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TABLE
AUDIT
DIX
LYNDA

IN THIS ISSUE

Accountancy, Board of
Agriculture, Department of
Commerce and Economic Development
Community College District No. 1
Community College District No. 21
Eastern Washington University
Ecology, Department of
Fisheries, Department of
Game, Department of
General Administration, Department of
Governor, Office of the
Health, Board of
Higher Education Personnel Board
Hospital Commission
Housing Finance Commission
Insurance Commissioner
Labor and Industries, Department of
Library Commission
Licensing, Department of

Natural Resources, Department of
Parks and Recreation Commission
Peninsula Community College
Personnel, Department of
Pharmacy, Board of
Pilotage Commissioners, Board of
Pollution Control Hearings Board
Postsecondary Education, Council for
Public Disclosure Commission
Public Instruction, Superintendent of
Revenue, Department of
Seattle Community College District
Social and Health Services, Department of
Supreme Court
Urban Arterial Board
Utilities and Transportation Commission
Vocational Rehabilitation, Commission for
Western Washington University
Whatcom Community College

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than July 6, 1983

CITATION

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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

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1983
 DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY
 ACTION

<u>Issue No.</u>	<u>Closing Dates</u> ^①			<u>Distribution Date</u>	<u>First Agency Action Date</u> ^②
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ^② or 10 p. max. Non-OTS		
<i>For Inclusion—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
83-01	Nov 24	Dec 8	Dec 22, 1982	Jan 5, 1983	Jan 25
83-02	Dec 8	Dec 22, 1982	Jan 5, 1983	Jan 19	Feb 8
83-03	Dec 22, 1982	Jan 5, 1983	Jan 19	Feb 2	Feb 22
83-04	Jan 5	Jan 19	Feb 2	Feb 16	Mar 8
83-05	Jan 19	Feb 2	Feb 16	Mar 2	Mar 22
83-06	Feb 2	Feb 16	Mar 2	Mar 16	Apr 5
83-07	Feb 23	Mar 9	Mar 23	Apr 6	Apr 26
83-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
83-09	Mar 23	Apr 6	Apr 20	May 4	May 24
83-10	Apr 6	Apr 20	May 4	May 18	Jun 7
83-11	Apr 20	May 4	Jun 1	Jun 15	Jun 21
83-12	May 4	May 18	Jun 1	Jun 15	Jul 5
83-13	May 25	Jun 8	Jun 22	Jul 6	Jul 26
83-14	Jun 8	Jun 22	Jul 6	Jul 20	Aug 9
83-15	Jun 22	Jul 6	Jul 20	Aug 3	Aug 23
83-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
83-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 27
83-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
83-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
83-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
83-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
83-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
83-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
83-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1984

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

②A 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 preceeding may be held on any rule until twenty days have passed from 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 83-13-068
ADOPTED RULES
BOARD OF HEALTH
 [Order 264—Filed June 16, 1983]

Be it resolved by the Washington State Board of Health, acting at Kelso, Washington, that it does adopt the annexed rules relating to boarding homes, amending chapter 248-16 WAC.

New	WAC 248-16-105	Lighting.
New	WAC 248-16-115	Ventilation.
New	WAC 248-16-235	Resident health records.
Rep	WAC 248-16-052	Advertising.
Rep	WAC 248-16-058	Required approval for occupancy after completion.
Rep	WAC 248-16-162	Laundry services.
Amd	WAC 248-16-001	Definitions.
Amd	WAC 248-16-035	Qualifications of administrator.
Amd	WAC 248-16-040	Licensure, denial suspension or revocation.
Amd	WAC 248-16-045	Personnel.
Amd	WAC 248-16-050	Location.
Amd	WAC 248-16-055	Construction.
Amd	WAC 248-16-056	Change of ownership.
Amd	WAC 248-16-060	Communication systems.
Amd	WAC 248-16-070	Water supply.
Amd	WAC 248-16-090	Garbage and refuse disposal.
Amd	WAC 248-16-110	Heating.
Amd	WAC 248-16-120	Boarders, rooms and room furnishings.
Amd	WAC 248-16-130	Toilet and bathing facilities.
Amd	WAC 248-16-140	Food storage, preparation and service.
Amd	WAC 248-16-150	Day room.
Amd	WAC 248-16-160	Laundry room.
Amd	WAC 248-16-170	Storage spaces.
Amd	WAC 248-16-180	Stairs.
Amd	WAC 248-16-190	Guardrails, handrails.
Amd	WAC 248-16-202	Maintenance and housekeeping.
Amd	WAC 248-16-213	Admission, placement, retention.
Amd	WAC 248-16-215	Resident rights—Services.
Amd	WAC 248-16-222	First aid.
Amd	WAC 248-16-223	Notification.
Amd	WAC 248-16-226	Safety measures.
Amd	WAC 248-16-227	Self administration of medications.
Amd	WAC 248-16-228	Medication services.
Amd	WAC 248-16-230	Resident register.

This action is taken pursuant to Notice No. WSR 83-09-001 filed with the code reviser on April 7, 1983. 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 18.20.090 which directs that the Washington State Board of Health has authority to implement the provisions of chapter 18.20 RCW.

This rule is promulgated under the general rule-making authority of the Washington State Board of Health as authorized in RCW 43.20.050.

The undersigned hereby 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 8, 1983.

By John A. Beare, MD, MPH
 Secretary

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-001 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Abuse" means the injury, sexual use or sexual mistreatment of an individual resident by any person under circumstances which indicate the health, welfare, and safety of the resident is harmed thereby.

(a) "Physical abuse" means damaging or potentially damaging nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal or nonverbal actions which constitute harassment.

~~((1))~~ (2) "Ambulatory resident" means a resident who physically and mentally is capable of walking unaided or is capable of independent mobility with the use of a cane, crutches, a walkerette, a walker, a wheelchair or artificial limb. It shall mean an individual who is able to walk or traverse a normal path to safety unaided by another individual. ((¹Ambulatory resident¹)) This definition shall not be interpreted to include ((a person)) an individual who needs the assistance of another ((person)) individual in order to get into and out of bed, to transfer to a chair or ((water closet)) toilet or to move from place to place ((and it shall be interpreted to mean a person who is able to walk or traverse a normal path to safety unaided)).

~~((2))~~ (3) "Area" (except when used in reference to a major section of a boarding home) means a portion of a room which contains the equipment essential to carry out a particular function and is separated from other facilities of the room by a physical barrier or adequate space.

~~((3))~~ (4) "Bathing facility" means a bathtub ((or)) shower ((and it does not include sitz baths or other fixtures designated primarily for therapy)) or sit-down shower.

~~((4))~~ (5) "Bathroom" means a room containing at least one bathing facility.

~~((5))~~ (6) "Board" as used in ((subsection 2, of section 2, chapter 253, Laws of 1957;)) RCW 18.20.020(2) means the provision of daily meal service and lodging.

(7) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American dietetic association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

~~((6))~~ (8) "Domiciliary care" means the care offered an individual in his or her ((place of lodging)) living accommodation which includes the assumption of a general responsibility for the safety and well-being of the individual and provision of assistance in the activities of daily living, as needed.

~~((7))~~ (9) "Facilities" means a room or area and/or equipment to serve a specific function.

~~((8))~~ "Free hanging space for clothes" means separated space in an enclosed wardrobe or closet with a rod which provides for clothing to hang full length without touching the floor of the closet.

~~((9))~~ (10) "Functional abilities" means the physical, mental, emotional and social abilities to cope with the affairs and activities of daily living.

~~((10))~~ "General health supervision" means provision of the following services in accordance with an individual's particular needs:

~~(a) Encouraging a resident to self-administer medically prescribed drugs and treatments;~~

~~(b) Encouraging a resident to follow any modified diet and rest or activity regimen which has been medically prescribed for him or her;~~

~~(c) Encouraging and assisting a resident to keep appointments for health care services, such as appointments with physicians, dentists, visiting nurse service or clinics;~~

~~(d) Encouraging a resident to see his or her physician if the resident manifests signs and symptoms of an illness or abnormality for which medical diagnosis and treatment seem indicated.))~~

(11) "Grade" means the level of the ground adjacent to the building measured at required windows. Ground shall be level or slope downward for a distance of at least ten feet from the wall of the building.

(12) "Health care practitioner" means any individual, group or organization that provides health care as legally authorized by law, including but not limited to, physician, chiropractor, naturopath, certified registered nurse, physician's assistant.

(13) "Home health care service" means any nursing service or other service provided by licensed nurses, other practitioners or aides on a periodic or short-term basis which does not include continuous nursing care.

~~((11))~~ (14) "Infirmity" means a disability which materially limits normal activity but does not cause an individual to need inpatient medical or nursing care of a type provided by institutions licensed under the provisions of chapters 18.46, 18.51, 70.41 or 71.12 RCW. An infirmity may be based on conditions including, but not limited to, physical handicap, mental illness, developmental disability, chemical addiction or habituation or mental confusion, disability or disturbance.

~~((12))~~ (15) "Lavatory" means a plumbing fixture designed and equipped to serve for handwashing purposes.

~~((13))~~ "Lodging" means the regular provision of living accommodations)) (16) "May" means to permit, at the discretion of the department.

~~((14))~~ (17) "Medication service" means the procurement and administration of drugs in accordance with the orders of a physician or other health care practitioner who is legally authorized to prescribe drug therapy and acting within the scope of his or her license in prescribing such therapy.

(18) "Neglect" means negligent treatment or maltreatment; an act or omission which evinces a disregard of consequences of such a magnitude as to constitute a clear and present danger to a resident's health, welfare, and/or safety.

~~((15))~~ (19) "New construction" means any of the following started after promulgation of these rules and regulations:

~~(a)~~ ~~((New))~~ Buildings(s) to be used as a boarding home;

~~(b)~~ Addition(s) to existing building(s) to be used as a boarding home;

~~(c)~~ ~~((Alteration(s) other than minor alteration(s) to a boarding home:~~

~~"Minor alterations" means any))~~ A structural or functional modification within an existing boarding home which ((does not change)) changes the approved use of the room or area. ((Minor alterations performed under this definition do not require prior approval of the department, however, this does not constitute a release from applicable requirements contained in chapter 248-16 WAC.

~~(16)~~ "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor, thereof.

~~((17))~~ (20) "Resident" means an individual who ((receives)), by reason of age or infirmity, requires domiciliary care and who is not related by blood or marriage to the operator of the boarding home.

~~((18))~~ (21) "Room" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

~~((19))~~ (22) "Sit-down shower" means a shower which has a molded seat, fold-down type of seat, or an equivalent means for sitting and is designed for bathing while in a sitting position.

~~((20))~~ "Through traffic" means traffic for which the origin and destination are outside the room or area which serves as a passageway.))

~~((21))~~ (23) "Toilet" means a ((room containing at least one water closet)) disposal apparatus consisting of a hopper, fitted with a seat and flushing device, used for urination and defecation.

~~((22))~~ "Water closet" means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water)) (24) "Usable floor space" means floor area available for use in a resident bedroom exclusive of areas with ceiling height less than seven feet six inches and walk-in closets.

(25) "Utility sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-035 QUALIFICATIONS OF ADMINISTRATOR. (1) There shall be an administrator who manages the boarding home, is at least ~~((21))~~ twenty-one years of age, and ~~((manages the boarding home effectively))~~ is not a resident.

(2) ~~((Any))~~ The administrator ((who has not been an administrator of a boarding home licensed under chapter 248-16 WAC prior to the implementation of these regulations)) shall have at least a high school ((education)) diploma or equivalent unless the administrator was operating a boarding home in Washington state prior to January 1, 1958.

(3) ~~((At any time the administrator is not on duty or on call, there))~~ The administrator either shall be on duty or ((on call an individual to whom the administrator has

~~delegated the authority and responsibility to act in his or her place. Any individual to whom the administrator's authority and responsibility are delegated shall be at least 21 years of age and not a resident of the boarding home)) readily available at all times except when an alternate administrator, who meets the administrator qualifications herein, is designated in writing by the administrator, and is on duty or readily available.~~

(4) Change of administrator shall be reported to the department.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-040 LICENSURE, DENIAL, SUSPENSION OR REVOCATION. (1) Disqualified applicants. Before granting a license, the department shall consider jointly and separately the ability of each (~~person~~) individual, firm, partnership, corporation, company, association or joint stock association, and the legal successor thereof named in the application to operate the boarding home in accordance with the law and chapter 248-16 WAC. Such (~~persons~~) individuals shall be considered separately and jointly as applicants and if any one be deemed disqualified by the department in accordance with chapter 18.20 RCW or chapter 248-16 WAC, the license may be denied, suspended or revoked.

(a) Any individual engaging in drug or alcohol abuse or (~~excessive use of alcohol~~) convicted of a felony shall be disqualified even though boarding home premises are adequate: PROVIDED, That such abuse or conviction is reasonably related to the competency of the person to exercise responsibilities of ownership, operation, and/or administration of the boarding home, and the department determines, after investigation, that such person has not been sufficiently rehabilitated to warrant public trust.

(b) Individuals convicted of a felony, child abuse and/or any crime involving physical harm to another person or individuals who have been identified as perpetrators of substantiated child abuse pursuant to chapter 26.44 RCW shall be disqualified by reason of such conviction if such conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation and/or administration of a boarding home and the department determines, after investigation, that such person has not been sufficiently rehabilitated subsequent to such conviction or abuse registry listing to warrant public trust.

(c) Individuals who, in this state or elsewhere, have been denied a license to operate a hospital, nursing home, boarding home or other facility for the care of children or ill, aged or infirm persons, or who have had a license to operate such a facility suspended or revoked shall not be granted a license until they (~~affirmatively~~) establish to the department by clear, cogent and convincing evidence their ability to operate the boarding home for which the license is sought in full conformity with all applicable laws (~~and~~), rules and regulations.

(2) A boarding home license shall be denied, suspended or revoked for failure to comply with the provisions of chapter 18.20 RCW or any of the following reasons:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation;

(b) Committing, permitting, aiding(;) or abetting the commission of any illegal act on the boarding home premises;

(c) Committing, permitting, aiding or abetting cruelty, assault, abuse, neglect or indifference to the welfare of ((the residents)) any resident;

(d) (~~Insufficient personnel~~) Failure to care properly for the number and types of residents in the facility;

(e) Misappropriation of the property of the residents; and

(f) Failure or inability to exercise fiscal responsibility and accountability in respect to an individual resident, the department or the business community.

AMENDATORY SECTION (Amending Order 191, filed 1/4/80)

WAC 248-16-045 PERSONNEL. (1) There shall be sufficient staff(~~who are not of the resident population~~) to provide the services needed by residents and (~~property~~) to maintain the boarding home properly. Residents may be employed to perform supportive functions under the "on-premises" supervision of responsible staff.

(2) At least one readily accessible staff member of at least eighteen years of age who is capable of assisting residents shall be ((in a boarding home)) available on the premises at all times when residents are present((, or may return, to)) in the facility.

(3) (~~There shall be a written job description for each position classification within the boarding home. PROVIDED, HOWEVER, That this requirement shall not apply to a boarding home having a capacity for 20 or less residents which is owned and administered by one and the same individual or husband/wife partnership.~~

(~~4~~) A planned) An orientation shall be provided to each new employee to acquaint him or her with the: Organization of the boarding home; the physical plant layout; ((his or her)) particular duties and responsibilities; the policies, procedures, and equipment which are pertinent to those duties and responsibilities((; and the emergency procedures which boarding home staff will carry out)) including emergencies, abuse, neglect, and prevention of transmission of infection. Orientation shall be documented.

(~~5~~) (4) Each ((employee)) staff member shall be provided needed training for the performance of the specific functions, duties, and procedures for which he or she is responsible. Training shall be documented.

(~~6~~) (5) Upon employment, each person shall have or provide documented evidence of a tuberculin test by the Mantoux method unless medically contraindicated. When this skin test is negative (less than ((+0 mm)) ten millimeters of induration), no further tuberculin skin testing shall be required. A positive test will consist of ten ((mm)) millimeters or more of induration read at ((48-72)) forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ((90)) ninety days of the first day of employment. ((Health records including skin test results, x-rays, or exemptions to such shall

also be maintained in the facility.) Exceptions and specific requirements are as follows:

(a) ~~((Those with positive tests (as defined above) shall have an annual screening in the form of a chest x-ray))~~ Health records including skin test results, reports of x-ray findings or exemptions to such shall be maintained in the facility.

(b) ~~((Those with positive tests whose chest x-ray shows no sign of active disease, at least two years after the first documented positive skin test, shall be exempted from further annual testing.~~

(c) ~~((Those with positive skin tests who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from ((further)) testing.~~

~~((7))~~ (6) ((Employees)) Staff members with a communicable disease in an infectious stage shall not be on duty ((in the boarding home)).

~~((8))~~ (7) ((For each employee there shall be a personnel record (on file) which includes the employee's education or training and work experience)) Documentation of requirements for each staff member, as described in this chapter, shall be available on the premises.

(8) Nonresidents living on the premises and staff shall not have been convicted of child abuse or any crime involving physical harm to another person and shall not be a perpetrator of substantiated child abuse, as described in chapter 26.44 RCW, until such staff or nonresident demonstrates sufficient rehabilitation, subsequent to such conviction or listing on abuse registry, to warrant public trust.

AMENDATORY SECTION (Amending Regulation 16.050, effective 3/11/60)

WAC 248-16-050 LOCATION. Boarding homes shall not be located where excessive noise, odors, dust, smoke, or traffic would adversely affect the ~~((boarders'))~~ health and/or safety of residents.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-055 NEW CONSTRUCTION. (1) When new construction is ~~((contemplated))~~ planned, the following shall be submitted to the department for review:

(a) Preliminary documents:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used which will affect the extent of facilities required by these regulations;

(ii) Scale drawings for modifications to room(s) or area(s), as defined in WAC 248-16-001(19)(c);

(iii) Drawings descriptive of proposed modifications including impact(s) upon physical plant operations and services; and

~~((b) Duplicate))~~ (iv) Two sets of preliminary plans ((which are)) drawn to scale and ((include)) including: A plot plan showing streets, driveways, the water supply and sewage disposal systems, grade and location of

building(s) ~~((on the site; and plans of each floor of the building(s))), existing and proposed, ((which designate)) the designated function of each room and ((show)) all fixed equipment. The preliminary plans shall be accompanied by a general description of construction and materials((-);~~

(v) Final construction drawings are not required at the preliminary document stage.

(b) Final construction documents:

~~((2) Duplicate))~~ Two sets of specifications and final plans ((which are)) drawn to scale((-) and specifications)) shall have been submitted to and approved by the department before construction is started. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. These shall include:

~~((a))~~ (i) Plot plan;

~~((b))~~ (ii) Plans of each floor of the building(s) which designate the function of each room and show all fixed equipment ((and the planned location of beds and other furniture in residents' sleeping rooms));

~~((c))~~ (iii) Interior and exterior elevations, building sections, and construction details;

~~((d))~~ (iv) A schedule of floor, wall and ceiling finishes, and the types and sizes of doors and windows;

~~((e))~~ (v) Plumbing, heating, ventilating, and electrical systems; and

~~((f))~~ (vi) Specifications which fully describe workmanship and finishes.

