05-007
296-150A-405	REP	82-12-004
296-150A-410	REP-P	82-05-007
296-150A-410	REP	82-12-004
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296-150A-420	REP-P	82-05-007
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296-150A-423	REP	82-12-004
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296-150A-425	REP	82-12-004
296-150A-430	REP-P	82-05-007
296-150A-430	REP	82-12-004
296-150A-435	REP-P	82-05-007
296-150A-435	REP	82-12-004
296-150A-440	REP-P	82-05-007
296-150A-440	REP	82-12-004
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296-150A-450	REP	82-12-004
296-150A-500	REP-P	82-05-007
296-150A-500	REP	82-12-004
296-150A-505	REP-P	82-05-007
296-150A-505	REP	82-12-004
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296-150A-521	REP	82-12-004
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296-150B-040	NEW-P	82-05-006
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296-150B-050	NEW-P	82-05-006
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296-150B-055	NEW-P	82-05-006
296-150B-055	NEW	82-09-053
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296-150B-065	NEW-P	82-05-006
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296-150B-070	NEW-P	82-05-006
296-150B-070	NEW	82-09-053
296-150B-075	NEW-P	82-05-006
296-150B-075	NEW	82-09-053
296-150B-080	NEW-P	82-05-006
296-150B-080	NEW	82-09-053
296-150B-085	NEW-P	82-05-006
296-150B-085	NEW	82-09-053
296-150B-090	NEW-P	82-05-006
296-150B-090	NEW	82-09-053
296-150B-095	NEW-P	82-05-006
296-150B-095	NEW	82-09-053
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296-150B-110	NEW-P	82-05-006
296-150B-110	NEW	82-09-053
296-150B-115	NEW-P	82-05-006
296-150B-115	NEW	82-09-053
296-150B-120	NEW-P	82-05-006
296-150B-120	NEW	82-09-053
296-150B-125	NEW-P	82-05-006
296-150B-125	NEW	82-09-053
296-150B-130	NEW-P	82-05-006
296-150B-130	NEW	82-09-053
296-150B-135	NEW-P	82-05-006
296-150B-135	NEW	82-09-053
296-150B-140	NEW-P	82-05-006
296-150B-140	NEW	82-09-053
296-150B-145	NEW-P	82-05-006
296-150B-145	NEW	82-09-053
296-150B-150	NEW-P	82-05-006
296-150B-150	NEW	82-09-053
296-150B-155	NEW-P	82-05-006
296-150B-155	NEW	82-09-053
296-150B-160	NEW-P	82-05-006
296-150B-160	NEW	82-09-053
296-150B-165	NEW-P	82-05-006
296-150B-165	NEW	82-09-053
296-150B-170	NEW-P	82-05-006
296-150B-175	NEW-P	82-05-006
296-150B-175	NEW	82-09-053
296-150B-180	NEW-P	82-05-006
296-150B-180	NEW	82-09-053
296-150B-200	NEW-P	82-05-006
296-150B-200	NEW-P	82-06-021
296-150B-200	NEW	82-09-059
296-150B-205	NEW-P	82-06-021
296-150B-205	NEW	82-09-059
296-150B-210	NEW-P	82-06-021
296-150B-210	NEW	82-09-059

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296-150B-220	NEW	82-09-059
296-150B-225	NEW-P	82-06-021
296-150B-225	NEW	82-09-059
296-150B-230	NEW-P	82-06-021
296-150B-230	NEW	82-09-059
296-150B-235	NEW-P	82-06-021
296-150B-235	NEW	82-09-059
296-150B-240	NEW-P	82-06-021
296-150B-240	NEW	82-09-059
296-150B-245	NEW-P	82-06-021
296-150B-245	NEW	82-09-059
296-150B-250	NEW-P	82-06-021
296-150B-250	NEW	82-09-059
296-150B-255	NEW-P	82-06-021
296-150B-255	NEW	82-09-059
296-150B-300	NEW	82-04-060
296-150B-305	NEW	82-04-060