~~((3))~~ (2) Adequate provisions shall be made for the safety and comfort of residents if construction work takes place in or near occupied areas.

~~((4))~~ (3) All construction shall take place in accordance with the approved final plans and specifications. The department shall be consulted prior to making any changes from the approved plans and specifications. When indicated by the nature or extent of proposed changes, the department may require the submission of modified plans or addenda for review. Only those changes which have been approved by the department may be incorporated into the construction project.

(4) Prior to occupancy and use of a building or any room or other portion of a building which constitutes the whole or part of a new construction project, the licensee shall submit a statement to the department indicating the date the construction project was completed and met requirements of chapter 18.20 RCW and chapter 248-16 WAC. Authorization by the department is required prior to occupancy.

(5) Department approval of plans and occupancy does not exempt licensee from compliance with other applicable codes.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-056 CHANGE OF ((OWNER-SHIP)) LICENSEE, I.E., OPERATOR OF THE BUSINESS. (1) When a change of boarding home ~~((ownership))~~ licensee is ~~((contemplated))~~ planned, the licensee ~~((seller))~~ and the prospective licensee ~~((buyer))~~ shall ~~((each))~~ notify the department at least ~~((fifteen))~~

thirty days prior to the proposed date of transfer. Notification shall be in writing and shall contain the following information:

(a) Full names of the present licensee and the prospective licensee;

(b) Name and address of the boarding home concerned;

(c) The date of the proposed transfer; and

(d) The kind of transfer which is to be made ((i.e.)), such as sale, lease(;) or rental(, etc:)).

(2) ~~((Possession or ownership of a boarding home shall not be transferred until the transferee's application for a boarding home license has been approved by the department))~~ The prospective licensee shall submit a new boarding home license application to the department at least thirty days prior to the proposed transfer date.

(3) A new boarding home license shall be issued to the prospective licensee only following approval of the license application by the department.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-060 ✓ COMMUNICATION SYSTEMS. (1) There shall be at least one "nonpay" telephone in each boarding home ~~((; and if conditions require there shall be additional telephones or extensions to summon help in case of fire or other emergency;))~~ so located as to be easily accessible from all parts of the building(s).

(2) A telephone, which may be a ~~(("pay phone";))~~ "pay phone," shall be accessible for personal use by the ~~((boarders))~~ residents.

(3) When resident safety conditions require, internal means of communication shall be available, such as intercom or phone extensions.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-070 ✓ WATER SUPPLY. (1) Water used for domestic purposes in boarding homes shall meet the standards of the department, chapter 248-54 WAC.

(2) Cross connections of any kind are prohibited.

(3) In the event that an unsafe or nonpotable water supply is used for irrigation, fire protection or other purpose, it shall be adequately color-coded or labeled so as to lessen any chance of its being used for domestic purposes. ~~((Cross connections of any kind are prohibited;))~~

(4) Hot and cold water under pressure shall be readily available at all times.

(5) Hot water at lavatories, bathtubs, and showers shall not exceed 120° Fahrenheit.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-090 ✓ GARBAGE AND REFUSE DISPOSAL. (1) Storage pending disposal. There shall be provided and maintained, in a suitable location, a sufficient number of garbage containers of watertight

construction, made of nonabsorbent material and ~~((provided with handles and tight-fitting covers; and all garbage shall be kept therein pending its removal and disposal))~~ appropriately covered or otherwise contained. Garbage containers shall be ~~((washed))~~ cleaned at ~~((frequent))~~ adequate intervals to prevent presence of vectors, odors, and other nuisances. ~~((The premises shall at all times be maintained in a clean, sanitary condition; and rodents, flies and other insects shall be excluded therefrom, and their breeding places eliminated;))~~

(2) Disposal. Garbage and refuse shall be disposed of at sufficiently frequent intervals so as not to create a nuisance. Final disposal shall be by an authorized garbage collection agency or by some other method satisfactory to the department.

NEW SECTION

WAC 248-16-105 ✓ LIGHTING. All areas shall be appropriately lighted by natural or artificial means when in use.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-110 ✓ HEATING ((SYSTEM))= TEMPERATURE. (1) ~~((Heating plant capacity;))~~ Boarding homes shall be equipped with an approved heating system capable of maintaining a ~~((comfortable;))~~ healthful temperature ~~((during the coldest weather conditions ordinarily encountered in the home's particular area)).~~ Use of portable space heaters is prohibited unless approved in writing by the Washington state fire marshal.

(2) ~~((Room temperatures;))~~ Temperature shall be maintained at a ~~((comfortable))~~ healthful level.

NEW SECTION

WAC 248-16-115 ✓ VENTILATION. (1) Rooms with excessive odors or moisture shall be appropriately ventilated.

(2) Operable windows or openings that serve for ventilation shall be provided with insect screening. Screening used in openings designated for rescue or fire exit shall be of a type which do not restrict or hinder escape or rescue, in event of a fire emergency.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-120 ✓ ~~((BOARDERS'))~~ RESIDENTS' ROOMS AND ROOM FURNISHINGS. (1) Sleeping rooms, occupancy limitations. Sleeping rooms, if for one ~~((person))~~ resident only, shall contain not less than ~~((80))~~ eighty square feet of usable floor space; and if for more than one person, not less than ~~((70))~~ seventy square feet of usable floor space for each person: PROVIDED, HOWEVER, That no portion of a room having less than ~~((7))~~ seven feet ~~((6))~~ six inches ceiling height may be counted as part of the required ~~((area))~~ space.

(a) No more than ~~((4))~~ four persons may be housed in any one sleeping room ~~((in any boarding home established after adoption of these rules and regulations)).~~

(b) (~~Doors or entry ways to sleeping rooms shall be legibly numbered or lettered in conformance with the numbering or lettering systems shown on approved floor plans~~) Sleeping rooms shall be appropriately identified to conform with the list of rooms approved by the department.

(c) Change in resident capacity shall be approved by the department.

(2) Sleeping rooms, restriction on location, access.

(a) Only rooms having unrestricted direct access to a hallway, (~~livingroom~~) living room, outside, or other acceptable common-usage area shall be used as sleeping rooms. No beds (~~are to~~) shall be permitted in corridors, halls, (~~livingrooms~~) living rooms, dining rooms, or kitchens.

(b) A basement room may (~~not~~) be used as a sleeping room (~~if~~) provided the floor (~~in such~~) of the room is no more than (~~3~~) three feet (~~6~~) eight inches below the (~~ground abutting the exterior wall of such room measured horizontally for a distance of 10 feet~~) base of the window(s), and there is adequate natural light. The grade shall extend ten feet out horizontally from the base of the window.

(c) Change in location of a sleeping room shall be approved by the department.

(3) Sleeping rooms, window requirements. Sleeping rooms shall be outside rooms with a window area of clear glass not less than (~~one-eighth~~) one-tenth of the required floor area (~~except in basement rooms where the window area shall be not less than one-fifth of the floor area~~) and a minimum size of ten square feet.

(a) Rooms shall not be considered to be outside rooms if such required window area opens into a window-well, enclosed porch, light-shaft, ventilation-shaft, or other enclosure of a similarly confining nature.

(b) Windows designed to open shall operate freely if necessary for fire exit or ventilation.

(c) Curtains, shades, blinds or equivalent shall be provided at each window for visual privacy.

(4) Sleeping rooms, lighting requirements.

(a) Each sleeping room shall have adequate (~~and satisfactory~~) artificial light, and at least one duplex (~~electric convenience~~) electrical receptacle outlet for each (~~two beds~~) bed. (~~Electric cords shall not be strung from a ceiling fixture~~) For buildings initially licensed prior to July 1, 1983, one duplex electrical receptacle outlet for each two beds shall be acceptable.

(b) There shall be an electric (~~wall~~) switch (~~in~~) at the entry of each sleeping room to control at least one light in the room.

(c) Bedside (~~lamps and night lights~~) artificial lighting shall be provided if (~~residents request same~~) requested by a resident.

(5) Sleeping rooms, storage and protection of personal articles.

(a) Each resident shall be provided with sufficient storage facilities, either in or immediately adjacent to his or her sleeping room, to adequately store a reasonable quantity of clothing and personal possessions.

(b) Each resident shall be provided a secure space capable of being locked.

(c) When closet doors are present, hardware (~~on closet doors~~) shall be of a type to prevent (~~persons~~) a resident from being locked in.

(6) Sleeping rooms, furniture and furnishings.

(a) Each resident shall be provided with a comfortable bed, not less than (~~36~~) thirty-six inches wide, with (~~springs and~~) a mattress in good condition.

(i) (~~AH~~) Beds shall be spaced at least (~~3~~) three feet apart, unless otherwise requested by affected residents.

(ii) (~~This may be~~) The following beds are acceptable: A standard household bed, studio couch, ~~hide-a-bed, water bed or day-bed~~ (~~but may not be a folding bed, rollaway bed, cot, or davenport~~). Water beds shall be structurally and electrically safe.

(b) Each sleeping room shall (~~be provided with~~) have available at least one suitable chair for each resident (~~occupying said room~~). These chairs shall not be those permanently used in dining or day rooms.

(c) There shall be at least one (~~incombustible waste basket~~) noncombustible wastebasket in each sleeping room.

(d) If carpets or other floor coverings are used, they shall either be securely fastened to the floor or have nonskid backing, and shall not be permitted to become hazardous because of curling edges or tattered sections (~~PROVIDED HOWEVER, That~~).

(e) Nothing in this regulation shall be interpreted to prohibit a resident from providing his or her own furniture or furnishings, as long as the use of that furniture or furnishings is consistent with the health and safety of residents.

(7) Cooking in sleeping rooms.

(a) Cooking (~~or any use of~~) equipment, coffee makers (~~or~~), and other (~~heating~~) equipment or appliances (~~for the preparation of food or beverages shall~~) may be permitted in any room or area of the boarding home which has been approved for such usage by the state fire marshal (~~and the department~~). Preparation and storage of food or beverages may be permitted in sleeping rooms unless detrimental to health and/or safety of residents.

(b) Staff of the boarding home shall ascertain if a resident has the functional ability to use cooking facilities safely. When a resident becomes unable to use cooking facilities safely, appropriate action (~~e.g., disconnecting or removing stove or appliances, or transfer of a resident to different accommodations~~) shall be taken immediately to ensure that the resident does not have access to, or use of, cooking facilities at any time that a responsible person is not in constant attendance. Examples of appropriate action include disconnecting or removing stove or appliances or transfer of a resident to different accommodations.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-130 TOILET AND BATHING FACILITIES. (1) Toilet and bathing facilities, number and types required. (~~Toilet~~) Toilets and bathing facilities

shall be provided in accordance with the following requirements for all persons who reside in the facility, including staff and ~~((staff's family members))~~ others if they do not have private toilet and bathing facilities for their exclusive use. Refer to WAC 248-16-070, Water Supply.

(a) There shall be ~~((water closets))~~ toilets and lavatories available to both sexes in the ratio of one ~~((water closet))~~ toilet and one lavatory for each ~~((8))~~ eight persons or fraction thereof.

(i) Any toilet room containing more than one ~~((water closet))~~ toilet shall be reserved for use by one sex only.

(ii) Not more than one required ~~((water closet))~~ toilet shall be in any room containing a bathing facility.

(iii) There shall be a lavatory in each room containing a ~~((water closet, except when the toilet opens into the resident's room, then the lavatory may be in the resident's room))~~ toilet or in an adjacent common-use area. When a toilet room opens into a resident's room, the lavatory may be located in the resident's room.

(b) There shall be at least one bathing facility for every ~~((12))~~ twelve persons or fraction thereof.

(i) Any bathroom containing more than one bathing facility shall be reserved for use by one sex only. A bathroom containing only one bathing facility and not more than one ~~((water closet))~~ toilet may be used by both sexes.

(ii) Bathtubs shall be available to ~~((boarders))~~ residents of both sexes in the ratio of one bathtub per ~~((48 boarders))~~ forty-eight residents or fraction thereof ~~((who do not have bathtubs in bathrooms opening directly into their sleeping rooms. At least one-half of the total required bathing facilities shall be either bathtubs or sit-down showers))~~ except when each resident living unit contains a private bathing facility.

(iii) Bathing facilities shall be designed to meet the needs of residents in the facility.

(2) Toilet and bathing facilities, access to.

(a) Except for facilities serving individual rooms, toilets ~~((water closets))~~ shall be so located as to be reasonably accessible from a common hall or area, to all ~~((boarders))~~ residents residing on the floor served.

(b) Except for facilities serving individual rooms, bathtubs and showers shall be so located as to be reasonably accessible, from a common hall or area, to all ~~((boarders))~~ residents served, without traveling more than one story up or down.

(c) No toilet or bathroom for ~~((boarder))~~ resident use shall be so located that access thereto requires passage through the establishment's kitchen, pantry, food preparation, food storage, or dishwashing areas: PROVIDED((-) HOWEVER, That this restriction shall not be construed as prohibiting the use of a toilet room adjacent to the above-named areas by personnel engaged in the food services of the home.

(d) In no case shall it be necessary for an occupant of one bedroom to pass through any other bedroom to reach a ~~((water closet))~~ toilet or ~~((bath))~~ bathing facility, nor to pass through a room containing a ~~((water closet))~~ toilet or ~~((bath))~~ bathing facility to reach a bedroom.

(3) Toilet and bathing facilities, construction and accessories.

(a) Toilet and bathroom floors shall be of water-resistant material, smooth enough to be easily cleaned yet not highly glossed or slippery.

(i) Carpets, rugs or similar floor coverings may be allowed in toilet rooms within a single living unit: PROVIDED, That such floor coverings can be appropriately cleaned and maintained.

(ii) Carpets or other floor coverings shall meet requirements in WAC 248-16-120(6)(d).

(b) Walls shall be washable to height of splash or spray.

(c) Suitable grab-bars shall be installed at ~~((toilets;))~~ tubs and showers in such numbers and locations that accidental falls will be minimized.

(i) A minimum of one grab-bar shall be installed at each bathing facility.

(ii) Grab-bars may be required at toilets depending upon the needs of residents.

(d) Plumbing fixtures shall be of sanitary design and in good repair.

(i) All toilet seats shall be constructed of nonabsorbent material, shall be free from cracks, and kept clean.

(ii) In new construction ~~((they))~~ toilet seats shall be of open front type in ~~((public water closets))~~ common-use areas.

(e) All toilet rooms and bathrooms shall be adequately lighted, and ~~((be))~~ provided with a suitable mirror ~~((for))~~ at each lavatory.

(f) All toilet rooms and bathrooms shall be adequately ventilated to the outside air.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-140 ✓ FOOD STORAGE, PREPARATION AND SERVICE. (1) All food service facilities and practices shall be in compliance with chapter 248-84 WAC ~~((, Rules and Regulations of the State Board of Health))~~ governing food service sanitation ~~((except that in boarding homes with ten or less occupants a separate handwashing sink in the kitchen may be omitted with department approval))~~ as now and hereafter amended, except hermetically sealed high-acid foods (pH of less than 4.6) that have not been processed by an approved, commercial establishment, may be used.

(2) Food services, number of meals. A minimum of three meals in each ~~((24-hour))~~ twenty-four hour period shall be provided, except that when a specific written request has been made to, and approved in writing by, the department, deviation may be made from this minimum. The time interval between breakfast and the evening meal shall be not less than ten ~~((10))~~ hours.

(3) Food services, quality of food. The diet shall be ~~((well-balanced;))~~ palatable, properly prepared, ~~((and))~~ attractively served, and sufficient in quality ~~((and))~~, quantity, and variety to meet the recommended Dietary Allowances of the Food and Nutrition Board, National Research Council, 1980 edition.

(a) ~~((If))~~ All modified diets are to be prepared and served ~~((, they shall be prepared and served))~~ to meet the ~~((physician's))~~ written prescription ~~((which is given in~~

~~writing and signed by the physician, and shall meet the Dietary Allowances of the Food and Nutrition Board, National Research Council)) of the health care practitioner with menus approved by a dietitian.~~

(b) Nutrient concentrates and supplements shall be served by facility staff only on the written approval of a ((physician)) health care practitioner.

(4) Menus.

(a) All menus ((for the general (or house) diets and for the modified diets)) shall be prepared at least one week in advance, dated, and ((shall be)) retained ((for inspection)) for at least ((one year)) six months.

(i) Menus shall provide a variety of foods with cycle duration of at least three weeks before repeating.

(ii) Substitutions shall be of comparable nutrient value and recorded as served.

(b) All foods and snacks contributing to nutrient requirements shall be recorded.

(5) Food services, dining areas. An adequate, approved dining area shall be provided with capacity to seat at least fifty percent of residents at each meal setting.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-150 DAY ROOM. Suitable day room or living room space, comfortably furnished, adequately heated and adequately lighted, shall be provided which has space adequate for the usual functions of daily living and which includes an area for social and diversional activities. Floor space requirements shall be related to the number of residents as follows: ((+)) one to ((50)) fifty beds, inclusive, ((+0)) ten square feet per bed; ((5+)) fifty-one beds and over, ((5)) five square feet per bed in addition to the first ((500)) five hundred square feet; except that no boarding home shall provide less than ((+50)) one hundred fifty square feet. In arriving at the total square footage available for day room or living room usage, solariums, enclosed sun porches, recreation rooms, dining rooms, etc., may be included as part of the required floor space. Residents' rooms, ((entry-ways)) entryways, corridors and hallways shall not be considered as part of required day room or living room space.

AMENDATORY SECTION (Amending Regulation .16.160, effective 3/11/60)

WAC 248-16-160 LAUNDRY ROOM. (1) The boarding home shall make provision and be responsible for the proper handling, cleaning, and storage of linen and other washable goods.

(2) Unless all laundry is sent out, every boarding home shall be provided with a laundry room equipped with adequate laundry facilities.

(a) Laundry equipment shall have the capability of reaching a temperature of one hundred forty degrees Fahrenheit.

(b) There shall be separation of clean and soiled laundry.

(c) The laundry room ((and)), storage, and sorting areas shall be located in rooms not used for open food storage, preparation or serving.

AMENDATORY SECTION (Amending Regulation .16.170, effective 3/11/60)

WAC 248-16-170 STORAGE SPACES. Adequate storage space shall be provided for ((excess)) supplies, ((unused)) equipment, stored personal possessions of residents, linens, and similar items.

(1) Storage space shall be such that it does not constitute a fire or accident hazard((, and will not be in the way of residents or staff. A separate storage space which can be locked shall be provided for disinfectants and for poisonous compounds)).

(2) Disinfectants and poisonous compounds shall be stored separately in cabinets, drawers, rooms or equivalent, which can be locked.

AMENDATORY SECTION (Amending Regulation .16.180, effective 3/11/60)

WAC 248-16-180 STAIRS. All stairways used by ((boarders)) residents shall have nonskid ((treads of not less than)) surfaces. Steps shall be at least nine inches ((wide)) deep and ((have risers)) not more than eight inches high. ((Stairways with triangular or winding treads shall not be approved.))

AMENDATORY SECTION (Amending Regulation .16.190, effective 3/11/60)

WAC 248-16-190 GUARD RAILS. GUARDRAILS, ((HAND RAILS)) HANDRAILS. ((Hand rails)) Handrails may be required in halls and corridors if conditions indicate a need ((therefor)). All inside and outside stairs shall be equipped with sturdy ((hand rails)) handrails on each side: PROVIDED HOWEVER, That one handrail may be permitted following evaluation by the department to determine safety of residents is maintained. Guardrails may be required.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-202 MAINTENANCE AND HOUSEKEEPING. (1) The boarding home structure, its component parts, facilities, equipment and furnishings shall be kept clean and in good repair and maintained in the interest of residents' safety and well-being. No hazard shall exist from structural conditions.

(2) All bedrooms ((occupied or)) used by residents shall be kept in a safe and sanitary condition at all times. ((It shall be the responsibility of the administrator or his or her designee to supervise the maintenance of bedrooms.)) If a resident ((is unable to)) does not care for his or her own room, such maintenance shall be provided by staff of the boarding home.

(3) The boarding home shall provide a utility sink or an equivalent means of obtaining and disposing of mop water in areas other than those used for food preparation and serving. Wet mops shall be stored in an area with adequate ventilation.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-213 ADMISSION, PLACEMENT AND RETENTION OF RESIDENTS. (1) Prior to admission of an applicant for residency in a boarding home, the boarding home shall have obtained sufficient information about the applicant's current ability to function to determine if the applicant can be properly ~~((placed-))~~ housed ~~((;))~~ in the boarding home.

(2) Admission of individuals as residents shall be limited to those who can be accommodated by the physical plant facilities, space, furniture, equipment, staff and program of domiciliary care in accordance with these rules, regulations and standards, chapter 248-16 WAC.

(3) Only ~~((persons))~~ individuals who are ambulatory, as defined in WAC 248-16-001 shall be admitted and retained as residents unless the state fire marshal approves the boarding home for acceptance of nonambulatory individuals: PROVIDED, That there is compliance with RCW 18.20.160.

(4) Accommodations for individuals who, though capable of independent mobility with the use of a cane, crutches, a walker, a wheelchair or artificial limb, are not capable of walking unaided shall be restricted to sections ~~((;))~~ or areas ~~((;))~~ of a boarding home which have been specifically approved for occupancy by such individuals by the state fire marshal, unless the state fire marshal has approved the entire boarding home for occupancy by such individuals.

(5) The following shall not be admitted or retained as residents:

(a) ~~((Persons))~~ Individuals who are manifesting overt behavior which is ~~((assaultive, suicidal, or otherwise destructive in nature))~~ a danger to others or self;

(b) ~~((Persons who are not ambulatory, as defined in WAC 248-16-001;~~

~~((Persons))~~ Individuals who are in need of inpatient care in a hospital, a nursing home, or other facility licensed under the provisions of chapters 70.41, 71.12 or 18.51 RCW;

~~((d))~~ (c) ~~((Persons))~~ Individuals who need nursing care over and above the following:

(i) Simple nursing care, of a type ordinarily given in a private home by lay persons, to one who has a mild, temporary illness which does not exceed fourteen days in duration;

(ii) ~~((Visiting nurse))~~ Service from a community home health care agency ~~((;))~~;

~~((iii))~~ Medication service as defined in WAC 248-16-001;

(6) ~~((A person needing))~~ An individual who requires medication service shall not be admitted or retained as a resident unless the boarding home makes provision for medication services in accordance with ~~((these regulations, chapter 248-16))~~ RCW 18.20.160 and WAC 248-16-228.

(7) At the time of admission, the boarding home administrator ~~((or his or her designee))~~ shall make definite arrangements with the resident regarding the ~~((physician))~~ health care practitioner and/or other individual to be called in case the resident becomes ill ~~((or, in the case~~

~~of a resident who is opposed to medical treatment because of religious affiliation, the individual to be called if the resident becomes ill))~~.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-215 RESIDENT RIGHTS—SERVICES TO BE PROVIDED. (1) Insofar as a general or specific nuisance or a danger to the individuals or others is not created, each resident shall ~~((be provided with at least one comfortable pillow and adequate, clean, light weight, warm bedding, and at least two clean sheets, a pillow case, towels and washcloths each week))~~ have, in addition to any rights not specifically withheld by law, the following rights:

(a) To be informed or to have an agent, designated by the resident, informed of his or her rights and the policies of the facility at the time of admission. A written copy of rights and policies shall be provided to each resident or designated agent.

(b) To be treated in a manner that respects his or her individual identity and human dignity and fosters constructive self-esteem.

(c) To be notified thirty days in advance if he or she requires transfer for medical or nursing care or for his or her welfare or that of other residents, except as prohibited by Titles XVIII, XIX or XX of the Social Security Act, unless an emergency condition requires immediate transfer, or there is failure to comply with written policy of the boarding home or to ensure orderly transfer or discharge. The notice of transfer or discharge and discharge planning shall be documented in the resident's record.

(d) To associate and communicate privately with persons of his or her choice; to send and receive uncensored correspondence through the mail; to have reasonable access to a telephone both to make and to receive personal calls.

(e) To manage personal financial affairs unless such person has been adjudicated to be incompetent in a court proceeding directed to that particular issue or pursuant to law.

(f) To retain and use personal clothing and possessions unless to do so would infringe upon the rights of other residents.

(g) To refuse to perform services for the facility unless these services are included in a plan of care.

(h) To be assured privacy for visits with relatives or guests.

(i) To voice grievances and recommend changes in policies and services to the facility staff and/or to outside representatives of his or her choice free from restraint, interference, coercion, discrimination or reprisal.

(j) To be informed of phone numbers and address of the licensing agency or appropriate advocacy group(s).

(k) To meet with and participate in activities of social, religious, and community groups at his or her discretion.

(l) To be free from physical, chemical, and psychological restraints unless authorized by law.

(m) To be free from exploitation, assault, abuse, and neglect.

(n) To have information contained in resident health records kept confidential with access only to authorized personnel and the department.

(o) To be given timely notice of changes in admission or retention policy and procedure.

(2) Each resident shall ((be treated in a manner that respects his or her individual identity and human dignity and fosters constructive self-esteem)) have at least one comfortable pillow and adequate, clean bedding. Clean sheets, a pillow case, towels and washcloths shall be provided as needed and at least each week.

(3) ((A resident's rights to observe the tenets of his or her faith shall be respected. A resident's care shall be adapted to accommodate the resident's religious beliefs and practices insofar as is reasonable.

((4)) A resident shall be regularly observed for changes in physical, mental and emotional functioning ((which may reveal that he or she has unmet needs for services or that his or her condition has changed to the extent that transfer to a facility providing another type or level of service is indicated)). When observations reveal the resident has need for services ((which)) unavailable in the boarding home ((does not provide)), the administrator or ((his or her)) designee shall ((bring such observations to the attention of the resident and any individual or agency who is responsible for the resident. The administrator or designee shall provide assistance, as indicated, in planning and carrying out action (e.g., referral, transfer, etc.) through which the resident may receive the type or level of service needed)) arrange for the transfer of the resident.

((5)) (4) Basic domiciliary care services shall be conducted so as to ((promote)) attain or maintain each resident's ((independence to the)) highest degree of functioning possible and compatible with individual safety and welfare. ((Residents shall be encouraged to participate as fully as their conditions permit in activities in both the boarding home and the community.)) The following services shall be provided ((to)) when a resident ((when he or she has need for)) requires such services:

(a) General health supervision, ((as defined in WAC 248-16-001;)) which means provision of the following services in accordance with a resident's particular needs including:

(i) To encourage a resident to self-administer medically prescribed drugs and treatment;

(ii) To encourage a resident to follow any medically prescribed modified diet, rest or activity regimen;

(iii) To encourage and assist a resident to keep appointments for health care services, e.g., physicians, dentists, home health care services or clinics;

(iv) Encourage and assist a resident to see his or her health care practitioner if the resident manifests signs and symptoms of an illness or abnormality for which medical diagnosis and treatment seem indicated.

(b) Reminding and/or guidance, supervision or assistance to a resident in:

(i) Personal hygienic care, dressing, grooming, and other activities ((of personal care which are not directed primarily toward the treatment of disease or disability));

((c)) (ii) ((Reminding, guiding or assisting a resident in the)) Maintenance of functional aids or equipment ((which he or she uses (e.g.)), such as glasses, hearing aids, canes, crutches, walker((;)) or wheelchair((; etc.));

((d)) (iii) ((Reminding, guiding or assisting a resident in the)) Maintenance of clothing and other personal effects;

((e)) (iv) ((Reminding, guiding or assisting a resident in maintaining his or her own)) Maintenance of personal living quarters in a manner conducive to safety and comfort((; and)).

((f)) (c) Encouraging, guiding or assisting a resident to participate in social, recreational, diversional, vocational, church or other activities within the boarding home and the community in accordance with his or her interests, tolerance and abilities.

((6)) (5) Whenever a resident ((becomes ill or sustains a significant injury, the administrator or designee shall immediately notify)) is believed to be ill or injured, the ((physician)) health care practitioner or other individual designated by the resident((; unless the resident is able to notify such physician or other individual. During a period that an ill or injured resident remains in the boarding home, the boarding home shall be responsible for providing temporary care)) shall be notified immediately.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-222 ✓ FIRST AID SERVICES. (1) Staff having the responsibility for resident care services shall have current, basic first aid training and ((shall be oriented to written emergency policies)) cardiopulmonary resuscitation training.

(2) There shall be written medical emergency policies ((to guide the action of resident care staff should a resident present a medical emergency)) and procedures available in appropriate locations in the facility. All staff shall be oriented to medical emergency policies and procedures.

(3) ((An)) Adequate first aid ((kit)) supplies and a first aid manual shall be kept in a specific location in the boarding home and readily available to all staff ((who have responsibility for resident care services)).

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-223 ✓ NOTIFICATION REGARDING CHANGE IN ((RESIDENTS')) RESIDENT'S CONDITION. A resident's next of kin, guardian or other individual or agency responsible for the resident shall be notified as rapidly as possible should a serious change in the resident's condition, transfer of the resident to a hospital or death of a resident occur. Notification shall be documented in the resident's record.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-226 ✓ SAFETY MEASURES. (1) The boarding home shall be free of hazards.

~~((1))~~ (2) Any accident or incident which jeopardized the health or life of a resident shall be investigated to ascertain the circumstances of the accident or incident and appropriate measures instituted to prevent similar occurrences in the future insofar as is possible.

~~((2))~~ (3) There shall be provision for staff members to gain rapid access to any bedroom, toilet, shower, bathroom or other room occupied by residents should an emergency (~~(need)~~) arise. This provision shall be made known to all staff members who have a responsibility for resident care.

~~((3))~~ (4) Methods for the cleaning, (~~(disinfecting or sterilizing)~~) sanitizing, handling and storage of supplies and equipment used in services to residents shall be (~~(such as)~~) designed to prevent the transmission of infection.

(5) Hardware on the doors of storage rooms and closets shall be of a type to prevent residents from being locked in.

(6) Flashlights or other means of emergency lighting shall be available in all parts of the boarding home.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-227 ✓ SELF-ADMINISTRATION OF (~~(DRUGS-)~~)MEDICATIONS(~~(?))~~ BY RESIDENTS. Self-administration of (~~(drugs)~~) medications by a resident shall be in accordance with the following:

(1) The resident shall be (~~(physically and mentally)~~) at least capable of administering his or her own (~~(drug)~~) medications properly with minimal guidance and assistance. If a resident is retained in the facility who requires minimal guidance or assistance, it shall be appropriately provided.

(2) ~~((Prescription drugs, over-the-counter drugs purchased independently by the resident and other medicinal materials used by))~~ A (~~(resident)~~) resident's medication(s) shall be kept so (~~(they are)~~) the medication(s) is not available to other residents.

(3) There shall be written policies and procedures for facility staff providing minimal guidance and assistance to residents with medications, when a resident requires such guidance and assistance.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-228 ✓ MEDICATION SERVICES. A boarding home which makes provision for (~~(medication service)~~) nurse administration of medications to a (~~(resident)~~) resident(s), upon doctor's order pursuant to RCW 18.20.160, shall comply with the following requirements:

(1) ~~((Supervision of))~~ A registered nurse shall be responsible for the medication service. Responsibilities shall include:

(a) ~~((A registered nurse shall be responsible for))~~ Planning, directing, and supervising the medication service to residents.

(b) ~~((The registered nurse responsible for the direction and supervision of a resident's medication service shall))~~ Review of a resident's condition and drug therapy regimen at regular intervals with documentation of the

review. (~~((This review shall be documented and shall include appropriate instruction in self medication.))~~)

(c) ~~((Any drug administered to a resident shall be documented in the resident's health record))~~ Documentation of appropriate instruction in self-administration.

(2) Administration of (~~(Drugs-(Medicines))~~) medications.

(a) There shall be written orders, signed by a physician or other legally authorized practitioner acting within the scope of his or her license, for all (~~(drugs)~~) medications administered to a resident.

(b) Medications shall be administered only by individuals appropriately licensed in the state of Washington to administer medications.

(c) Any medication administered to a resident shall be documented in the resident's health record.

(3) Pharmaceutical services. There shall be provision for timely delivery of necessary (~~(drugs and biologicals))~~ medications from a pharmacy so (~~((that a physician's orders for drug therapy))~~) prescribed medications can be implemented without undue delay.

(4) ~~((Only persons licensed to prescribe or administer medications may relay physicians' orders to a pharmacy to obtain drugs (medicines.))~~ There shall be written policies and procedures which provide for the procurement, storage, control, use, administration, retention, release, and disposal of (~~(drugs and biologicals))~~ medications in accordance with applicable federal and state laws and regulations: PROVIDED, That nothing in this section shall require that a boarding home make provision for medication services and that if such services are provided, they are to be provided by health care professionals or health care agencies in conformity with RCW 18.20.160.

AMENDATORY SECTION (Amending Order 147, filed 6/29/77)

WAC 248-16-230 ✓ RESIDENT REGISTER (~~(AND HEALTH RECORDS))~~. (~~((1) Resident register.))~~ There shall be a permanent, current book or register of all individuals admitted as residents (~~(in a boarding home. This shall contain the following data for each resident))~~ which shall contain: Date of admission, full name, and date of (~~(birth, and the address at which the resident lived prior to admission))~~ discharge.

~~((2) Record system.~~

(a) ~~A systematic secure method of identifying and filing residents' records so each record can be located readily shall be provided.~~

(b) ~~Entries in residents' records shall be either type-written or written legibly in ink.~~

(c) ~~A resident's record shall include the following data:~~

(i) ~~Full name and former address of the resident;~~

(ii) ~~Date of admission and date of discharge;~~

(iii) ~~Name, address and telephone number of next of kin, or other responsible person;~~

(iv) ~~Name, address and telephone number of the resident's personal physician;~~

(v) ~~Dates and descriptions of all illnesses or accidents and changes in functional abilities which the individual~~

had while a resident of the boarding home including action(s) taken;

(vi) A signed written prescription by the resident's physician for any modified diet provided for the resident.))

NEW SECTION

WAC 248-16-235 ✓ RESIDENT HEALTH RECORDS. (1) There shall be a health record (ink, type-written or equivalent) in the boarding home for each resident to include the following:

- (a) Full name, date of birth, and former address of the resident;
 - (b) Date of admission(s) and date of discharge(s);
 - (c) Name, address, and telephone number of next-of-kin or other responsible person;
 - (d) Name, address, and telephone number of resident's personal physician or health care practitioner;
 - (e) Dates and descriptions of all illnesses or accidents and changes in functional abilities of the individual while a resident of the boarding home, including actions taken with entries signed by staff;
 - (f) A signed, written prescription by the resident's physician or health care practitioner for any modified diet, concentrate or supplement provided by the boarding home for the resident.
- (2) A systematic, secure method of identifying and filing resident health records shall be provided so each record can be located readily.
- (3) Each resident health record shall be retained for a minimum of five years after resident discharge.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 248-16-052 ✓ ADVERTISING.
- (2) WAC 248-16-058 ✓ REQUIRED APPROVAL FOR OCCUPANCY AFTER COMPLETION OF NEW CONSTRUCTION.
- (3) WAC 248-16-162 ✓ LAUNDRY SERVICE.

WSR 83-14-001
ADOPTED RULES
INSURANCE COMMISSIONER
 [Order R 83-2—Filed June 23, 1983]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to registration of funeral establishments, pertaining to prearrangement funeral service contracts, to remove obsolete rules from WAC, repealing chapter 284-40 WAC.

This action is taken pursuant to Notice No. WSR 83-11-005 filed with the code reviser on May 6, 1983. 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 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of section 19, chapter 66, Laws of 1982.

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 23, 1983.

Dick Marquardt
 Insurance Commissioner
 By Robert E. Johnson
 Deputy Commissioner

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- Chapter 284-40 WAC, ✓ REGISTRATION OF FUNERAL ESTABLISHMENTS.
- (1) WAC 284-40-010 ✓ PURPOSE.
 - (2) WAC 284-40-020 ✓ EFFECTIVE DATE AND SCOPE.
 - (3) WAC 284-40-030 ✓ DEFINITIONS.
 - (4) WAC 284-40-040 ✓ REGISTRATION.
 - (5) WAC 284-40-050 ✓ PREARRANGEMENT FUNERAL SERVICE CONTRACT FORM REQUIREMENTS.
 - (6) WAC 284-40-060 ✓ REQUIREMENTS AS TO TRUST FUNDS.
 - (7) WAC 284-40-070 ✓ ANNUAL STATEMENT REQUIREMENTS.
 - (8) WAC 284-40-080 ✓ RENEWAL OF CERTIFICATE OF REGISTRATION.

WSR 83-14-002
ADOPTED RULES
INSURANCE COMMISSIONER

[Order R 83-1—Filed June 23, 1983—Eff. September 1, 1983]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to loss ratio standards for disability insurance to ensure that policy forms return a reasonable level of benefits, and defining certain practices pertaining to disability insurance rate making to be unfair, deceptive and discriminatory.

This action is taken pursuant to Notice No. WSR 83-10-060 filed with the code reviser on May 4, 1983. These rules shall take effect at a later date, such date being September 1, 1983.

This rule is promulgated pursuant to RCW 48.02.060 which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.30.010, 48.01.030, 48.18.110(2), 48.18.480, 48.19.010(2), 48.30.010(2), 48.70.030(3) and 48.70.040.

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 22, 1983.

Dick Marquardt
 Insurance Commissioner
 By Robert E. Johnson
 Deputy Commissioner

Chapter 284-60 WAC
 DISABILITY INSURANCE LOSS RATIOS

WAC	
284-60-010	Scope.
284-60-020	Purpose.
284-60-030	Definitions.
284-60-040	Grouping of policy forms for purposes of rate making and requests for rate increase.
284-60-050	Loss ratio requirements for individual disability insurance forms.
284-60-060	Loss ratio requirements for group and blanket disability insurance forms and manual rates.
284-60-070	Experience records.
284-60-080	Evaluating experience data.
284-60-090	Special circumstances.
284-60-100	Effective date.