296-150B-310	NEW	82-04-060
296-150B-315	NEW	82-04-060
296-150B-400	NEW	82-04-060
296-150B-403	NEW	82-04-060
296-150B-407	NEW	82-04-060
296-150B-410	NEW	82-04-060
296-150B-413	NEW	82-04-060
296-150B-417	NEW	82-04-060
296-150B-420	NEW	82-04-060
296-150B-423	NEW	82-04-060
296-150B-427	NEW	82-04-060
296-150B-430	NEW	82-04-060
296-150B-433	NEW	82-04-060
296-150B-437	NEW	82-04-060
296-150B-440	NEW	82-04-060
296-150B-443	NEW	82-04-060
296-150B-447	NEW	82-04-060
296-150B-450	NEW	82-04-060
296-150B-453	NEW	82-04-060
296-150B-457	NEW	82-04-060
296-150B-460	NEW	82-04-060
296-150B-463	NEW	82-04-060
296-150B-467	NEW	82-04-060
296-150B-470	NEW	82-04-060
296-150B-473	NEW	82-04-060
296-150B-477	NEW	82-04-060
296-150B-480	NEW	82-04-060
296-150B-483	NEW	82-04-060
296-150B-487	NEW	82-04-060
296-150B-490	NEW	82-04-060
296-150B-497	NEW	82-04-060
296-150B-500	NEW	82-04-060
296-150B-503	NEW	82-04-060
296-150B-507	NEW	82-04-060
296-150B-510	NEW	82-04-060
296-150B-513	NEW	82-04-060
296-150B-517	NEW	82-04-060
296-150B-520	NEW	82-04-060
296-150B-523	NEW	82-04-060
296-150B-527	NEW	82-04-060
296-150B-530	NEW	82-04-060
296-150B-533	NEW	82-04-060
296-150B-537	NEW	82-04-060
296-150B-540	NEW	82-04-060
296-150B-543	NEW	82-04-060
296-150B-547	NEW	82-04-060
296-150B-550	NEW	82-04-060
296-150B-553	NEW	82-04-060
296-150B-557	NEW	82-04-060
296-150B-560	NEW	82-04-060
296-150B-563	NEW	82-04-060
296-150B-567	NEW	82-04-060
296-150B-570	NEW	82-04-060
296-150B-573	NEW	82-04-060
296-150B-577	NEW	82-04-060
296-150B-580	NEW	82-04-060
296-150B-583	NEW	82-04-060
296-150B-587	NEW	82-04-060
296-150B-590	NEW	82-04-060
296-150B-593	NEW	82-04-060
296-150B-597	NEW	82-04-060
296-150B-600	NEW	82-04-060
296-150B-603	NEW	82-04-060
296-150B-607	NEW	82-04-060
296-150B-610	NEW	82-04-060
296-150B-613	NEW	82-04-060
296-150B-617	NEW	82-04-060
296-150B-620	NEW	82-04-060
296-150B-623	NEW	82-04-060
296-150B-627	NEW	82-04-060
296-150B-630	NEW	82-04-060
296-150B-633	NEW	82-04-060
296-150B-637	NEW	82-04-060
296-150B-640	NEW	82-04-060
296-150B-643	NEW	82-04-060
296-150B-647	NEW	82-04-060
296-150B-650	NEW	82-04-060
296-150B-653	NEW	82-04-060
296-150B-657	NEW	82-04-060
296-150B-660	NEW	82-04-060
296-150B-663	NEW	82-04-060
296-150B-667	NEW	82-04-060
296-150B-670	NEW	82-04-060
296-150B-673	NEW	82-04-060
296-150B-677	NEW	82-04-060
296-150B-680	NEW	82-04-060
296-150B-683	NEW	82-04-060
296-150B-687	NEW	82-04-060
296-150B-690	NEW	82-04-060
296-150B-693	NEW	82-04-060
296-150B-697	NEW	82-04-060
296-150B-700	NEW	82-04-060
296-150B-703	NEW	82-04-060
296-150B-707	NEW	82-04-060
296-150B-710	NEW	82-04-060
296-150B-713	NEW	82-04-060
296-150B-717	NEW	82-04-060
296-150B-720	NEW	82-04-060
296-150B-723	NEW	82-04-060
296-150B-727	NEW	82-04-060
296-150B-730	NEW	82-04-060
296-150B-733	NEW	82-04-060
296-150B-737	NEW	82-04-060
296-150B-740	NEW	82-04-060
296-150B-743	NEW	82-04-060
296-150B-747	NEW	82-04-060
296-150B-750	NEW	82-04-060
296-150B-753	NEW	82-04-060
296-150B-757	NEW	82-04-060
296-150B-760	NEW	82-04-060
296-150B-763	NEW	82-04-060
296-150B-767	NEW	82-04-060
296-150B-770	NEW	82-04-060
296-150B-773	NEW	82-04-060
296-150B-777	NEW	82-04-060
296-150B-780	NEW	82-04-060