NEW SECTION

WAC 284-60-010 SCOPE. (1) This regulation, WAC 284-60-010 through 284-60-100, applies to all insurers and to every disability insurance policy form filed for approval in this state after August 31, 1983, except:

- (a) Additional indemnity and premium waiver forms for use only in conjunction with life insurance policies;
- (b) Medicare supplement policy forms which are regulated by chapter 284-55 WAC;
- (c) Credit insurance policy forms issued pursuant to chapter 48.34 RCW;
- (d) Group policy forms other than:
 - (i) specified disease policy forms,
 - (ii) policy forms, other than loss of income forms, as to which all or substantially all, of the premium is paid by the individuals insured thereunder,
 - (iii) policy forms, other than loss of income forms, for issue to single employers insuring less than one hundred employees;
- (e) Policy forms filed by Health Care Service Contractors or Health Maintenance Organizations;
- (f) Policy forms initially approved before September 1, 1983, including subsequent requests for rate increases and modifications of rate manuals.

(2) Approvals of policy forms of the types subject to this regulation approved before September 1, 1983, and which are not in compliance with the provisions of this regulation on January 1, 1985 are hereby withdrawn as of January 1, 1985, and such forms shall not thereafter be used for new issues.

NEW SECTION

WAC 284-60-020 PURPOSE. The purpose of this regulation is to:

- (1) Establish loss ratio standards for the purpose of implementing the authority of the commissioner to disapprove and to withdraw approval of disability policy forms which are not returning or are not expected to return a reasonable proportion of the premiums in the form of benefits, pursuant to RCW 48.18.110(2), 48.19.010(2), 48.70.030 and 48.70.040.
- (2) Define certain practices in the use of policy forms and in the making of disability insurance rates to be unfair, deceptive and discriminatory practices, pursuant to RCW 48.01.030, 48.18.480 and 48.30.010.

NEW SECTION

WAC 284-60-030 DEFINITIONS. (1) The "expected loss ratio" is a prospective calculation and shall be calculated as the projected "benefits incurred" divided by the projected "premiums earned" and shall be based on the actuary's best projections of the future experience within the "calculating period."

(2) The "actual loss ratio" is a retrospective calculation and shall be calculated as the "benefits incurred" divided by the "premiums earned," both measured from the beginning of the "calculating period" to the date of the loss ratio calculations.

(3) The "overall loss ratio" shall be calculated as the "benefits incurred" divided by the "premiums earned" over the entire "calculating period" and may involve both retrospective and prospective data.

(4) The "calculating period" shall be the time span over which the actuary expects the premium rates, whether level or increasing, to remain adequate in accordance with his best estimate of future experience and during which the actuary does not expect to request a rate increase.

(5) The "benefits incurred" shall be the "claims incurred" plus any increase (or less any decrease) in the "reserves."

(6) The "claims incurred" shall mean:

- (a) Claims paid during the accounting period; plus
- (b) The change in the liability for claims which have been reported but not paid; plus
- (c) The change in the liability for claims which have not been reported but which may reasonably be expected.

The "claims incurred" shall not include expenses incurred in processing the claims, home office or field overhead, acquisition and selling costs, taxes or other expenses, contributions to surplus, or profit.

(7) The "reserves," as referred to in this regulation, shall include:

- (a) Active life disability reserves;
- (b) Additional reserves whether for a specific liability purpose or not;
- (c) Contingency reserves;
- (d) Reserves for select morbidity experience; and
- (e) Increased reserves which may be required by the commissioner.

(8) The "premiums earned" shall mean the premiums, less experience credits, refunds or dividends, applicable to an accounting period whether received before, during or after such period.

(9) Renewal provisions are defined as follows:

(a) "Guaranteed renewable"—Renewal cannot be declined by the insurance company for any reason, but the insurance company can revise rates on a class basis.

(b) "Noncancellable"—Renewal cannot be declined nor can rates be revised by the insurance company.

NEW SECTION

WAC 284-60-040 GROUPING OF POLICY FORMS FOR PURPOSES OF RATE MAKING AND REQUESTS FOR RATE INCREASE. (1) The actuary responsible for setting premium rates shall group similar policy forms, including forms no longer being marketed, in the pricing calculations. Such grouping shall rely on the judgment of the pricing actuary and be satisfactory to the commissioner. Among the factors which shall be considered are similar claims experience, types of benefits, reserves, margins for contingencies, expenses and profit, and equity between policyholders. Such grouping shall enhance statistical reliability and improve the likelihood of premium adequacy without introducing elements of discrimination in violation of RCW 48.18.480.

(2) The insureds under similar policy forms are grouped at the time of rate making in accord with RCW 48.18.480 because they are expected to have substantially like insuring, risk and exposure factors and expense elements. The morbidity and mortality experience of these insureds will, as a group, deteriorate over time. It is hereby defined to be an unfair and discriminatory practice, pursuant to RCW 48.01.030, 48.18.480 and 48.30.010, to withdraw a form from its assigned grouping by reason only of the deteriorating health of the people insured thereunder.

(3) One or more of the policy forms grouped for rate making purposes may, by random chance, experience significantly higher or more frequent claims than the other forms. It is hereby defined to be an unfair and discriminatory practice, pursuant to RCW 48.01.030, 48.18.480 and 48.30.010, to deviate from the assigned grouping of policy forms for pricing purposes at the time of requesting a rate increase unless the actuary can justify to the satisfaction of the commissioner that a different grouping is more equitable because of some previously unrecognized and nonrandom distinction between forms or between groups of insureds.

(4) Successive policy forms of similar benefits are sometimes introduced by the insurers for the purpose of keeping up with trends in hospital costs, new developments in medical practice, additional supplemental benefits offered by competitors, and other reasons. While this is commendable, policyholders who can not qualify for the new improved policies, or to whom the new benefits are not offered, are left insured and isolated as a high risk group under the prior form and soon become subject to massive rate increases. It is hereby defined to be an unfair and discriminatory practice, pursuant to RCW 48.01.030, 48.18.480 and 48.30.010, to fail to

combine successive generic policy forms and to fail to combine policy forms of similar benefits covering generations of policyholders in the calculation of premium rates and loss ratios.

NEW SECTION

WAC 284-60-050 LOSS RATIO REQUIREMENTS FOR INDIVIDUAL DISABILITY INSURANCE FORMS. The following standards and requirements apply to individual disability insurance forms:

(1) Benefits shall be deemed reasonable in relation to the premiums if the overall loss ratio is at least sixty percent over a calculating period chosen by the insurer and satisfactory to the commissioner.

(2) The calculating period may vary with the benefit and renewal provisions. The company may be required to demonstrate the reasonableness of the calculating period chosen by the actuary responsible for the premium calculations. A brief explanation of the selected calculating period shall accompany the filing.

(3) Policy forms, the benefits of which are particularly exposed to the effects of inflation and whose premium income may be particularly vulnerable to an eroding persistency and other similar forces, shall use a relatively short calculating period reflecting the uncertainties of estimating the risks involved. Policy forms based on more dependable statistics may employ a longer calculating period. The calculating period may be the lifetime of the contract for guaranteed renewable and noncancellable policy forms if such forms provide benefits which are supported by reliable statistics and which are protected from inflationary or eroding forces by such factors as fixed dollar coverages, inside benefit limits, or the inherent nature of the benefits. The calculating period may be as short as one year for coverages which are based on statistics of minimal reliability or which are highly exposed to inflation.

(4) A request for a rate increase to be effective at the end of the calculating period shall include a comparison of the actual to the expected loss ratios, shall employ any accumulation of reserves in the determination of rates for the new calculating period, and shall account for the maintenance of such reserves for future needs. The request for the rate increase shall be further documented by the expected loss ratio for the new calculating period.

(5) A request for a rate increase submitted during the calculating period shall include a comparison of the actual to the expected loss ratios, a demonstration of any contributions to and support from the reserves, and shall account for the maintenance of such reserves for future needs. If the experience justifies a premium increase it shall be deemed that the calculating period has prematurely been brought to an end. The rate increase shall further be documented by the expected loss ratio for the next calculating period.

(6) The commissioner may approve a series of two or three smaller rate increases in lieu of one large increase. These should be calculated to reduce lapses and anti-selection that often result from large rate increases. A demonstration of such calculations, whether for a single

rate increase or for a series of smaller rate increases, satisfactory to the commissioner, shall be attached to the filing.

(7) Companies shall review their experience periodically and file appropriate rate revisions in a timely manner to reduce the necessity of later filing of exceptionally large rate increases.

NEW SECTION

WAC 284-60-060 ✓ **LOSS RATIO REQUIREMENT FOR GROUP AND BLANKET DISABILITY INSURANCE POLICY FORMS AND MANUAL RATES.** The following standards and requirements apply to group and blanket disability insurance policy forms and manual rates:

(1) Specified disease group insurance shall generate at least a seventy-five percent loss ratio regardless of the size of the group.

(2) Group disability insurance, other than specified disease insurance, as to which the insureds pay all or substantially all of the premium shall generate loss ratios no lower than those set forth in the following table.

Number of Certificate Holders at Issue, Renewal or Rerating	Minimum Overall Loss Ratio
9 or less	60%
10 to 24	65%
25 to 49	70%
50 to 99	75%
100 or more	80%

(3) Group disability policy forms, other than for specified disease insurance, for issue to single employers insuring less than one hundred lives shall generate loss ratios no lower than those set forth in subsection (2) of this section for groups of the same size.

(4) The calculating period may vary with the benefit and premium provisions. The company may be required to demonstrate the reasonableness of the calculating period chosen by the actuary responsible for the premium calculations.

(5) A request for a rate increase submitted at the end of the calculating period shall include a comparison of the actual to the expected loss ratios and shall employ any accumulation of reserves in the determination of rates for the selected calculating period and account for the maintenance of such reserves for future needs. The request for the rate increase shall be further documented by the expected loss ratio for the new calculating period.

(6) A request for a rate increase submitted during the calculating period shall include a comparison of the actual to the expected loss ratios, a demonstration of any contributions to or support from the reserves, and shall account for the maintenance of such reserves for future needs. If the experience justifies a premium increase it shall be deemed that the calculating period has prematurely been brought to an end. The rate increase shall further be documented by the expected loss ratio for the next calculating period.

(7) The commissioner may approve a series of two or three smaller rate increases in lieu of one larger increase. These should be calculated to reduce the lapses and antiselection that often result from large rate increases.

A demonstration of such calculations, whether for a single rate increase or a series of smaller rate increases, satisfactory to the commissioner, shall be attached to the filing.

(8) Companies shall review their experience periodically and file appropriate rate revisions in a timely manner to reduce the necessity of later filing of exceptionally large rate increases.

NEW SECTION

WAC 284-60-070 ✓ **EXPERIENCE RECORDS.** Insurers shall maintain records of earned premiums and incurred benefits for each policy year for each policy, rider, endorsement and similar form which were combined for purposes of premium calculations, including the reserves. Records shall also be maintained of the experience expected in the premium calculations. Notwithstanding the foregoing, with proper justification, the commissioner may accept approximation of policy year experience based on calendar year data.

NEW SECTION

WAC 284-60-080 ✓ **EVALUATING EXPERIENCE DATA.** In determining the credibility and appropriateness of experience data, due consideration shall be given to all relevant factors including:

(1) Statistical credibility of premiums and benefits such as low exposure or low loss frequency;

(2) Past and projected trends relative to the kind of coverage, such as inflation in medical expenses, economic cycles affecting disability income experience, inflation in expense charges and others;

(3) The concentration of experience at early policy durations where select morbidity and preliminary term reserves are applicable and where loss ratios are expected to be substantially higher or lower than in later policy durations;

(4) The mix of business by risk classification;

(5) The expected lapses and antiselection at the time of rate increases.

NEW SECTION

WAC 284-60-090 ✓ **SPECIAL CIRCUMSTANCES.** Loss ratios other than those indicated in WAC 284-60-050 and 284-60-060 may be approved with satisfactory actuarial demonstrations. Examples of coverages where the commissioner may grant special considerations are:

(1) Short term nonrenewable policy forms such as airline trip or student accident.

(2) Policy forms exposed to high risk of claim fluctuation because of the low loss frequency, or the catastrophic or experimental nature of the coverage.

(3) Individual guaranteed renewable and noncancellable policy forms, but the loss ratio shall not be less than those set forth in the following table in lieu of those specified in WAC 284-60-050. In the calculation of loss ratios for such policies the reserves, except those required by RCW 48.12.030(3)(a), shall be excluded from consideration as benefits incurred.

	Guaranteed Renewable	Noncancellable
Medical Expense	55%	50%
Loss of Income and Other	50%	45%

(4) Cases where higher than usual expenses are expected because of peculiar administrative or geographic circumstances.

(5) Freestanding group or blanket contracts for benefits which are normally written in conjunction with other benefits.

NEW SECTION

WAC 284-60-100 **EFFECTIVE DATE.** This regulation shall become effective on September 1, 1983, and shall apply to all policy, rider, endorsement, and similar forms and rate schedule filings subject to this regulation submitted on or after said date.

WSR 83-14-003
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 83-17—Filed June 23, 1983]

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 Richland, City of, amending WAC 173-19-1104.

This action is taken pursuant to Notice No. WSR 83-10-061 filed with the code reviser on May 4, 1983. 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 90.58.120 and 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 June 23, 1983.

By John F. Spencer
 Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-1104 **RICHLAND, CITY OF.** City of Richland Master Program approved September 9, 1974. Revision approved August 29, 1979. Revision approved June 23, 1983.

WSR 83-14-004
NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION
 [Memorandum—June 22, 1983]

The June 30, 1983, meeting of the State Hospital Commission will be held at the Sea-Tac Hilton, Victoria

Room, instead of the Vance Airport Inn as previously announced. The meeting is scheduled to begin at 9:30 a.m.

WSR 83-14-005
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
 [Order 1801-A—Filed June 24, 1983]

I, Michael V. Schwisow, deputy director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chemical use on blooming alfalfa, clover and mint, chapter 16-230 WAC.

I, Michael V. Schwisow, Deputy Director, 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 Cygon is not the tradename of malathion and this change will prevent a misuse of this chemical.

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

This rule is promulgated pursuant to RCW 17.20.030 [17.21.030] 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 24, 1983.

By Michael V. Schwisow
 Deputy Director

AMENDATORY SECTION (Amending Emergency Order 1801, filed 6/17/83)

WAC 16-230-030 **ALFALFA AND CLOVER—CHEMICAL RESTRICTIONS.** (1) The use or application of any formulation (except where the formulation is specified) of the following listed pesticides shall be prohibited on blossoming alfalfa and clover crops within seven days to blossoming. See WAC 16-230-081 and WAC 16-230-083 for additional restrictions in certain areas of Walla Walla county.

- (a) Azinphos-methyl (Guthion)
- (b) Carbaryl (Sevin)
- (c) Carbofuran (Furadan)
- (d) Dimethoate (Cygon or Rebelate)
- (e) Methidathion (Supracide)

(2) The use or application of liquid formulations of mevinphos (Phosdrin), wettable powder formulations of naled (Dibrom), and liquid or wettable powder formulations of malathion ((Cygon)) and phorate (Thimet) applied as sprays on blossoming alfalfa or clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight of the same day.

(3) The use or application of any formulation (except where the formulation is specified) of the following pesticides shall be prohibited on blossoming alfalfa and clover crops:

- (a) Carbaryl (Sevin) see number (1) above
- (b) Diazinon
- (c) Fenthion (Baytex)
- (d) Malathion ((Cygon))dust & ULV
- (e) Methyl parathion
- (f) Mevinphos (Phosdrin) dust
- (g) Naled (Dibrom) dust
- (h) Parathion
- (i) Phosmet (Imidan)

(4) The use or application of the following listed pesticides or any formulation thereof (except where the formulation is specified) on blossoming alfalfa and clover crops is restricted to applications only within the period beginning at two hours prior to sunset and ending at two and one-half hours after sunrise the following morning: **PROVIDED**, That methomyl (Lannate or Nudrin) shall only be applied to blossoming clover crops pursuant to this rule, and its application to blossoming alfalfa is further restricted to applications only within the period beginning at two hours prior to sunset and ending at midnight the same day: **PROVIDED FURTHER**, That the application of the following restricted use pesticides on blossoming alfalfa in Walla Walla county is further restricted to applications only within the period beginning at sunset and ending at two hours after midnight the following morning:

- (a) Carbophenothion (Trithion)
- (b) Formetanate hydrochloride (Carzol)
- (c) Demeton (Systox)
- (d) Naled (Dibrom) emulsifiable concentrate
- (e) Disulfoton (Di-Syston)
- (f) Endosulfan (Thiodan)
- (g) Oxydemeton-methyl (Metasystox-R)
- (h) Methomyl Lannate or Nudrin)
- (i) Methoxychlor (Marlate)
- (j) Phorate (Thimet) granular
- (k) Trichlorfon (Dylox)
- (l) Oxamyl (Vydate)

WSR 83-14-006

NOTICE OF PUBLIC MEETINGS LIBRARY COMMISSION

[Memorandum—June 23, 1983]

There will be a special meeting of the Washington State Library Commission on Friday, July 22, in the Sea-Tac Auditorium, Sea-Tac terminal, beginning at 10:00 a.m. for the following purpose: Consideration of proposals and grant awards for LSCA Title II, Fiscal 1983 Construction Funds.

WSR 83-14-007 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Commission for Vocational Rehabilitation) [Filed June 24, 1983]

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 490-500-060 Criteria for the severely handicapped.
Amd WAC 490-500-190 Economic need—Standards for determining.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1983;

that the agency will at 10:00 a.m., Tuesday, August 9, 1983, in the General Administration Building Auditorium, 11th and Columbia, 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 August 17, 1983.

The authority under which these rules are proposed is RCW 28A.10.025.

The specific statute these rules are intended to implement is chapter 28A.10 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

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

David A. Hogan, Director
Division of Administration and Personnel
Department of Social and Health Services
Mailstop OB 14
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 July 26, 1983. The meeting site is in a location which is barrier free.

Dated: June 23, 1983

By: David A. Hogan, Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 490-500 WAC.

The Purpose of the Rule or Rule Changes: To change DVR's maintenance standards to conform to GAU standards.

The Reason These are Necessary: All other DSHS divisions are changing their maintenance standards.

Statutory Authority: RCW 28A.10.025.

Summary of the Rule or Rule Change: Changes maintenance from \$230.25 per month to \$295.00 per month and rules out maintenance of family (DVR has never provided family maintenance).

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Leslie F.

James, Director, Division of Vocational Rehabilitation, Olympia HQ, Mailstop: OB 21C, Phone: 3-0293.

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

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-060 **CRITERIA FOR THE ((SEVERLY)) SEVERELY HANDICAPPED.** A severely handicapped individual is a handicapped individual((-));

(1) Who has a severe physical or mental disability ((which)) seriously ((limits)) limiting his or her 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 disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia and end-stage renal disease, or another disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

AMENDATORY SECTION (Amending Order 1761, filed 2/3/82)

WAC 490-500-190 **ECONOMIC NEED—STANDARDS FOR DETERMINING.** (1) A client shall be eligible to receive vocational rehabilitation services or extended evaluation services from the division when total obligations, debts, and expenses equals or exceeds income and nonexempt assets and resources. When income and nonexempt assets are greater than the value of obligations, debts, and expenses, the excess is to be made available by the client to pay for rehabilitation services unless the service is exempted by law and/or WAC 490-500-180.

(2) Determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of his or her entire family unit, including his or her dependents or, if the client is an unemancipated minor, his or 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 or 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 or 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 or 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 or her dependents by the ((veteran's administration)) Veterans' 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 the equipment and/or machinery is being used to provide part or all of the living expenses of the client and his or her dependents or if the equipment and/or machinery may be so used after completion of the vocational rehabilitation plan;

(e) Livestock is an exempt asset to the extent ((that)) the livestock 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 the nonexempt assets 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.

(7) When maintenance is to be paid by the division of vocational rehabilitation to a client, the maintenance paid shall be in the amount the division has determined to be necessary to maintain the client ((and dependents)) up to a maximum of((:

((a)) two hundred ((thirty)) ninety-five dollars ((and twenty-five cents for self;

((b) ~~Sixty-four dollars additional for each dependent consistent with DVR policies and criteria~~)).

WSR 83-14-008
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 24, 1983]

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 388-28-530 Net cash income—Room and board.
Amd ch. 388-29 WAC Public assistance grant standards.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1983;

that the agency will at 10:00 a.m., Tuesday, August 9, 1983, in the General Administration Building Auditorium, 11th and Columbia, 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 August 17, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983[1983].

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

David A. Hogan, Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 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 July 26, 1983. The meeting site is in a location which is barrier free.

Dated: June 23, 1983

By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapters 388-29 and 388-28 WAC.

Purpose of the Rule or Rule Change: To update need standards, payment levels, payment maximums and update deductible expenses for room and board.

The Reason These Rules are Necessary: They are required by state law.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Increase standards and payments for AFDC, GAU, SSI, RA, CEAP, chore services and increase deductible expenses for income from room and board.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Steve Asher, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 234-3696 scan.

Some of these rules are necessary as a result of federal law, Social Security Amendments of 1983.

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

WAC 388-28-530 NET CASH INCOME—BOARD, ROOM RENTAL, BOARD AND ROOM. (1) The net income from operating a rooming, boarding, or boarding and rooming home shall be computed as follows effective ((November 1, 1980)) July 1, 1983.

(a) Boarder - The board payment received minus \$((63)) 75,

(b) Roomer - The room rental received minus \$((6.05)) 7.25,

(c) Boarder and roomer - The board and room payment received minus \$((69.05)) 82.25.

(2) If a recipient is engaged in the management and operation of a rooming, boarding, or boarding and rooming home, the net income as computed in accordance with subsection (1) is considered earned income to that recipient.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-100 MONTHLY STANDARDS—AFDC AND CONTINUING GENERAL ASSISTANCE. (1) Effective July 1, 1982, the state-wide monthly need standards for food, clothing, personal maintenance, and necessary incidentals, household maintenance, shelter, and transportation for those owning (including life estate), buying, or renting an apartment or house are:

(a) Recipients in Household	State Standard
1	\$((442)) 465
2	((560)) 588
3	((692)) 728
4	((814)) 856

(a) Recipients in Household	State Standard
5	((939)) 986
6	((1,064)) 1,119
7	((1,230)) 1,293
8	((1,362)) 1,430
9	((1,494)) 1,571
10 or more	((1,624)) 1,707

(b) Household with supplied shelter.

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

Recipients in Household	All Counties
1	\$((172)) 176
2	((249)) 255
3	((330)) 338
4	((411)) 421
5	((492)) 504
6	((572)) 586
7	((653)) 669
8	((734)) 752
9	((815)) 835
10 or more	((896)) 918

(2) Effective ((July 1, 1982)) July 1, 1983, the state-wide monthly payment levels reflecting ((65.2)) 63.6 percent of the need standards shall be:

(a) Recipients in Household	State Payment Levels
1	\$((288)) 295
2	((365)) 374
3	((451)) 462
4	((531)) 544
5	((612)) 627
6	((693)) 710
7	((802)) 822
8	((887)) 909
9	((974)) 998
10 or more	((1,058)) 1,084

(b) Household with supplied shelter.

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

Recipients in Household	All Counties
1	\$((172)) 176
2	((249)) 255
3	((330)) 338
4	((411)) 421
5	((492)) 504
6	((572)) 586
7	((653)) 669
8	((734)) 752
9	((815)) 835
10 or more	((897)) 918

(3) In computing the grant amount, nonexempt income and resources available to meet need shall be deducted from the monthly payment levels specified in subsection (2) of this section.

AMENDATORY SECTION (Amending Order 1804, filed 5/6/82)

WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS. (1) Grants to families of eight or more shall not exceed the

following maximums. In computing the grant amount, nonexempt income and resources available to meet need shall be deducted from the monthly payment levels specified in WAC 388-29-100.

	Number of recipients in household		
	8	9	10 or more
Maximums	\$ ((887) <u>\$ 887</u>	909 <u>909</u>	909 <u>909</u>

(2) This rule is effective (~~April 1, 1982~~) July 1, 1983.

AMENDATORY SECTION (Amending Order 1961, filed 5/9/83)

WAC 388-29-112 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP)—STANDARDS OF ASSISTANCE. The state-wide standards for the consolidated emergency assistance program shall be paid in the amount necessary to meet allowable emergent needs with the issuance of not more than one hundred percent of the payment (~~(standard)~~) level. Following are payment maximums:

(1) Number in household

	(One-month Maximum)
1	\$ ((288)) <u>295</u>
2	((365)) <u>374</u>
3	((451)) <u>462</u>
4	((531)) <u>544</u>
5	((612)) <u>627</u>
6	((693)) <u>710</u>
7	((802)) <u>822</u>
8	((887)) <u>909</u>
9	((887)) <u>909</u>
10 or more	((887)) <u>909</u>

(2) The following are payment maximums for individual emergent need items payable under consolidated emergency assistance program (CEAP).

	1	2	3	4	5	6	7	8 (or more)
Food	((150) <u>190</u>	190 <u>236</u>	236 <u>277</u>	277 <u>320</u>	320 <u>362</u>	362 <u>419</u>	419 <u>463</u>	
	<u>156</u>	<u>198</u>	<u>245</u>	<u>288</u>	<u>333</u>	<u>376</u>	<u>435</u>	<u>482</u>
Shelter	((159) <u>202</u>	202 <u>249</u>	249 <u>293</u>	293 <u>338</u>	338 <u>383</u>	383 <u>443</u>	443 <u>491</u>	
	<u>180</u>	<u>228</u>	<u>281</u>	<u>331</u>	<u>382</u>	<u>433</u>	<u>501</u>	<u>555</u>
Basic ^o Clothing	((21) <u>26</u>	26 <u>33</u>	33 <u>38</u>	38 <u>44</u>	44 <u>50</u>	50 <u>58</u>	58 <u>64</u>	
	<u>22</u>	<u>27</u>	<u>34</u>	<u>39</u>	<u>45</u>	<u>51</u>	<u>60</u>	<u>66</u>
Minor Medical	((54) <u>67</u>	67 <u>80</u>	80 <u>100</u>	100 <u>120</u>	120 <u>139</u>	139 <u>157</u>	157 <u>174</u>	
	<u>55</u>	<u>69</u>	<u>82</u>	<u>102</u>	<u>123</u>	<u>142</u>	<u>161</u>	<u>178</u>
Utilities	((32) <u>40</u>	40 <u>50</u>	50 <u>59</u>	59 <u>68</u>	68 <u>77</u>	77 <u>88</u>	88 <u>98</u>	
	<u>40</u>	<u>50</u>	<u>63</u>	<u>74</u>	<u>85</u>	<u>97</u>	<u>110</u>	<u>123</u>
Household Maint.	((27) <u>34</u>	34 <u>42</u>	42 <u>49</u>	49 <u>56</u>	56 <u>64</u>	64 <u>74</u>	74 <u>82</u>	
	<u>30</u>	<u>38</u>	<u>47</u>	<u>55</u>	<u>63</u>	<u>72</u>	<u>83</u>	<u>92</u>

Job-related clothing & transportation - as needed not to exceed the grant maximum. Transportation of a child to home - as needed not to exceed the grant maximum.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-125 COST STANDARDS FOR REQUIREMENTS—PERSONS IN MEDICAL INSTITUTION. (1) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person eligible for AFDC, supplemental security income, or the "H" medical care program who is in a skilled nursing home, a public nursing home, a general or tuberculosis hospital, or an intermediate care facility shall be thirty-three dollars and fifty cents.

(2) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person eligible for continuing general assistance who is in an institution specified in subsection (1) of this section shall be (~~(thirty-three))~~ thirty-four dollars and fifty cents.

(3) These standards are effective (~~(July 1, 1981))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-130 COST STANDARDS FOR REQUIREMENTS—PERSON IN CONGREGATE CARE FACILITY. (1) The cost standard for congregate care shall be the rate established by the department for payment to specific congregate care facilities.

(2) Congregate care facility residents (~~(who receive))~~ receiving SSI or GAU benefits are entitled to the earned and unearned income exemptions applicable to those programs. Any remaining nonexempt income shall be applied first toward the monthly cost standard for clothing, personal maintenance, and necessary incidentals, and then toward the cost of care. SSI grant deductions for overpayments shall first reduce the money available for clothing, personal maintenance, and necessary incidentals, and then reduce the money available to meet the cost of CCF care. The department shall not pay the difference toward cost of care caused by the SSI reduction.

(3) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility shall be (~~(thirty-three))~~ thirty-four dollars and fifty cents.

(4) These standards are effective (~~(July 1, 1981))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-135 COST STANDARDS FOR REQUIREMENTS—MATERNITY HOME CARE. (1) The payment standard for a recipient of AFDC residing in a maternity home shall be five hundred (~~(forty-one))~~ fifty-four dollars and (~~(ten))~~ sixty-five cents per month, which includes forty-one dollars and sixty-five cents for clothing and personal incidentals.

(2) The standard for maternity home care for an unmarried child eligible for foster care payment shall be the rate established in the agreement between the department and the maternity home agency.

(3) These standards are effective (~~(July 1, 1982))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-145 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC—CHILD IN NEED OF SPECIALIZED EDUCATION OR TRAINING. (1) A child attending school under temporary absence provisions according to WAC 388-24-125(3)(b) is eligible for clothing, personal maintenance, and necessary incidentals only. The monthly standard shall be (~~(thirty-three))~~ thirty-four dollars and fifty cents. The child shall not be included as a member of the household in computing the requirements for the household.

(2) These standards are effective (~~(July 1, 1981))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-160 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIC CIRCUMSTANCES—RESTAURANT MEALS. (1) Restaurant meals shall be an additional requirement only when:

(a) The individual is physically or mentally unable to prepare any of his or her meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) The monthly additional requirement for restaurant meals shall be (~~(ninety-three))~~ ninety-six dollars and (~~(seventy-five))~~ ten cents, or five dollars and twenty cents per day.

(3) These standards are effective (~~(July 1, 1982))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-200 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—FOOD FOR GUIDE DOG. (1) The cost of food for a guide dog shall be an additional requirement when an applicant for SSI or an assistance grant has a guide dog assigned to him or her by an accredited guide dog organization. The cost standard for food for a guide dog shall be thirty dollars and (~~(fifteen))~~ ninety cents.

(2) These standards are effective (~~(July 1, 1982))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-220 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—LAUNDRY. (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his or her laundry, and

- (b) He or she has no one able to perform this service for him or her.
- (2) The monthly cost standard for laundry shall be eight dollars and ~~((thirty))~~ fifty-five cents.
- (3) These standards are effective ~~((July 1, 1982))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-260 REQUIREMENTS OF PERSON IN BOARDING HOME—CONTINUING GENERAL ASSISTANCE.

(1) The standard for board and room shall be two hundred ~~((seven))~~ twelve dollars and ~~((fifteen))~~ thirty-five cents per month or ~~((six))~~ seven dollars ~~((and eighty-five cents))~~ per day.

(2) The monthly standard for clothing and personal maintenance and necessary incidentals shall be ~~((thirty-three))~~ thirty-four dollars and fifty cents.

(3) These standards are effective ~~((July 1, 1982))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-280 ADULT FAMILY HOME CARE—COST STANDARDS. (1) The cost standard for adult family home care shall be the rate established by the department for payment to the adult family home sponsor.

~~((a) Basic rate three hundred twenty-one dollars and nineteen cents:~~

(b) Service additions

Health services (each)	\$23.09
1-3	34.64
4-7	51.95
8-12	75.04

(2) The monthly cost standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be ~~((thirty-three))~~ thirty-four dollars and fifty cents.

(3) These standards are effective ~~((January 1, 1982))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1855, filed 8/5/82)

WAC 388-29-295 STANDARDS OF ASSISTANCE FOR THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM.

(1) Standards of SSI assistance paid to eligible individuals and couples by SSA are:

	Standard	Federal SSI Benefit	State Supplement
Area I			
Living alone			
Individuals	\$ ((322.60)) 342.60	\$ ((284.30)) 304.30	\$ 38.30
Couples			
Both eligible	((462.80)) 492.80	426.40)) 456.40	36.40
With essential person	((462.80)) 492.80	426.80)) 456.80	36.00
With ineligible spouse	((462.80)) 492.80	284.30)) 304.30	178.50)) 188.50
Area II			
Living alone			
Individuals	((302.15)) 322.15	284.30)) 304.30	17.85
Couples			
Both eligible	((432.85)) 462.85	426.40)) 456.40	6.45
With essential person	((432.85)) 462.85	426.80)) 456.80	6.05
With ineligible spouse	((432.85)) 462.85	284.30)) 304.30	148.55)) 158.55

	Standard	Federal SSI Benefit	State Supplement
Shared Living			
Individuals	((202.22)) 215.55	189.54)) 202.87	12.68
Couples			
Both eligible	((300.17)) 320.17	284.27)) 304.27	15.90
With essential person	((300.17)) 320.17	284.54)) 304.54	15.63
With ineligible spouse	((300.17)) 320.17	189.54)) 202.87	110.63)) 117.30

(2) These standards are effective ~~((July 1, 1982))~~ July 1, 1983.

**WSR 83-14-009
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**
[Filed June 24, 1983]

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—Special allocations, instructions, and requirements, chapter 392-140 WAC;

that the agency will at 9:00 a.m., Wednesday, August 10, 1983, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 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 August 15, 1983.

The authority under which these rules are proposed is section 92, chapter 340, Laws of 1981, as amended.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1983.

Dated: June 24, 1983

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-140 WAC.

Rule Section(s): WAC 392-140-010, 392-140-011, 392-140-013, 392-140-014, 392-140-015, 392-140-016, 392-140-017, 392-140-018, 392-140-019, 392-140-020, 392-140-021, 392-140-022 and 392-140-023.

Statutory Authority: Section 92, chapter 340, Laws of 1981, as amended.

Purpose of the Rule(s): To establish procedures and standards for school district compliance with salary-compensation lid.

Summary of the New Rule(s) and/or Amendments: WAC 392-140-010 adds language to reflect the amendment of the appropriations act during the 1981-83 biennium and to specify effected school years; WAC 392-140-011 updates definitions to reflect legislative changes

and administrative practices; WAC 392-140-013 specifies reporting documents to be used by districts in the process; WAC 392-140-014 specifies the use of the basic reporting documents by districts and changes timelines for submission of reports; WAC 392-140-015 changes timelines for the Superintendent of Public Instruction; WAC 392-140-016 changes reporting timelines for districts found not to be in compliance, specifies documents to be used by districts to submit additional data, changes timeline for district to request informal review of data and changes references to amount of penalty to reflect legislative changes; WAC 392-140-017 changes references to amount of penalty to reflect legislative changes; WAC 392-140-018 changes timelines for the district to submit corrections on the personnel data report; WAC 392-140-019 for certificated compliance changes references to reflect legislative changes, specifies reports to be used by districts, changes references reflecting changes in definitions, and specifies conditions of compliance; WAC 392-140-020 for classified compliance changes references to reflect legislative changes, specifies reports to be used by districts, changes references reflecting changes in definitions, and specifies conditions of compliance; WAC 392-140-021 specifies additional conditions effecting compliance to legislative guidelines or insurance benefits, resulting from legislative changes; WAC 392-140-022 specifies reports to be used in districts to certify no salary increase; and WAC 392-140-023 specifies changes in amount and calculation of penalty for noncompliance resulting from legislative changes and administrative practices.

Reasons Which Support the Proposed Action(s): To reflect changes in legislative policy and to provide additional information to school districts.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, Superintendent of Public Instruction, 753-2298; Implementation and Enforcement: Perry Keithley, Superintendent of Public Instruction, 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): Implements legislative policy regarding salary-compensation lid compliance by school districts.

AMENDATORY SECTION (Amending Order 82-4, filed 3/19/82)

WAC 392-140-010 1981-83 SALARY-COMPENSATION LID COMPLIANCE-AUTHORITY AND PURPOSES. The provisions of WAC 392-140-010 through 392-140-023 are adopted pursuant to authority vested in the superintendent of public instruction by RCW 28A.41.170 and the provisions of the legislative appropriations acts for the common schools currently in effect. The purposes of WAC 392-140-010 through 392-140-023 are (1) to set forth the standards and procedures which the superintendent of public instruction shall use to determine whether or not each school district is in compliance with that portion of section 92, chapter 340, Laws of 1981, the 1981-83 biennial appropriations act, as amended, which establishes limits on the amount and/or percentage of salary and compensation increases which school districts may grant to employees in the 1981-82 and 1982-83 school years (hereinafter referred to as the salary-compensation lid), and (2) to determine whether or not a school district is in compliance

with the salary-compensation lid for the 1981-82 and 1982-83 school years, respectively.

(NOTE: Compliance with the provisions of the salary-compensation lid as defined herein does not necessarily insure that the same school district will be in compliance with ((the several provisions of chapter 16, Laws of 1981—i.e., Substitute House Bill No. 166)) RCW 28A.58.095).

AMENDATORY SECTION (Amending Order 82-4, filed 3/19/82)

WAC 392-140-011 1981-83 SALARY-COMPENSATION LID COMPLIANCE-DEFINITIONS. As used in WAC 392-140-010 through 392-140-023, the term:

(1) "Basic education certificated staff" shall mean all full time equivalent certificated staff reported on the Form S-275 in the following programs as specified in the Accounting Manual for Public School Districts in the state of Washington:

- (a) Basic education, program 00;
(b) Secondary vocational education, program 30;
(c) ((Skill centers, program 45;
(d))) General instructional support, program 94; and
(((e))) (d) General support, program 97.

(2) "Basic education classified staff" shall mean all full time equivalent classified staff reported on the Form S-277 in the following programs as specified in the Accounting Manual for Public School Districts in the state of Washington:

- (a) Basic education, program 00;
(b) Secondary vocational education, program 30;
(c) ((Skill centers, program 45;
(d))) General instructional support, program 94; and
(((e))) (d) General support, program 97.

(3) "Certificated staff salaries" shall mean those moneys which a school district has agreed to pay all basic education certificated staff who are employed as of October 1 of each school year under terms of basic or regular employment contracts between the district and certificated staff, exclusive of those moneys which are to be paid for a certificated employee's summer school or extracurricular duties, regardless of whether such duties are a part of the regular employment contract or a supplemental employment contract as reported to the superintendent of public instruction on Form S-275. Such amount shall include any increases made during the school year pursuant to WAC 392-140-018. Moneys paid to certificated staff hired on an hourly basis are not included in this definition.