296-150B-783	NEW	82-04-060
296-150B-787	NEW	82-04-060
296-150B-790	NEW	82-04-060
296-150B-793	NEW	82-04-060
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296-150B-800	NEW	82-04-060
296-150B-803	NEW	82-04-060
296-150B-807	NEW	82-04-060
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296-150B-990	NEW-P	82-05-006
296-150B-990	NEW-P	82-08-002
296-150B-990	NEW	82-09-053
296-150B-990	AMD	82-12-040
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296-155-48502	REP	82-08-026
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296-155-66501	AMD	82-13-045
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296-200-900	AMD-P	82-11-047
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296-306-200	AMD-E	82-10-071
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296-350-35055	AMD-P	82-08-004
296-350-35055	AMD	82-13-045
296-350-400	AMD-P	82-08-004
296-350-400	AMD	82-13-045
296-360-030	AMD-P	82-08-004
296-360-030	AMD	82-13-045
296-401-010	AMD-P	82-08-003
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308-11-310	NEW-E	82-13-023
308-16-440	NEW-P	82-05-049
308-16-440	NEW	82-08-064
308-16-450	NEW-P	82-05-049
308-16-450	NEW	82-08-064
308-16-460	NEW-P	82-05-049
308-16-460	NEW	82-08-064
308-16-470	NEW-P	82-05-049
308-16-470	NEW	82-08-064
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308-24-520	NEW-P	82-05-048
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308-24-530	NEW-P	82-05-048
308-24-530	NEW	82-08-063
308-24-540	NEW-P	82-05-048
308-24-540	NEW	82-08-063
308-25-010	NEW-P	82-02-093
308-25-010	NEW	82-06-043
308-25-010	AMD-P	82-08-077
308-25-010	AMD	82-11-068
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308-25-020	NEW	82-06-043
308-25-020	AMD-P	82-08-077
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308-25-030	NEW	82-06-043
308-25-030	AMD-P	82-08-077
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308-25-040	NEW	82-06-043
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308-25-060	NEW	82-06-043
308-25-070	NEW-P	82-02-093
308-25-070	NEW	82-06-043
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308-26-017	NEW	82-11-056
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308-34-010	NEW	82-09-043
308-34-020	NEW-P	82-05-052
308-34-020	NEW	82-09-043
308-34-030	NEW-P	82-05-052
308-34-030	NEW	82-09-043
308-34-040	NEW-P	82-05-052
308-34-040	NEW	82-09-043

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308-36-020	REP	82-07-094
308-36-030	REP-P	82-04-008
308-36-030	REP	82-07-094
308-36-040	REP-P	82-04-008
308-36-040	REP	82-07-094
308-36-050	REP-P	82-04-008
308-36-050	REP	82-07-094
308-36-060	REP-P	82-04-008
308-36-060	REP	82-07-094
308-36-065	REP-P	82-04-008
308-36-065	REP	82-07-094
308-36-070	REP-P	82-04-008
308-36-070	REP	82-07-094
308-36-080	REP-P	82-04-008
308-36-080	REP	82-07-094
308-37-110	AMD-P	82-04-087
308-37-110	AMD	82-07-043
308-39-110	AMD-P	82-12-075
308-39-110	AMD	82-16-087
308-39-120	AMD-P	82-12-075
308-39-120	AMD	82-16-087
308-40-020	AMD	82-04-024
308-40-101	AMD	82-04-024
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308-40-103	NEW	82-04-024
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308-52-201	AMD	82-03-022
308-53-080	AMD-P	82-08-048
308-53-080	AMD	82-12-077
308-53-085	NEW-P	82-08-048
308-53-085	NEW	82-12-077
308-53-151	NEW-P	82-08-048
308-53-151	NEW	82-12-077
308-54-130	AMD-P	82-16-089
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308-61-320	AMD-P	82-09-080
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308-102-290	AMD	82-03-046
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308-102-295	NEW-P	82-08-076
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308-104-020	REP	82-03-046
308-104-025	NEW	82-03-046
308-104-030	REP	82-03-046
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308-104-050	AMD	82-03-046
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308-104-150	NEW	82-03-046
308-104-160	NEW	82-03-046
308-104-160	AMD-P	82-08-076
308-104-170	NEW	82-03-046
308-104-180	NEW	82-03-046
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308-115-020	REP-P	82-12-073
308-115-030	REP-P	82-12-073
308-115-040	REP-P	82-12-073
308-115-050	NEW-P	82-12-073
308-115-060	NEW-P	82-12-073
308-115-070	NEW-P	82-12-073
308-115-080	NEW-P	82-12-073
308-115-090	NEW-P	82-12-073
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308-115-230	NEW-P	82-12-073
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308-115-400	NEW-P	82-12-073
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308-124B-010	AMD-P	82-13-035
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308-124C-030	AMD-P	82-13-035
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308-124H-030	AMD-P	82-13-035
308-124H-055	AMD-P	82-13-035
308-124H-060	AMD-P	82-13-035
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308-138-020	REP-P	82-12-074
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308-138-110	REP-P	82-12-074
308-138-120	REP-P	82-12-074
308-138-130	REP-P	82-12-074
308-138-140	REP-P	82-12-074
308-138-150	REP-P	82-12-074
308-138-160	REP-P	82-12-074
308-138-170	REP-P	82-12-074
308-138-330	NEW-P	82-12-074
308-138A-020	NEW-P	82-12-074
308-138A-025	NEW-P	82-12-074
308-138B-100	NEW-P	82-12-074
308-138B-110	NEW-P	82-12-074
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308-138B-140	NEW-P	82-12-074
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308-400-030	NEW	82-05-014
308-400-040	NEW	82-05-014
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308-400-046	NEW	82-05-014
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314-18-030	NEW	82-16-100
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314-18-040	NEW	82-16-100
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314-18-050	NEW	82-16-100
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314-18-080	NEW	82-16-100
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314-18-100	NEW-P	82-13-019
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392-164-005	REP-P	82-16-035
392-164-010	REP-P	82-16-035
392-164-015	REP-P	82-16-035
392-164-020	REP-P	82-16-035
392-164-025	REP-P	82-16-035
392-164-030	REP-P	82-16-035
392-164-035	REP-P	82-16-035
392-164-040	REP-P	82-16-035
392-164-045	REP-P	82-16-035
392-164-050	REP-P	82-16-035
392-164-055	REP-P	82-16-035
392-164-060	REP-P	82-16-035