(4) "Classified staff salaries" shall mean moneys which a district has agreed to pay, exclusive of overtime pay, to all basic education classified staff who are employed as of November 1 of each school year for employment services to the district for the school year as reported to the superintendent of public instruction on Form S-277. Such amount shall include any increases made during the school year pursuant to WAC 392-140-018.

(5) "Insurance benefits" shall mean the district cost for those items of protection designed to benefit individual employees of the school district and their dependents as set forth in RCW 28A.58.420 which may be selected at the option of the employee or may be negotiated as a part of the collective bargaining process as reported to the superintendent of public instruction for basic education certificated staff on Form S-275 and for basic education classified staff on Form S-277.

(6) "Compensation" shall mean the total dollar amount which a district has agreed to provide basic education staff, directly or indirectly, for employment services to the district for 1981-82 or 1982-83 in the form of salary and insurance benefits as those terms are defined in this section.

(7) "LEAP Document 1" shall mean the table of incremental values to three decimal places established to recognize differences in salary costs of basic education certificated staff attributable to the various levels of educational training and years of professional work experience which was developed by the legislative evaluation and accountability program (LEAP) committee on April 20, 1981, at 11:35 a.m.

(8) "LEAP Document ((2)) 4" shall mean the computer tabulation of 1980-81 derived base salaries for basic education certificated staff, 1980-81 average salaries for basic education classified staff and 1981-82 and 1982-83 salary increase percentages which was developed by the legislative evaluation and accountability program (LEAP) committee on ((April 20, 1981, at 2:02)) March 25, 1982, at 4:30 p.m.

(9) "Staff mix factor" shall have the same meaning as that term is defined in WAC 392-121-121.

(10) "District staff mix factor" shall have the same meaning as that term is defined in WAC 392-121-125.

(11) "1981-82 district derived base salary" shall mean the salary amount calculated by:

(a) Dividing a district's certificated staff salaries for basic education for the 1981-82 school year by the district's number of full time equivalent certificated staff for 1981-82 as defined in WAC 392-121-115 to obtain an average salary amount for 1981-82;

(b) The 1981-82 average salary amount is then divided by the district staff mix factor for 1981-82; and

(c) The quotient obtained is the 1981-82 district derived base salary.

(12) "1982-83 district derived base salary" shall mean the salary amount calculated by:

(a) Dividing a district's certificated staff salaries for basic education for the 1982-83 school year by the district's number of full time equivalent certificated staff for 1982-83 as defined in WAC 392-121-115 to obtain an average salary amount for 1982-83;

(b) The 1982-83 average salary amount is then divided by the district staff mix factor for 1982-83; and

(c) The quotient obtained is the 1982-83 district derived base salary.

(13) "1981-82 district average classified salary" shall mean the salary amount calculated by dividing a district's classified staff salaries for basic education for the 1981-82 school year by the district's number of full time equivalent classified staff for 1981-82 as defined in WAC 392-121-115.

(14) "1982-83 district average classified salary" shall mean the salary amount calculated by dividing a district's classified staff salaries for basic education for the 1982-83 school year by the district's number of full time equivalent classified staff for 1982-83 as defined in WAC 392-121-115.

(15) "Form S-275" shall mean the certificated personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual certificated employee's name, certificate number, educational level, years of professional work experience, contract days, annual salary, fringe benefits and insurance benefits for the year, work assignment(s) and full-time equivalency. This report serves as the basis for placement of each certificated employee on LEAP Document 1 and provides salary and compensation data for each certificated employee attributable to services to be performed during the affected school year. This report shall include only certificated individuals employed by the district as of October 1 of the school year.

(16) "Form S-277" shall mean the classified personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual classified employee's name, social security number, work assignment, hourly rate of pay, hours worked per day, days worked per year, amount of fringe benefits and insurance benefits for ~~(the year)~~ each classified employee attributable to services to be performed during the affected school year. This report shall include only classified individuals employed by the district as of November 1 of the school year.

(17) "Report S-727" shall mean the alphabetic listing of certificated personnel employed by the district on October 1 as prepared by the superintendent of public instruction and submitted by the district on the Form S-275 for the school year. This report is updated by the district and submitted to the superintendent as changes occur during the school year.

(18) "Report S-730" shall mean the alphabetic listing of classified personnel employed by the district on November 1 as prepared by the superintendent of public instruction as submitted by the district on the Form S-277 for the school year. This report is updated by the district and submitted to the superintendent as changes occur during the school year.

(19) "Form 901A" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing basic education certificated staff meeting the definition of "RIF" as provided in subsection (31) of this section and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(20) "Form 902A" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing basic education classified staff meeting the definition of "RIF" as provided in subsection (31) of this section and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(21) "Form 901B" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing

basic education certificated staff meeting the definition of "new position" as provided in subsection (32) of this section and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(22) "Form 902B" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing basic education classified staff meeting the definition of "new position" as provided in subsection (32) of this section and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(23) "Form 901C" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing basic education certificated staff covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, as provided in WAC 392-140-019(3) and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(24) "Form 902C" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing basic education classified staff covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, as provided in WAC 392-140-020(3) and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

(25) "Form 901D" shall mean the form distributed by the superintendent of public instruction and prepared by the school district stating no basic education certificated staff in the school district received an increase in salary or insurance benefits in 1982-83 pursuant to WAC 392-140-022(1).

(26) "Form 902D" shall mean the form distributed by the superintendent of public instruction and prepared by the school district stating no basic education classified staff in the school district received an increase in salary or insurance benefits in 1982-83 and submitted to the superintendent of public instruction pursuant to WAC 392-140-022(2).

(27) "Form 901E" shall mean the form distributed by the superintendent of public instruction and prepared by the school district listing corrections to reported staff mix data in the 1980-81, 1981-82, 1982-83 school years and submitted to the superintendent of public instruction pursuant to WAC 392-140-015.

~~((+7))~~ (28) "Report 1191" shall mean the monthly statement of a school district's estimated basic education allocation for the current school year calculated by the superintendent of public instruction and distributed to school districts each month.

~~((+8))~~ (29) "Report 1191F" shall mean the end-of-the-year statement of a school district's actual basic education allocation for the school year just completed. This report is calculated by the superintendent of public instruction and distributed to school districts after the close of the school year when all actual data are known.

~~((+9))~~ (30) "Day" shall mean a calendar day. The number of days shall be counted by excluding the first day and including the last day, unless the last day is a holiday or Sunday, and then it is also excluded.

~~((+0))~~ (31) "RIF" shall mean any person employed by a school district during the prior school year and reported on the Form S-275 or the Form S-277 for that year whose employment in the district's basic education program has been terminated by the district prior to the reporting dates for the Form S-275 and the Form S-277 for the current school year pursuant to a reduction in force policy adopted by the district and shall be reported by the district to the superintendent of public instruction on Form 901A for certificated persons and on Form 902A for classified persons.

~~((+1))~~ (32) "New position" shall mean a newly established job in a school district's basic education program in either the certificated employee category or the classified employee category which meets both of the following criteria:

(a) No comparable job or job which performs substantially the same duties or functions existed in the appropriate employee category the prior school year; and

(b) The district has employed an individual in the newly established job for the current school year effective on or before the first school day in October for certificated employees and on or before the first school day in November for classified employees.

New positions shall be reported by the district to the superintendent of public instruction on Form 901B for certificated persons and on Form 902B for classified persons.

(33) "Penalty" shall mean the withholding by the superintendent for the school year in which the violation occurred, the lesser of five percent of the district's basic education allocation or an amount equal to

the level of the violation until such time as the school district comes into compliance.

(34) "1982-83 Adjusted Maximum Allowed Basic Education Certificated Derived Base Salary" shall mean the 1980-81 derived base salary improved by the 1981-82 salary increase percentage as shown on LEAP Document 4 and that amount further improved by the 1982-83 LEAP Document 4 basic education certificated adjusted maximum allowed salary increase percentage which shall be calculated by the superintendent of public instruction in the following manner:

(a) If a district entered into a contract with employees or employee bargaining groups for salaries for 1982-83 on or before April 20, 1982, the district is eligible to grant a salary increase to these employees on or after September 1, 1982.

Multiply the FTE reported for these employees by 12.

(b) If a district entered into a contract with employees or employee bargaining groups for salaries for 1982-83 on or after April 21, 1982, the district is eligible to grant a salary increase to these employees on or after June 30, 1983.

Multiply the FTE reported for these employees by 2.

(c) Sum the results of the calculations performed in (a) and (b) and divide by the total FTE reported for the basic education programs times 12.

(d) Multiply (c) by the 1982-83 salary increase percentage shown on LEAP Document 4.

(e) If the result of the calculation in this subsection is less than the districts reported 1981-82 actual derived base salary, the district may request that the superintendent of public instruction use the reported 1981-82 actual derived base salary instead of that calculated in this subsection for the purposes of determining compliance with this chapter.

(35) "1982-83 Adjusted Maximum Allowed Basic Education Classified Average Salary" shall mean the 1980-81 average salary improved by the 1981-82 salary increase percentage as shown on LEAP Document 4 and that amount further improved by the 1982-83 LEAP Document 4 basic education classified adjusted maximum allowed salary increase percentage which shall be calculated by the superintendent of public instruction in the following manner:

(a) If a district entered into a contract with employees or employee bargaining groups for salaries for 1982-83 on or before April 20, 1982, the district is eligible to grant a salary increase to these employees on or after September 1, 1982.

Multiply the FTE reported for these employees by 2080.

(b) If a district entered into a contract with employees or employee bargaining groups for salaries for 1982-83 on or after April 21, 1982, the district is eligible to grant a salary increase to these employees on or after June 30, 1983.

Multiply the FTE reported for these employees by 347.

(c) Sum the results of the calculations performed in (a) and (b) and divide by the total FTE reported for the basic education programs times 2080.

(d) Multiply (c) by the 1982-83 salary increase percentage shown on LEAP Document 4.

(e) If the result of the calculation in this subsection is less than the districts reported 1981-82 actual average salary, the district may request that the superintendent of public instruction use the reported 1981-82 actual average salary instead of that calculated in this subsection for the purpose of determining compliance with this chapter.

(36) "1982-83 control average salary" shall be calculated by the superintendent of public instruction as follows:

(a) Increasing the district's 1980-81 derived base salary shown on LEAP Document 4 by the percent increase specified for 1981-82 on LEAP Document 4 and that amount further improved by the district's percent entitlement shown on LEAP Document 4 for 1982-83;

(b) Multiplying the district's 1982-83 mix factor by the ratio obtained by using the district's corrected 1981-82 derived salary as the numerator and the 1981-82 derived base salary reported on LEAP Document 4 as the denominator; and

(c) Multiplying (a) by (b). This product is the 1982-83 control average salary.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-013 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—GENERAL. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining

whether or not the district is in compliance with the salary-compensation lid. The superintendent of public instruction shall provide each district with ~~((the necessary report forms or reporting format))~~ forms as specified in WAC 392-140-011 (19), (21), (23), (25), and (27) for certificated persons and WAC 392-140-011 (20), (22), (24), and (26) for classified persons and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms.

AMENDATORY SECTION (Amending Order 82-4, filed 3/19/82)

WAC 392-140-014 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DISTRICT EDIT OF PERSONNEL DATA. The superintendent of public instruction shall return to each school district ~~((on or about the third Wednesday in December, appropriate personnel data in a standard-format including individual staff mix factors for basic education certificated staff and individual salary or compensation amounts for both certificated and classified staff))~~ reports S-727 and S-730 as specified in WAC 392-140-011 (17) and (18). Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days ~~((of receipt of such data))~~ from the date appearing on the reports.

AMENDATORY SECTION (Amending Order 82-4, filed 3/19/82)

WAC 392-140-015 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION. ~~((Within fifteen calendar days after district edited data are printed by the superintendent of public instruction as compliance records,))~~ The superintendent of public instruction shall review the edited data and make a determination as to whether or not additional information is necessary in order to determine whether or not a district is in violation of the salary-compensation lid pursuant to WAC 392-140-019 and 392-140-020. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification.

AMENDATORY SECTION (Amending Order 82-4, filed 3/19/82)

WAC 392-140-016 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether or not the district is in violation of the salary-compensation lid may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within ~~((thirty))~~ forty-five calendar days from the date ~~((the district receives the written))~~ appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The school district ~~((has the option of submitting))~~ shall submit such additional data to the superintendent of public instruction ~~((either))~~ on forms ~~((prepared))~~ specified in WAC 392-140-011 (19) through (27) that are prepared and distributed by the superintendent of public instruction ~~((or in a format which is similar to the format of the state forms))~~. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that ~~((five percent of its basic education allocation))~~ the amount of the penalty will be withheld pursuant to WAC 392-140-023 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional data submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. Within ~~((ten))~~ fifteen calendar days ~~((of receipt of))~~ from the date appearing on such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent of public instruction and the district. If the district does not make a timely request for an informal review, the superintendent of public instruction shall withhold ~~((five percent of the district's basic education funds))~~ the amount of

the penalty pursuant to WAC 392-140-023 until such time as the district demonstrates compliance for that year.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-017 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DETERMINATION OF VIOLATION AFTER REVIEW. Following the informal review, the superintendent of public instruction shall have ten calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid. The superintendent of public instruction shall notify any district that is in violation of the salary-compensation lid and shall withhold ~~((five percent of the district's annual basic education allocation))~~ the amount of the penalty until such time as the district demonstrates compliance pursuant to WAC 392-140-023.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-018 1981-83 SALARY-COMPENSATION LID COMPLIANCE—FINAL REPORTING CYCLE. In the event a school district changes personnel data reported on the Form S-275 or Form S-277 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., superintendent of the district, assistant superintendent, principal, assistant principal, teacher, counselor, director, supervisor, secretary, custodian—pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections of appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within ~~((thirty))~~ forty-five calendar days from the date appearing on the report. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-140-015 through 392-140-017 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination.

AMENDATORY SECTION (Amending Order 82-4, filed 3/19/82)

WAC 392-140-019 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CERTIFICATED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-140-022, compliance with the salary-compensation lid shall be calculated as follows:

(1) For basic education certificated staff, if the 1981-82 district derived base salary exceeds the district's 1980-81 derived base salary shown on LEAP Document ~~((2))~~ 4 improved by the district's percent entitlement shown on LEAP Document ~~((2))~~ 4 for 1981-82, the district shall be considered in violation of the salary-compensation lid for the 1981-82 school year: PROVIDED, That the compliance calculation made after the the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011~~((20))~~~~((31))~~: PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011~~((21))~~~~((32))~~: PROVIDED FURTHER, That a district shall not be in noncompliance as a result of corrections to the reported staff mix data for the 1980-81 school year if the 1981-82 average salary does not increase over the 1981-82 control average salary. The 1981-82 control average salary shall be calculated by the superintendent of public instruction as follows:

(a) Increasing the district's 1980-81 derived base salary shown on LEAP Document ~~((2))~~ 4 by the percent increase specified for the 1981-82 school year on LEAP Document ~~((2))~~ 4;

(b) Multiplying the district's 1981-82 mix factor by the ratio obtained by using the district's corrected 1980-81 derived base salary as the numerator and the 1980-81 derived base salary reported on LEAP Document ~~((2))~~ 4 as the denominator; and

(c) Multiplying (a) by (b). This product is the 1981-82 control average salary.

(2) For basic education certificated staff, if the 1982-83 district derived base salary exceeds the ~~((district's 1980-81 derived base salary shown on LEAP Document 2, improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement shown on LEAP Document 2 for))~~ 1982-83 adjusted maximum allowed basic education certificated derived base salary, the district shall be considered in violation of the salary-compensation lid for the 1982-83 school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 901A pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011~~((20))~~~~((31))~~: PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 901B pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011~~((21))~~~~((32))~~: PROVIDED FURTHER, That a district shall not be in noncompliance as a result of corrections to the reported staff mix data for the 1981-82 school year as reported to the superintendent of public instruction on Form 901E if the 1982-83 average salary does not increase over the 1982-83 control average salary and meets the conditions established by WAC 392-140-011~~((36))~~: PROVIDED FURTHER, That if a districts 1982-83 reported average certificated derived base salary is in excess of its 1982-83 adjusted maximum allowed basic education certificated derived base salary as a result of granting salary increase effective on or after June 30, 1983 and before or on August 31, 1983 that does not exceed the authorized salary increase as provided by LEAP Document 4 for that one day and two month period, that district shall be in compliance with this section.

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction on Forms 901C-1 and 901C-2 pursuant to WAC 392-140-015 shall not include compensation of certificated employees covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, which contract(s) fixes the amount of salary or insurance benefits or both for either the 1981-82 school year or the 1982-83 school year or both years: PROVIDED, That the maximum salary increase of certificated staff not covered by such a contract for 1981-82 shall not exceed the 1980-81 derived base salary of those staff improved by the district's percent entitlement for certificated staff shown on LEAP Document ~~((2))~~ 4 for 1981-82: PROVIDED FURTHER, That the maximum salary increase of certificated staff not covered by such a contract for 1982-83 shall not exceed the ~~((1980-81 derived base salary of those staff improved by the district's percent entitlement for certificated staff shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for certificated staff shown on LEAP Document 2 for))~~ 1982-83 adjusted maximum allowed basic education certificated derived base salary.

AMENDATORY SECTION (Amending Order 82-4, filed 3/19/82)

WAC 392-140-020 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CLASSIFIED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-140-022, compliance with the salary-compensation lid shall be calculated as follows:

(1) For basic education classified staff, if the 1981-82 district average classified salary exceeds the district's 1980-81 average classified salary shown on LEAP Document ~~((2))~~ 4 improved by the district's percent entitlement shown on LEAP Document ~~((2))~~ 4 for 1981-82, the district shall be considered in violation of the salary-compensation lid for the 1981-82 school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011~~((20))~~~~((31))~~: PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011~~((21))~~~~((32))~~.

(2) For basic education classified staff, if the 1982-83 district average classified salary exceeds the ~~((district's 1980-81 average classified salary shown on LEAP Document 2, improved by the district's percent entitlement shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for))~~ 1982-83 adjusted maximum allowed basic education classified average

salary, the district shall be considered in violation of the salary-compensation lid for the 1982-83 school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 902A pursuant to WAC 392-140-015 may exclude persons not employed in a district because of RIF as defined in WAC 392-140-011((209))(31): PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 902B pursuant to WAC 392-140-015 may exclude new positions as defined in WAC 392-140-011((211))(32): PROVIDED FURTHER, That if a districts 1982-83 reported average classified salary is in excess of its 1982-83 adjusted maximum allowed basic education classified average salary as a result of granting a salary increase effective on or after June 30, 1983 and before or on August 31, 1983 that does not exceed the authorized salary increase as provided by LEAP Document 4 for that one day and two month period, that district shall be in compliance with this section.