392-164-065	REP-P	82-16-035
392-164-070	REP-P	82-16-035
392-164-075	REP-P	82-16-035
392-164-080	REP-P	82-16-035
392-164-085	REP-P	82-16-035
392-164-090	REP-P	82-16-035
392-164-095	REP-P	82-16-035
392-168-005	REP-P	82-16-035
392-168-010	REP-P	82-16-035
392-168-015	REP-P	82-16-035
392-168-020	REP-P	82-16-035
392-168-025	REP-P	82-16-035
392-168-030	REP-P	82-16-035
392-168-035	REP-P	82-16-035
392-168-040	REP-P	82-16-035
392-168-045	REP-P	82-16-035
392-168-050	REP-P	82-16-035
392-168-055	REP-P	82-16-035
392-168-060	REP-P	82-16-035
419-14-010	REP-E	82-09-047
419-14-010	REP-P	82-09-075
419-14-010	REP	82-13-015
419-14-020	NEW-E	82-09-047
419-14-020	NEW-P	82-09-075
419-14-020	NEW	82-13-015
419-14-030	NEW-E	82-09-047
419-14-030	NEW-P	82-09-075
419-14-030	NEW	82-13-015
419-14-040	NEW-E	82-09-047
419-14-040	NEW-P	82-09-075
419-14-040	NEW	82-13-015
419-14-050	NEW-E	82-09-047
419-14-050	NEW-P	82-09-075
419-14-050	NEW	82-13-015
419-14-060	NEW-E	82-09-047
419-14-060	NEW-P	82-09-075
419-14-060	NEW	82-13-015
419-14-070	NEW-E	82-09-047
419-14-070	NEW-P	82-09-075
419-14-070	NEW	82-13-015
419-14-080	NEW-E	82-11-019
419-14-080	NEW-P	82-15-001
419-18-010	REP-E	82-09-048
419-18-010	REP-P	82-09-076
419-18-010	REP	82-13-016
419-18-020	NEW-E	82-09-048
419-18-020	NEW-P	82-09-076
419-18-020	NEW	82-13-016
419-18-030	NEW-E	82-09-048
419-18-030	NEW-P	82-09-076
419-18-030	NEW	82-13-016
419-18-040	NEW-E	82-09-048
419-18-040	NEW-P	82-09-076
419-18-040	NEW	82-13-016
419-24-010	REP-P	82-09-075
419-24-010	REP	82-13-015
419-24-020	REP-P	82-09-075
419-24-020	REP	82-13-015
419-24-030	REP-P	82-09-075
419-24-030	REP	82-13-015
419-32-010	REP-P	82-09-075
419-32-010	REP	82-13-015
419-32-020	REP-P	82-09-075
419-32-020	REP	82-13-015
419-32-030	REP-P	82-09-075
419-32-030	REP	82-13-015
419-32-040	REP-P	82-09-075
419-32-040	REP	82-13-015
419-32-050	REP-P	82-09-075
419-32-050	REP	82-13-015
419-32-060	REP-P	82-09-075
419-32-060	REP	82-13-015
419-48-010	REP-P	82-09-076
419-48-010	REP	82-13-016
419-48-020	REP-P	82-09-076
419-48-020	REP	82-13-016
419-48-030	REP-P	82-09-076
419-48-030	REP	82-13-016
419-48-040	REP-P	82-09-076
419-48-040	REP	82-13-016
419-48-051	REP-P	82-09-076
419-48-051	REP	82-13-016
419-48-052	REP-P	82-09-076
419-48-052	REP	82-13-016
419-48-053	REP-P	82-09-076
419-48-053	REP	82-13-016
419-48-054	REP-P	82-09-076
419-48-054	REP	82-13-016
419-48-055	REP-P	82-09-076
419-48-055	REP	82-13-016
419-48-060	REP-P	82-09-076
419-48-060	REP	82-13-016
419-48-070	REP-P	82-09-076
419-48-070	REP	82-13-016
419-48-080	REP-P	82-09-076
419-48-080	REP	82-13-016
419-48-090	REP-P	82-09-076
419-48-090	REP	82-13-016
419-48-100	REP-P	82-09-076
419-48-100	REP	82-13-016
419-48-110	REP-P	82-09-076
419-48-110	REP	82-13-016
419-48-120	REP-P	82-09-076
419-48-120	REP	82-13-016
419-48-130	REP-P	82-09-076
419-48-130	REP	82-13-016
419-48-140	REP-P	82-09-076
419-48-140	REP	82-13-016
419-48-150	REP-P	82-09-076
419-48-150	REP	82-13-016
419-52-010	NEW-E	82-02-075
419-52-010	NEW-P	82-04-044
419-52-010	NEW	82-08-023
419-52-020	NEW-E	82-02-075
419-52-020	NEW-P	82-04-044
419-52-020	NEW	82-08-023
419-52-030	NEW-E	82-02-075
419-52-030	NEW-P	82-04-044