(3) The district compliance calculation made after the district submits additional information to the superintendent of public instruction on Forms 902C-1 and 902C-2 pursuant to WAC 392-140-015 shall not include compensation of classified employees covered by individual contracts of employment or collective bargaining agreements effective on or before March 20, 1981, which contract(s) fixes the amount of salary or insurance benefits or both for either the 1981-82 school year or the 1982-83 school year or both years: PROVIDED, That the maximum salary increase of classified staff not covered by such a contract for 1981-82 shall not exceed the 1980-81 average salary of those staff improved by the district's percent entitlement for classified staff shown on LEAP Document ((2)) 4 for 1981-82: PROVIDED FURTHER, That the maximum salary increase of classified staff not covered by such a contract for 1982-83 shall not exceed the ((1980-81 average salary of those staff improved by the district's percent entitlement for classified staff shown on LEAP Document 2 for 1981-82, and that amount further improved by the district's percent entitlement for classified staff shown on LEAP Document 2 for 1982-83)) adjusted maximum allowed basic education classified average salary.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-021 1981-83 SALARY-COMPENSATION LID COMPLIANCE-COMPLIANCE OF INSURANCE BENEFITS. Insurance benefit increases granted employees shall constitute a portion of the salary increase specified in LEAP Document ((2)) 4 whenever a district's contribution to employee insurance benefits will exceed, by virtue of increases provided in 1981-82 or 1982-83, \$121 per month per full time equivalent staff unit in 1981-82 and \$137 per month per full time equivalent staff unit in 1982-83. If insurance benefits granted employees in 1980-81 were in excess of one hundred twenty-one dollars per month per full-time equivalent staff unit, then only that part granted to employees for 1981-82 in excess of the 1980-81 level shall constitute a portion of the salary increase specified on LEAP Document 4. If insurance benefits granted employees in 1981-82 were in excess of one hundred thirty-seven dollars per month per full time equivalent staff unit, then only that part granted to employees for 1982-83 in excess of the 1981-82 level shall constitute a portion of the salary increase specified on LEAP Document 4.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-022 1981-83 SALARY-COMPENSATION LID COMPLIANCE-NO INCREASES CONSTITUTE COMPLIANCE. (1) Certificated employees. If the superintendent of public instruction has determined that a district's average derived base salary for either 1981-82 or 1982-83 exceeds the allowed derived base pursuant to WAC 392-140-019, or a district's payment for insurance benefits exceeds the amounts specified for 1981-82 or 1982-83 in the appropriations act, ((but)) the district ((certifies)) may certify to the superintendent of public instruction on Form 901D that it gave no salary increase pursuant to WAC 392-140-019 or insurance benefit increase pursuant to WAC 392-140-021, the superintendent of public instruction shall not withhold basic education funds from that district for that year.

(2) Classified employees. If the superintendent of public instruction has determined that a district's average salary for either 1981-82 or 1982-83 exceeds the allowed average salary pursuant to WAC 392-140-020, or a district's payment for insurance benefits exceeds the

amounts specified for 1981-82 or 1982-83 in the appropriations act, ((but)) the district ((certifies)) may certify to the superintendent of public instruction on Form 902D that it gave no salary increase pursuant to WAC 392-140-020 or insurance benefit increase pursuant to WAC 392-140-021, the superintendent of public instruction shall not withhold basic education funds from that district for that year.

AMENDATORY SECTION (Amending Order 81-7, filed 7/30/81)

WAC 392-140-023 1981-83 SALARY-COMPENSATION LID COMPLIANCE-WITHHOLDING OF BASIC EDUCATION ALLOCATION. (1) 1981-82 school year. If the superintendent of public instruction finds that a school district has violated the salary-compensation lid pursuant to WAC 392-140-010 through 392-140-022, the superintendent of public instruction shall direct the assistant superintendent of financial services to withhold for the 1981-82 school year, the lesser of the amount of the violation or five percent of the district's annual basic education allocation as shown in item A.8 of Report 1191. The initial amount withheld shall be the lesser of the estimated amount of the violation or five percent of the most current estimate of the annual basic education allocation as shown in item A.8 of the district's Report 1191. The actual amount withheld will be based on the actual amount of the violation or the annual entitlement shown in item A.8 of the district's Report 1191F.

The amount to be withheld shall be entered as a negative adjustment in the monthly apportionment payment cycle on line C.4 of Report 1191 as soon as possible after the district receives written notification that funds are to be withheld.

(2) 1982-83 school year. If the superintendent of public instruction finds that a school district has violated the salary-compensation lid pursuant to WAC 392-140-010 through 392-140-022, the superintendent of public instruction shall direct the assistant superintendent of financial services to withhold for the 1982-83 school year, the lesser of the amount of the violation or five percent of the district's annual basic education allocation as shown in item A.7 of Report 1191. The initial amount withheld shall be the lesser of the estimated amount of the violation or five percent of the most current estimate of the annual basic education allocation as shown in item A.7 of the district's Report 1191. The actual amount withheld will be based on the actual amount of the violation or the annual entitlement shown in item A.7 of the district's Report 1191F.

The amount to be withheld shall be entered as a negative adjustment in the monthly apportionment payment cycle on line C.3 of Report 1191 as soon as possible after the district receives written notification that funds are to be withheld.

(3) The negative adjustment shall remain in place until such time as the district comes into compliance with the salary-compensation lid.

In the event a district increases its salaries or compensation at, near, or after the end of the school year, and the superintendent of public instruction determines that such an increase places the district in violation of the salary-compensation lid, but the determination occurs too late for the superintendent of public instruction to make a negative adjustment in that year's basic education allocation, the superintendent of public instruction shall enter the negative adjustment based upon that school year's data, but withhold the appropriate amount from the district's annual basic education allocation for the following year.

WSR 83-14-010 PROPOSED RULES DEPARTMENT OF ECOLOGY [Filed June 24, 1983]

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 Franklin County, amending WAC 173-19-190.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 8, 1983.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice No. WSR 83-10-061 filed with the code reviser's office on May 4, 1983.

Dated: June 24, 1983
 By: John F. Spencer
 Deputy Director

WSR 83-14-011
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed June 24, 1983]

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 Seattle, City of, amending WAC 173-19-2521.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 12, 1983.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 6, 1983.

This notice is connected to and continues the matter in Notice No. WSR 83-12-016 filed with the code reviser's office on May 24, 1983.

Dated: June 24, 1983
 By: John F. Spencer
 Deputy Director

WSR 83-14-012
RULES OF COURT
STATE SUPREME COURT
 [June 14, 1983]

IN THE MATTER OF THE ADOPTION
 OF THE AMENDMENTS TO RAP
 12.4(a); RAP 13.3(b); RAP 13.4(a);
 CR 5; CR 9; CR 32; CR 44.1;
 CR 45(g); CR 47(i)(1), (2), (3);
 CrR 6.7(a), (b), (c); CrR 2.2;
 CrR 2.3; JCrR 2.10; CrR 3.2;
 CrR 4.2; CrR 4.6; CrR 4.9;
 CrR 6.1; JTIR 6.2.

NO. 25700-A-344
 ORDER

Amendments to the above reference Court Rules having been recommended and the proposed amendments having been published for comment in 98 Wn.2d Advance Sheet No. 3, with the exception of JCrR 2.10, and comments having been submitted and considered by the Court and the Court having determined that the proposed amendments will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to CR 9.7(c) the amendments will be published in July in a Washington Reports Advance Sheet.

(c) That pursuant to GR 9.7(d) the amendments will become effective September 1, 1983.

DATED at Olympia, Washington, this 14th day of June, 1983.

	William H. Williams
Hugh J. Rosellini	James M. Dolliver
Charles F. Stafford	Fred H. Dore
Robert F. Utter	Carolyn R. Dimmick
Robert F. Brachtenback	Vernon R. Pearson

RAP 12.4(a)

(a) Generally. A party may file a motion for reconsideration only of a decision terminating review which is not a ruling of the appellate court commissioner or clerk. The motion should be in the form and be served and filed as provided in rules 17.3(a), 17.4(a) and (g), and 18.5, except as otherwise provided in this rule. ~~A party must file a motion for reconsideration of a Court of Appeals decision terminating review as a condition of seeking review by the Supreme Court.~~

RAP 13.3(b)

(b) Decision Terminating Review. A party seeking review of a Court of Appeals decision terminating review must may first file a motion for reconsideration under rule 12.4 and must file a "petition for review" as provided in rule 13.4.

RAP 13.4(a)

(a) How To Seek Review. A party seeking discretionary review by the Supreme Court of a Court of Appeals decision terminating review must file a petition for review in the Court of Appeals within 30 days after an order is filed denying a timely motion for reconsideration of that decision. If no motion for reconsideration is made, a petition for review must be filed within 30 days after the decision is filed.

CR 5(b)

(b) Service—How Made.

(1) On Attorney or Party. Whenever under these rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney unless service upon the party himself is ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address or, if no address is known, by leaving it filing with the clerk of the court an affidavit of attempt to serve. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at his office with his clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of

abode with some person of suitable age and discretion then residing therein. Service on an attorney is subject to the restrictions in subsections (b)(4) and (5) of this rule and in rule 71, Withdrawal by Attorneys.

(2) Service by Mail.

(i) How made. If service is made by mail, the papers shall be deposited in the post office addressed to the person on whom they are being served, with the postage prepaid. The service shall be deemed complete upon the third day following the day upon which they are placed in the mail, unless the third day falls on a Saturday, Sunday or legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday or legal holiday, following the third day.

(ii) Proof of service by mail. Proof of service of all papers permitted to be mailed may be by written acknowledgment of service, by affidavit of the person who mailed the papers, or by certificate of an attorney. The certificate of an attorney may be in form substantially as follows:

CERTIFICATE

I certify that I mailed a copy of the foregoing _____ to [John Smith], [plaintiff's] attorney, at [office address or residence], and to [Joseph Doe], an additional [defendant's] attorney [or attorneys] at [office address or residence], postage prepaid, on [date].

[John Brown]
Attorney for [Defendant]

William Noe

(3) Service on Nonresidents. Where a plaintiff or defendant who has appeared resides outside the state and has no attorney in the action, the service may be made by mail if his residence is known; if not known, on the clerk of the court for him. Where a party, whether resident or nonresident, has an attorney in the action, the service of papers shall be upon the attorney instead of the party. If the attorney does not have an office within the state or has removed his residence from the state, the service may be upon him personally either within or without the state, or by mail to him at either his place of residence or his office, if either is known, and if not known, then by mail upon the party, if his residence is known, whether within or without the state. If the residence of neither the party nor his attorney, nor the office address of the attorney is known, ~~the service may be upon the clerk of the court for the attorney.~~ an affidavit of the attempt to serve shall be filed with the clerk of the court.

(4) Service on Attorney Restricted After Final Judgment. A party, rather than the party's attorney, must be served if the final judgment or decree has been entered and the time for filing an appeal has expired, or if an appeal has been taken (i) after the final judgment or decree upon remand has been entered or (ii) after the mandate has been issued affirming the judgment or decree or disposing of the case in a manner calling for no further action by the trial court. This rule is subject to the exceptions defined in subsection (b)(6).

(5) Required Notice to Party. If a party is served under circumstances described in subsection (b)(4), the

paper shall (i) include a notice to the party of the right to file written opposition or a response, the time within which such opposition or response must be filed, and the place where it must be filed; (ii) state that failure to respond may result in the requested relief being granted; and (iii) state that the paper has not been served on that party's lawyer.

(6) Exceptions. An attorney may be served notwithstanding subsection (b)(4) of this rule if (i) fewer than 63 days have elapsed since the filing of any paper or the issuance of any process in the action or proceeding or (ii) if the attorney has filed a notice of continuing representation.

CR 9(k)

(k) Foreign Law. ~~{Reserved. See RCW 5.24.010 through 5.24.070.}~~

(1) United States Jurisdictions. A party who intends to raise an issue concerning the law of a state, territory, or other jurisdiction of the United States, shall set forth in his pleading facts which show that the law of another United States jurisdiction may be applicable, or shall state in his pleading or serve other reasonable written notice that the law of another United States jurisdiction may be relied upon.

(2) Other Jurisdictions. A party who intends to raise an issue concerning the law of a jurisdiction other than a state, territory or other jurisdiction of the United States shall give notice in his pleading of the foreign jurisdiction whose law he contends may be applicable to the facts of the case. The following matters need not be pleaded, but may be discovered pursuant to rule 26:

(i) the party's contentions as to which issues of law are governed by the foreign law;

(ii) the substance of such foreign law;

(iii) the expected effect of such foreign law on the legal issues and on the outcome of the case being tried;

(iv) the specific foreign statutes, regulations, judicial and administrative decisions, documents and other non-privileged written materials and translations thereof upon which the party intends to rely.

(3) Application of Foreign Law. Issues of foreign law may be simplified pursuant to rule 16 and determined in advance of trial pursuant to rule 56.

(4) Failure To Plead Foreign Law. If no party has requested in his pleadings application of the law of a jurisdiction other than a state, territory or other jurisdiction of the United States, the court at time of trial shall apply the law of the State of Washington unless such application would result in manifest injustice.

CR 32(a)

USE OF DEPOSITIONS IN COURT PROCEEDINGS

(a) Use of Depositions. At the trial or upon the hearing of a motion or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the Rules of Evidence applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of

the deposition or who had reasonable notice thereof, in accordance with any of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of deponent as a witness or for any purpose permitted by the Rules of Evidence.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or a person designated under rule 30(b)(6) or 31(a) to testify on behalf of a public or private corporation, partnership or association or governmental agency which is a party may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds: (i) that the witness is dead; or (ii) that the witness resides out of the county and more than 20 miles from the place of trial, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iv) that the party offering the deposition has been unable to procure the attendance of the witness by subpoena; or (v) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open court, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts.

Substitution of parties pursuant to rule 25 does not affect the right to use depositions previously taken; and, when an action has been brought in any court of the United States or of any state has been dismissed and another action involving the same issues and subject matter is afterward brought between the same parties or their representatives or successors in interest, all depositions lawfully taken and duly filed in the former action may be used in the latter as if originally taken therefor. A deposition previously taken may also be used as permitted by the Rules of Evidence.

CR 44.1

DETERMINATION OF FOREIGN LAW

(a) Pleading. A party who intends to raise an issue concerning the law of a state, territory, or other jurisdiction of the United States, or a foreign country shall give notice in his pleadings or other reasonable written notice in accordance with rule 9(k).

(b) United States Jurisdiction. ~~See RCW 5.24.~~ The law of a state, territory, or other jurisdiction of the United States shall be determined as provided in RCW 5.24.

(c) Other Jurisdictions. The court, in determining the law of any jurisdiction other than a state, territory, or other jurisdiction of the United States, may consider any relevant written material or other source, including testimony, having due regard for their trustworthiness,

whether or not submitted by a party and whether or not admissible under the Rules of Evidence. If the court considers any material or source not received in open court, prior to its determination the court shall:

(1) Identify in the record such material or source;

(2) Summarize in the record any unwritten information received; and

(3) Afford the parties an opportunity to respond thereto. The court's determination shall be treated as a ruling on a question of law.

CR 45(g)

(g) When Excused. A witness subpoenaed to attend in a civil case is dismissed and excused from further attendance as soon as he has given his testimony in chief and has been cross-examined thereon, unless either party moves in open court that the witness remain in attendance and the court so orders; and witness fees will not be allowed any witness after the day on which his testimony is given, except when the witness has in open court been required to remain in further attendance, and when so required the clerk shall note that fact in the minutes.

CR 47(i)

(i) Care of Jury While Deliberating. ~~{Reserved. See RCW 4.44.300.}~~

(1) Generally. During trial and deliberations the jury may be allowed to separate unless good cause is shown, on the record, for sequestration of the jury.

(2) Communication Restricted. Unless the jury is allowed to separate, the jurors shall be kept together under the charge of one or more officers until they agree upon their verdict or are discharged by the court. The officer shall keep the jurors separate from other persons and shall not allow any communication which may affect the case to be made to the jurors, nor make any himself, unless by order of the court, except to ask the jurors if they have agreed upon their verdict. The officer shall not, before the verdict is rendered, communicate to any person the state of the jurors' deliberations or their verdict.

(3) Motions. Any motions or proceedings concerning the separation or sequestration of the jury shall be made out of the presence of the jury.

CrR 2.2

WARRANT OF ARREST AND SUMMONS UPON INDICTMENT OR INFORMATION

~~(a) When Warrant To Issue. Warrant of Arrest. When If an indictment is found or an information is filed, the court may direct the clerk to issue a warrant for the arrest of the defendant, returnable forthwith, or direct the clerk to issue a summons commanding the defendant to appear at a specified time and place. A warrant of arrest must be supported by an affidavit or affidavits or sworn testimony establishing the grounds for issuing the warrant which shall be recorded electronically or stenographically. The court must determine that~~

there is probable cause for the issuance of the warrant. The finding of probable cause may be based on evidence which is hearsay in whole or in part.

(b) Issuance of Summons in Lieu of Warrant.

(1) Generally. If an indictment is found or an information is filed, the court may direct the clerk to issue a summons commanding the defendant to appear before the court at a specified time and place.

~~(1)~~(2) When Summons Must Issue. If the indictment or information charges only the commission of a misdemeanor or a gross misdemeanor, the court shall direct the clerk to issue a summons instead of a warrant unless it finds reasonable cause to believe that the defendant will not appear in response to a summons, or that arrest is necessary to prevent serious bodily harm to the accused or another, in which case it may issue a warrant.

(3) Summons. A summons shall be in writing and in the name of the State of Washington, shall be signed by the clerk with the title of his office, and shall state the date when issued and the county where issued. It shall state the name of the defendant and shall summon the defendant to appear before the court at a stated time and place.

~~(2)~~(4) Failure To Appear on Summons. If a person fails to appear in response to a summons, or if service is not effected within a reasonable time, a warrant for arrest may issue.

(c) Requisites of a Warrant.

~~(1)~~Warrant. The warrant shall be in writing and in the name of the State of Washington, shall be signed by the clerk with the title of his office, and shall state the date when issued and the county where issued. It shall specify the name of the defendant, or if his name is unknown, any name or description by which he can be identified with reasonable certainty. The warrant shall specify the offense charged against the defendant and that the court has found that probable cause exists to believe the defendant has committed the offense charged and shall command that the defendant be arrested and brought forthwith before the court issuing the warrant. If the offense is bailable, the judge issuing the warrant shall set forth thereon in the order for the warrant, bail, or other conditions for of release pursuant to CrR 3.2.

(d) Execution; Service.

(1) Execution of Warrant. The warrant shall be directed to all peace officers in the state and shall be executed only by a peace officer.

(2) Service of Summons. The summons may be served any place within the state. It shall be served by a peace officer who shall deliver a copy of the same to the defendant personally, or it may be served by mailing the same, postage prepaid, to the defendant at his address.

(e) Return. The officer executing a warrant shall make return thereof to the court before whom the defendant is brought pursuant to these rules. At the request of the prosecuting attorney any unexecuted warrant shall be returned to the judge by whom issued and shall be canceled by him. The person to whom a summons has been delivered for service shall, on or before the return date, file a return thereof with the judge before whom summons is returnable. For reasonable

cause, the judge may order that the warrant be returned to him.

(f) Defective Warrant or Summons.

(1) Amendment. No person arrested under a warrant or appearing in response to a summons shall be discharged from custody or dismissed because of any irregularity in the warrant or summons, but the warrant or summons may be amended so as to remedy any such irregularity.