419-52-030	NEW	82-08-023
434-16-010	REP	82-05-014
434-16-020	REP	82-05-014
434-16-030	REP	82-05-014
434-16-040	REP	82-05-014
434-16-050	REP	82-05-014
434-16-060	REP	82-05-014
434-16-070	REP	82-05-014
434-16-080	REP	82-05-014
434-16-090	REP	82-05-014
434-50-010	NEW-P	82-12-072
434-50-010	NEW-E	82-14-053
434-50-010	NEW	82-16-059
434-50-015	NEW-P	82-12-072
434-50-015	NEW-E	82-14-053
434-50-015	NEW	82-16-059
434-50-020	NEW-P	82-12-072
434-50-020	NEW-E	82-14-053
434-50-020	NEW	82-16-059
434-50-025	NEW-P	82-12-072
434-50-025	NEW-E	82-14-053
434-50-025	NEW	82-16-059
434-50-030	NEW-P	82-12-072
434-50-030	NEW-E	82-14-053
434-50-030	NEW	82-16-059
434-50-035	NEW-P	82-12-072
434-50-035	NEW-E	82-14-053
434-50-035	NEW	82-16-059
434-50-040	NEW-P	82-12-072
434-50-040	NEW-E	82-14-053
434-50-040	NEW	82-16-059
434-50-045	NEW-P	82-12-072
434-50-045	NEW-E	82-14-053
434-50-045	NEW	82-16-059
434-50-050	NEW-P	82-12-072
434-50-050	NEW-E	82-14-053
434-50-050	NEW	82-16-059
434-50-055	NEW-P	82-12-072
434-50-055	NEW-E	82-14-053
434-50-055	NEW	82-16-059
434-50-900	NEW-E	82-14-053
434-91-010	NEW-P	82-09-061
434-91-010	NEW	82-12-022

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434-91-030	NEW	82-12-022
434-91-040	NEW-P	82-09-061
434-91-040	NEW	82-12-022
434-91-050	NEW-P	82-09-061
434-91-050	NEW	82-12-022
434-91-060	NEW-P	82-09-061
434-91-060	NEW	82-12-022
434-91-070	NEW-P	82-09-061
434-91-070	NEW	82-12-022
434-91-080	NEW-P	82-09-061
434-91-080	NEW	82-12-022
434-91-090	NEW-P	82-09-061
434-91-090	NEW	82-12-022
434-91-100	NEW-P	82-09-061
434-91-100	NEW	82-12-022
434-91-110	NEW-P	82-09-061
434-91-110	NEW	82-12-022
434-91-120	NEW-P	82-09-061
434-91-120	NEW	82-12-022
434-91-130	NEW-P	82-09-061
434-91-130	NEW	82-12-022
434-91-140	NEW-P	82-09-061
434-91-140	NEW	82-12-022
434-91-150	NEW-P	82-09-061
434-91-150	NEW	82-12-022
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434-91-160	NEW	82-12-022
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440-44	NEW-C	82-12-028
440-44-001	NEW-E	82-08-078
440-44-001	NEW-P	82-08-080
440-44-001	NEW	82-13-011
440-44-002	NEW-E	82-08-078
440-44-002	NEW-P	82-08-080
440-44-002	NEW	82-13-011
440-44-010	NEW-E	82-08-078
440-44-010	NEW-P	82-08-080
440-44-010	NEW	82-13-011
440-44-015	NEW-E	82-08-078
440-44-015	NEW-P	82-08-080
440-44-015	NEW	82-13-011
440-44-020	NEW-E	82-08-078
440-44-020	NEW-P	82-08-080
440-44-020	NEW	82-13-011
440-44-023	NEW-E	82-08-078
440-44-023	NEW-P	82-08-080
440-44-023	NEW	82-13-011
440-44-025	NEW-E	82-08-078
440-44-025	NEW-P	82-08-080
440-44-025	NEW	82-13-011
440-44-026	NEW-P	82-13-078
440-44-030	NEW-E	82-08-078
440-44-030	NEW-P	82-08-080
440-44-030	NEW	82-13-011
440-44-035	NEW-E	82-08-078
440-44-035	NEW-P	82-08-080
440-44-035	NEW	82-13-011
440-44-040	NEW-E	82-08-078
440-44-040	NEW-P	82-08-080
440-44-040	NEW	82-13-011
440-44-045	NEW-E	82-08-078
440-44-045	NEW-P	82-08-080
440-44-045	NEW	82-13-011
440-44-050	NEW-E	82-08-078
440-44-050	NEW-P	82-08-080
440-44-050	NEW	82-13-011
440-44-055	NEW-E	82-08-078
440-44-055	NEW-P	82-08-080
440-44-055	NEW	82-13-011
440-44-055	REP-P	82-13-039
440-44-057	NEW-P	82-13-039
440-44-065	NEW-E	82-08-078
440-44-065	NEW-P	82-08-080
440-44-070	NEW-E	82-08-078
440-44-070	NEW-P	82-08-080
440-44-075	NEW-E	82-08-078
440-44-075	NEW-P	82-08-080
440-44-080	NEW-E	82-08-078
440-44-080	NEW-P	82-08-080
440-44-085	NEW-P	82-08-081
440-44-085	NEW-C	82-12-029
440-44-085	NEW	82-13-010
446-50-080	AMD-E	82-04-037
446-50-080	AMD-P	82-04-038
446-50-080	AMD	82-07-100
458-12-342	NEW-E	82-15-023
458-14-045	NEW-E	82-15-023
458-14-045	NEW-P	82-15-069
458-14-050	AMD-P	82-15-069
458-14-051	REP-P	82-15-069
458-14-052	NEW-P	82-15-069
458-14-070	AMD-P	82-15-069
458-14-075	AMD-P	82-15-069
458-14-080	AMD-P	82-15-069
458-14-086	AMD-P	82-15-069
458-14-090	AMD-E	82-15-023
458-14-090	AMD-P	82-15-069
458-14-091	AMD-E	82-15-023
458-14-091	AMD-P	82-15-069
458-14-092	NEW-P	82-15-069
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458-14-110	AMD-P	82-15-069
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458-19-550	AMD	82-06-006
458-20-103	AMD-E	82-06-037
458-20-103	AMD-P	82-09-073
458-20-103	AMD	82-12-021
458-20-119	AMD-E	82-10-029
458-20-119	AMD-P	82-13-091
458-20-119	AMD-E	82-16-025
458-20-119	AMD	82-16-061
458-20-179	AMD-E	82-16-062
458-20-179	AMD-P	82-16-099
458-20-237	AMD-P	82-03-049
458-20-237	AMD	82-06-020
458-20-237	AMD-E	82-10-030
458-20-237	AMD-P	82-13-090
458-20-237	AMD-E	82-16-025
458-20-237	AMD	82-16-061
458-20-244	AMD-E	82-10-028
458-20-244	AMD-P	82-13-092
458-20-244	AMD-E	82-16-025
458-20-244	AMD	82-16-061
458-24	AMD-E	82-15-024
458-24-020	AMD-E	82-15-024
458-24-020	AMD-P	82-16-060
458-24-030	AMD-E	82-15-024
458-24-030	AMD-P	82-16-060
458-24-050	AMD-E	82-15-024
458-24-050	AMD-P	82-16-060
458-24-060	AMD-E	82-15-024
458-24-060	AMD-P	82-16-060
458-24-070	NEW-E	82-15-024
458-24-070	NEW-P	82-16-060
458-40-18600	AMD-P	82-10-055
458-40-18600	AMD	82-14-037
458-40-18600	AMD-E	82-14-038
458-40-18670	NEW-P	82-10-055
458-40-18670	NEW	82-14-037
458-40-18670	NEW-E	82-14-038
458-40-18670	AMD-E	82-16-057
458-40-18670	AMD-P	82-16-058
458-40-18671	NEW-P	82-10-055
458-40-18671	NEW	82-14-037
458-40-18671	NEW-E	82-14-038
458-40-18672	NEW-P	82-10-055
458-40-18672	NEW	82-14-037
458-40-18672	NEW-E	82-14-038
458-40-18673	NEW-P	82-10-055
458-40-18673	NEW	82-14-037
458-40-18673	NEW-E	82-14-038
458-40-18674	NEW-P	82-10-055
458-40-18674	NEW	82-14-037
458-40-18674	NEW-E	82-14-038
458-40-18675	NEW-P	82-10-055
458-40-18675	NEW	82-14-037
458-40-18675	NEW-E	82-14-038
458-40-18676	NEW-P	82-10-055
458-40-18676	NEW	82-14-037
458-40-18676	NEW-E	82-14-038
458-40-18677	NEW-P	82-10-055
458-40-18677	NEW	82-14-037
458-40-18677	NEW-E	82-14-038
458-40-18677	AMD-E	82-16-057
458-40-18677	AMD-P	82-16-058
458-40-18678	NEW-P	82-10-055
458-40-18678	NEW	82-14-037
458-40-18678	NEW-E	82-14-038
458-40-19000	AMD-P	82-10-055
458-40-19000	AMD	82-14-037
458-40-19000	AMD-E	82-14-038
458-40-19001	AMD-P	82-10-055
458-40-19001	AMD	82-14-037
458-40-19001	AMD-E	82-14-038
458-40-19002	AMD-P	82-10-055
458-40-19002	AMD	82-14-037
458-40-19002	AMD-E	82-14-038
458-40-19003	AMD-P	82-10-055
458-40-19003	AMD	82-14-037
458-40-19003	AMD-E	82-14-038
458-40-19004	AMD-P	82-10-055
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458-40-19300	AMD	82-07-086
458-53-070	AMD-P	82-05-029
458-53-070	AMD	82-08-061
458-53-100	AMD-P	82-05-029
458-53-100	AMD	82-08-061
458-53-150	AMD-P	82-05-029
458-53-150	AMD	82-08-061
458-60-002	REP-P	82-09-074
458-60-002	REP	82-15-070
458-60-010	REP-P	82-09-074
458-60-010	REP	82-15-070
458-60-020	REP-P	82-09-074
458-60-020	REP	82-15-070
458-60-030	REP-P	82-09-074
458-60-030	REP	82-15-070
458-60-040	REP-P	82-09-074
458-60-040	REP	82-15-070
458-60-045	REP-P	82-09-074
458-60-045	REP	82-15-070
458-60-046	REP-P	82-09-074
458-60-046	REP	82-15-070
458-60-048	REP-P	82-09-074
458-60-048	REP	82-15-070
458-61-010	NEW-P	82-09-074
458-61-010	NEW	82-15-070
458-61-020	NEW-P	82-09-074
458-61-020	NEW	82-15-070
458-61-030	NEW-P	82-09-074
458-61-030	NEW	82-15-070
458-61-040	NEW-P	82-09-074
458-61-040	NEW	82-15-070
458-61-050	NEW-P	82-09-074
458-61-050	NEW	82-15-070
458-61-060	NEW-P	82-09-074
458-61-060	NEW	82-15-070
458-61-070	NEW-P	82-09-074
458-61-070	NEW	82-15-070
458-61-080	NEW-P	82-09-074
458-61-080	NEW	82-15-070
458-61-090	NEW-P	82-09-074

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458-61-120	NEW-P	82-09-074
458-61-120	NEW	82-15-070
458-61-130	NEW-P	82-09-074
458-61-130	NEW	82-15-070
458-61-140	NEW-P	82-09-074
458-61-140	NEW	82-15-070
458-61-200	NEW-P	82-09-074
458-61-200	NEW	82-15-070
458-61-210	NEW-P	82-09-074
458-61-210	NEW	82-15-070
458-61-220	NEW-P	82-09-074
458-61-220	NEW	82-15-070
458-61-230	NEW-P	82-09-074
458-61-230	NEW	82-15-070
458-61-240	NEW-P	82-09-074
458-61-240	NEW	82-15-070
458-61-250	NEW-P	82-09-074
458-61-250	NEW	82-15-070
458-61-260	NEW-P	82-09-074
458-61-270	NEW-P	82-09-074
458-61-270	NEW	82-15-070
458-61-280	NEW-P	82-09-074
458-61-280	NEW	82-15-070
458-61-290	NEW-P	82-09-074
458-61-290	NEW	82-15-070
458-61-300	NEW-P	82-09-074
458-61-300	NEW	82-15-070
458-61-310	NEW-P	82-09-074
458-61-310	NEW	82-15-070
458-61-320	NEW-P	82-09-074
458-61-320	NEW	82-15-070
458-61-330	NEW-P	82-09-074
458-61-330	NEW	82-15-070
458-61-340	NEW-P	82-09-074
458-61-340	NEW	82-15-070
458-61-350	NEW-P	82-09-074
458-61-350	NEW	82-15-070
458-61-360	NEW-P	82-09-074
458-61-360	NEW	82-15-070
458-61-370	NEW-P	82-09-074
458-61-370	NEW	82-15-070
458-61-380	NEW-P	82-09-074
458-61-380	NEW	82-15-070
458-61-390	NEW-P	82-09-074
458-61-390	NEW	82-15-070
458-61-400	NEW-P	82-09-074
458-61-400	NEW	82-15-070
458-61-410	NEW-P	82-09-074
458-61-410	NEW	82-15-070
458-61-420	NEW-P	82-09-074
458-61-420	NEW	82-15-070
458-61-430	NEW-P	82-09-074
458-61-430	NEW	82-15-070
458-61-440	NEW-P	82-09-074
458-61-440	NEW	82-15-070
458-61-450	NEW-P	82-09-074
458-61-450	NEW	82-15-070
458-61-460	NEW-P	82-09-074
458-61-460	NEW	82-15-070
458-61-470	NEW-P	82-09-074
458-61-470	NEW	82-15-070
458-61-480	NEW-P	82-09-074
458-61-480	NEW	82-15-070
458-61-490	NEW-P	82-09-074
458-61-490	NEW	82-15-070
458-61-500	NEW-P	82-09-074
458-61-500	NEW	82-15-070
458-61-510	NEW-P	82-09-074
458-61-510	NEW	82-15-070
458-61-520	NEW-P	82-09-074
458-61-520	NEW	82-15-070
458-61-530	NEW-P	82-09-074
458-61-530	NEW	82-15-070
458-61-540	NEW-P	82-09-074
458-61-540	NEW	82-15-070
458-61-550	NEW-P	82-09-074
458-61-550	NEW	82-15-070
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