(2) Issuance of New Warrant or Summons. If during the preliminary examination of any person arrested under a warrant or appearing in response to a summons, it appears that the warrant or summons does not properly name or describe the defendant or the offense with which he is charged, or that although not guilty of the offense specified in the warrant or summons, there is reasonable ground to believe that he is guilty of some other offense, the judge shall not discharge or dismiss the defendant but may allow a new indictment or information to be filed and shall thereupon issue a new warrant or summons.

CrR 2.3

SEARCH AND SEIZURE

(a) Authority To Issue Warrant. A search warrant authorized by this rule may be issued by the court upon request of a peace officer or a prosecuting attorney.

(b) Property or Persons Which May Be Seized With a Warrant. A warrant may be issued under this rule to search for and seize any (1) evidence of a crime; or (2) contraband, the fruits of crime, or things otherwise criminally possessed; or (3) weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or (4) person for whose arrest there is probable cause, or who is unlawfully restrained.

(c) Issuance and Contents. ~~A warrant shall issue only on an affidavit or affidavits establishing the grounds for issuing the warrant. Such affidavit or affidavits may consist of an officer's sworn telephonic statement to the judge; provided, however, such sworn telephonic testimony must be electronically recorded by the judge on a recording device in the custody of the judge at the time transmitted and the recording shall be retained in the court records and reduced to writing as soon as possible thereafter. A search warrant may be issued only if the court determines there is probable cause for the issuance of a warrant. There must be an affidavit or affidavits or sworn testimony establishing the grounds for issuing the warrant. The sworn testimony may be an electronically recorded telephonic statement. The recording or a duplication of the recording shall be a part of the court record and shall be transcribed if requested by a party if there is a challenge to the validity of the warrant or if ordered by the court. The finding of probable cause may be based on evidence which is hearsay in whole or in part. If the judge court finds that probable cause for the issuance of a warrant exists, he it shall issue a warrant or direct an individual whom he it authorizes for such purpose to affix his the court's signature to a warrant~~

identifying the property or person and naming or describing the person, place or thing to be searched. ~~The finding of probable cause shall be based on evidence, which may be hearsay in whole or in part provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is factual basis for the information furnished. Before ruling on a request for a warrant the court may require the affiant to appear personally and may examine under oath the affiant and any witnesses he may produce. The judge shall record a summary of any additional evidence on which he relies. The warrant shall be directed to any peace officer. It shall command the officer to search, within a specified period of time not to exceed 10 days, the person, place, or thing named for the property or person specified. It shall designate a magistrate to whom it shall be returned. The warrant may be served at any time.~~

(d) Execution and Return With Inventory. The peace officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the warrant and a receipt for the property taken. If no such person is present, the officer may post a copy of the search warrant and receipt. The return shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person from whose possession or premises the property is taken, or in the presence of at least one person other than the officer. The judge shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(e) Motion for Return of Property. A person aggrieved by an unlawful search and seizure may move the court for the return of the property on the ground that the property was illegally seized and that he is lawfully entitled to possession thereof. If the motion is granted the property shall be returned. If a motion for return of property is made or comes on for hearing after an indictment or information is filed in the court in which the motion is pending, it shall be treated as a motion to suppress.

(f) Searches of Media.

(1) Scope. If an application for a search warrant is governed by RCW 10.79.015(3) or 42 U.S.C. §§ 2000aa et seq., this section controls the procedure for obtaining the evidence.

(2) Subpoena Duces Tecum. Except as provided in subsection (3), if the court determines that the application satisfies the requirements for issuance of a warrant, as provided in section (c) of this rule, the court shall issue a subpoena duces tecum in accordance with CR 45(b).

(3) Warrant. If the court determines that the application satisfies the requirements for issuance of a warrant and that RCW 10.79.015(3) and 42 U.S.C. §§ 2000aa et seq. permit issuance of a search warrant rather than a subpoena duces tecum, the court may issue a warrant.

CrR 3.2

PRETRIAL RELEASE OF ACCUSED

(a) ~~Personal Recognizance. Release in Noncapital Cases. Any defendant charged with an offense person, other than a person charged with a capital offense, shall at his first court appearance preliminary appearance or reappearance pursuant to rule 3.2A or JCrR 2.03 be ordered released on his personal recognizance pending trial unless the court determines that such recognizance will not reasonably assure his appearance, when required. If the court finds that release should be denied or that conditions should attach to the release on personal recognizance, other than the promise to appear for trial, the court shall proceed to determine whether probable cause exists to believe that the accused committed the offense charged, unless this determination has previously been made by a court. Before making the determination, the court may consider an affidavit or affidavits filed or sworn testimony and further may examine under oath the affiant and any witnesses he may produce. When such a determination is made, the~~ The court shall impose the least restrictive of the following conditions that will reasonably assure his the accused's appearance or if no single condition gives that assurance, any combination of the following conditions:

(1) Place the defendant accused in the custody of a designated person or organization agreeing to supervise him;

(2) Place restrictions on the travel, association, or place of abode of the defendant accused during the period of release;

(3) Require the execution of an unsecured appearance bond in a specified amount;

(4) Require the execution of an appearance bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release;

(5) Require the execution of an appearance bond with sufficient solvent sureties, or the deposit of cash in lieu thereof;

(6) Require the defendant accused to return to custody during specified hours; or

(7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.

(b) Relevant Factors. In determining which conditions of release will reasonably assure the defendant's accused's appearance, the court shall, on the available information, consider the relevant facts including: the length and character of the defendant's accused's residence in the community; his employment status and history and financial condition; his family ties and relationships; his reputation, character and mental condition; his history of response to legal process; his prior criminal record; the willingness of responsible members of the community to vouch for the defendant's accused's reliability and assist him in appearing in court; the nature of the charge; and any other factors indicating the defendant's accused's ties to the community.

(c) Conditions of Release. Upon a showing that there exists a substantial danger that the defendant accused will commit a serious crime or that the defendant's physical condition is such to jeopardize his safety or that of others or that he will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice, the court, upon the defendant's accused's release, may impose one or more of the following conditions:

(1) Prohibit him from approaching or communicating with particular persons or classes of persons;

(2) Prohibit him from going to certain geographical areas or premises;

(3) Prohibit him from possessing any dangerous weapons, or engaging in certain described activities or indulging in intoxicating liquors or in certain drugs;

(4) Require him to report regularly to and remain under the supervision of an officer of the court or other person or agency;

(5) ~~Detain him until his physical condition permits his release.~~

(d) Delay of Release. The court may delay release of a person in the following circumstances:

(1) If the person is intoxicated and his release will jeopardize his safety or that of others, the court may delay release of the person or have the person transferred to the custody and care of a treatment center.

(2) If the person's mental condition is such that the court believes he should be interviewed by a mental health professional for possible commitment to a mental treatment facility pursuant to RCW 71.05, the court may delay release of the person.

(3) Unless other grounds exist for continued detention, a person detained pursuant to this section must be released from detention not later than 24 hours after the preliminary appearance.

(e) Release in Capital Cases. Any person charged with a capital offense shall be released in accordance with sections (a) through (c) unless the court has reason to believe that no one or more conditions of release will reasonably assure that the accused will not flee the state or pose a substantial danger to another or the community. If a risk of flight or danger is believed to exist, the person may be ordered detained.

(f) Release After Finding or Plea of Guilty. After a person has been found or pleaded guilty, the court may revoke, modify, or suspend the terms of release previously ordered.

(g) Order for Release. A court authorizing the release of the defendant accused under this rule shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform him of the penalties applicable to violations of the conditions imposed, if any, shall inform him of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest may be issued upon any such violation.

(h) Review of Conditions. Upon determining the conditions of release, the court, upon request, after 24 hours from the time of release, may review the conditions previously imposed.

(i) Amendment of Order. The court ordering the release of a defendant an accused on any condition

specified in this rule may at any time on change of circumstances or showing of good cause amend its order to impose additional or different conditions for release.

(j) Revocation of Release: Arrest for Violation of Conditions.

(1) Arrest With Warrant. Upon the court's own motion or a verified application by the prosecuting attorney alleging with specificity that a defendant an accused has willfully violated a condition of his release, a court shall order the defendant accused to appear for immediate hearing or issue a warrant directing the arrest of the defendant accused for immediate hearing for reconsideration of conditions of release pursuant to section (i).

(2) Arrest Without Warrant. A law enforcement officer having probable cause to believe that a defendant an accused released pending trial for a felony is about to leave the state or that he has violated a condition of such release, imposed pursuant to section (c), under circumstances rendering the securing of a warrant impracticable, may arrest the defendant accused and take him forthwith before the court for reconsideration of conditions of release pursuant to section (i).

(k) Release After Verdict or Plea of Guilty. A defendant (1) who is charged with a capital offense, or (2) who has entered a plea of guilty to a felony, or has been found guilty of a felony and is either awaiting sentence or has filed an appeal, shall be released pursuant to this rule unless the court finds that the defendant may flee the state or pose a substantial danger to another or to the community. If such a risk of flight or danger exists, the defendant may be ordered detained.

(l) Evidence. Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(m) Forfeiture. Nothing contained in this rule shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the court.

(n) Defendant Accused Discharged on Recognizance or Bail—Absence—Forfeiture. If the defendant accused has been discharged on his own recognizance, on bail, or has deposited money instead thereof, and does not appear when his personal appearance is necessary, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for his arrest.

CrR 4.2

PLEAS

(a) Types. A defendant may plead not guilty, not guilty by reason of insanity or guilty.

(b) Multiple Offenses. Where the indictment or information charges two or more offenses in separate counts the defendant shall plead separately to each.

(c) Pleading Insanity. ~~When it is desired to interpose the defense of insanity or mental irresponsibility on behalf of one charged with a crime the defendant, his counsel or other person authorized by law to appear and act for him, shall at the time of pleading to the information or indictment file a plea in writing in addition to~~

~~the plea or pleas required or permitted by other laws than this setting up (1) his insanity or mental irresponsibility at the time of the commission of the crime charged, and (2) whether the insanity or mental irresponsibility still exists, or (3) whether the defendant has become sane or mentally responsible between the time of the commission of the crime and the time of the trial. The plea may be interposed at any time thereafter, before the submission of the cause to the jury if it be proven that the insanity or mental irresponsibility of the defendant at the time of the crime was not before known to any person authorized to interpose a plea. Written notice of an intent to rely on the insanity defense, and/or a claim of present incompetency to stand trial, must be filed at the time of arraignment or within 10 days thereafter, or at such later time as the court may for good cause permit. All procedures concerning the defense of insanity or the competence of the defendant to stand trial are governed by RCW 10.77.~~

(d) Voluntariness. The court shall not accept a plea of guilty, without first determining that it is made voluntarily, competently and with an understanding of the nature of the charge and the consequences of the plea. The court shall not enter a judgment upon a plea of guilty unless it is satisfied that there is a factual basis for the plea.

(e) Agreements. If a plea of guilty is based upon an agreement between the defendant and the prosecuting attorney, such agreement must be made a part of the record at the time the plea is entered. No agreement shall be made which specifies what action the judge shall take on or pursuant to the plea or which attempts to control the exercise of his discretion, and the court shall so advise the defendant.

(f) Withdrawal of Plea. The court shall allow a defendant to withdraw his plea of guilty whenever it appears that the withdrawal is necessary to correct a manifest injustice.

(g) Written Statement. A written statement of the defendant in substantially the form set forth below shall be filed on a plea of guilty:

SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY

THE STATE OF
WASHINGTON,
Plaintiff,
v.

Defendant.

No. _____
STATEMENT OF
DEFENDANT ON
PLEA OF GUILTY

- 1. My true name is _____.
- 2. My age is _____.
- 3. I went through the _____ grade in school.

~~3-4. I have been informed and fully understand that I have the right to representation by a lawyer and that if I cannot afford to pay for a lawyer, one will be provided at no expense to me. My lawyer's name is _____.~~

~~4-5. The court has told me I have been informed and fully understand that I am charged with the crime of _____, that the elements of the crime are _____, and that the maximum sentence for which the crime is _____.~~

I have been given a copy of the information.

5-6. The court has told me I have been informed and fully understand that:

(a) I have the right to have counsel (a lawyer), and that if I cannot afford to pay for counsel, one will be provided at no expense to me.

(b) I have the right to a trial by jury speedy and public trial by an impartial jury in the county where the crime is alleged to have been committed.

(b) I have the right to remain silent before and during trial, and I need not testify against myself.

(c) I have the right at trial to hear and question witnesses who testify against me.

(d) I have the right at trial to have witnesses testify for me. These witnesses can be made to appear at no expense to me.

(e) I am presumed innocent until the charge must be is proven beyond a reasonable doubt or I enter a plea of guilty.

(f) I have the right to appeal a determination of guilt after a trial.

(g) If I plead guilty I give up the rights in statements 6(a)-(f).

6-7. I plead _____ to the crime of _____ as charged in the information, a copy of which I have received:

7-8. I make this plea freely and voluntarily.

8-9. No one has threatened harm of any kind to me or to any other person to cause me to make this plea.

9-10. No person has made promises of any kind to cause me to enter this plea except as set forth in this statement.

10-11. I have been told informed and fully understand the Prosecuting Attorney will take the following action and make the following recommendation to the court and to the Board of Prison Terms and Paroles: _____

11-12. I have been told informed and fully understand that the court does not have to follow the Prosecuting Attorney's recommendation as to sentence. The court is completely free to give me any sentence it sees fit up to the maximum permitted by law no matter what the Prosecuting Attorney recommends.

12-13. The court has told me I have been informed and fully understand that if I am sentenced to prison the Judge must sentence me to the maximum term required by the law, which in this case is _____. The minimum term of sentence is set by the Board of Prison Terms and Paroles. The Judge and Prosecuting Attorney may recommend a minimum sentence to the Board but the Board does not have to follow their recommendation. I have been further advised that the crime with which I am charged carries a mandatory minimum of _____ years. I have been advised that the law requires that a prison term be imposed and does not permit any form of probation for the crime with which I am charged. I have been advised that if I am sentenced to prison, my sentence must be served consecutively to my prior prison sentence for a prior felony. (If not applicable, this sentence any or all of the last three sentences shall be stricken and initialed by the defendant and the Judge.)

14. I understand that if I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law is grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

13-15. The court has asked me to state briefly in my own words what I did that resulted in my being charged with the crime in the information. This is my statement:

14-16. I have read or have had read to me and fully understand all of the numbered sections above (1 through 14-15) and have received a copy of "Statement of Defendant on Plea of Guilty." I have no further questions to ask of the court.

Prosecuting Attorney Lawyer Defendant's Lawyer

The above statement was read by or read to the defendant and signed by the defendant in the presence of his attorney, Prosecuting Attorney, and the undersigned Judge in open court.

The foregoing statement was read by or to the defendant and signed by the defendant in the presence of his attorney, and the undersigned Judge, in open court. The court finds the defendant's plea of guilty to be knowingly, intelligently and voluntarily made, that the court has informed the defendant of the nature of the charge and the consequences of the plea, that there is a factual basis for the plea, and that the defendant is guilty as charged.

Dated this ___ day of ___, 19__.

Judge

(h) Verification by Interpreter. If a defendant is not fluent in the English language, a person the court has determined has fluency in the defendant's language shall certify that the written statement provided for in section (g) has been translated orally or in writing and that the defendant has acknowledged that he or she understands the translation.

CrR 4.6(d)

(d) Use. At the trial or upon any hearing, a part or all of a deposition so far as otherwise admissible under the Rules of Evidence may be used if it appears: that the witness is dead, or that the witness is unavailable, unless it appears that his unavailability was procured by the party offering the deposition, or that the witness is unable to attend or testify because of sickness or infirmity, or that the party offering the deposition has been unable to procure the attendance of the witness by subpoena. Any deposition may also be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as witness, or as substantive evidence under circumstances permitted by the Rules of Evidence.

CrR 4.9

PRETRIAL CONFERENCE

[RESCINDED]

CrR 6.1

TRIAL BY JURY OR BY THE COURT

(a) Trial by Jury. Cases required to be tried by jury shall be so tried unless the defendant files a written waiver of a jury trial, and has consent of the court.

(b) Jury of Less Than 12. Number of Jurors.

(1) Unless otherwise provided by these rules, the number of persons serving on a jury shall be 12, not including alternates. If prior to trial on a noncapital case, all defendants so elect, the case shall be tried by a jury of not less than six, or by the court.

(2) If a juror is unable to continue and if no alternate jurors have been selected or if none is available, all defendants may elect to continue with the remaining jurors, otherwise a mistrial may be granted on motion of any defendant.

(c) Juror Unable To Continue. If a case has not yet been submitted to the jury and a juror is unable to continue and no alternate jurors were selected or none are available, or if a case has been submitted to the jury and a juror is unable to continue, all defendants may elect to continue with the remaining jurors. The court shall declare a mistrial for any defendant who does not elect to continue with the remaining jurors. If some, but not all, defendants elect to continue with the trial, the court shall proceed with the trial for those defendants unless the court determines manifest necessity requires a mistrial.

(d) Trial Without Jury. In a case tried without a jury, the court shall enter findings of fact and conclusions of law. In giving the decision, the facts found and the conclusions of law shall be separately stated. The court shall enter such findings of fact and conclusions of law only upon 5 days' notice of presentation to the parties.

CrR 6.7

CUSTODY OF JURY

The jury may be allowed to separate if the court finds that good reason exists to believe that such would not jeopardize a fair trial. Any motions or proceedings concerning the separation of the jury shall be made out of the presence of the jury.

(a) Generally. During trial and deliberations the jury may be allowed to separate unless good cause is shown, on the record, for sequestration of the jury.

(b) Communication Restricted. Unless the jury is allowed to separate, the jurors shall be kept together under the charge of one or more officers until they agree upon their verdict or are discharged by the court. The officer shall keep the jurors separate from other persons and shall not allow any communication which may affect the case to be made to the jurors, nor make any himself, unless by order of the court, except to ask the jurors if

they have agreed upon their verdict. The officer shall not, before the verdict is rendered, communicate to any person the state of the jurors' deliberations or their verdict.

(c) Motions. Any motions or proceedings concerning the separation or sequestration of the jury shall be made out of the presence of the jury.

JCrR 2.10

SEARCH AND SEIZURE

(a) Authority To Issue Warrant. A search warrant authorized by this rule may be issued by a magistrate upon request of a peace officer or prosecuting attorney.

(b) Property or Persons Which May Be Seized With a Warrant. A warrant may be issued under this rule to search for and seize any (1) evidence of a crime; or (2) contraband, the fruits of crime, or things otherwise criminally possessed; or (3) weapons or other things by means of which a crime has been committed or reasonably appears about to be committed; or (4) person for whose arrest there is probable cause, or who is unlawfully restrained.

(c) Issuance and Contents. A warrant shall issue only on an affidavit or affidavits establishing the grounds for issuing the warrant. Such affidavit or affidavits may consist of an officer's sworn telephonic statement to the judge, provided, however, such sworn telephonic testimony must be electronically recorded at the time transmitted and retained in the court records and reduced to writing as soon as possible thereafter. A search warrant may be issued only if the court determines there is probable cause for the issuance of a warrant. There must be an affidavit or affidavits or sworn testimony establishing the grounds for issuing the warrant. The sworn testimony may be an electronically recorded telephonic statement. The recording or a duplication of the recording shall be a part of the court record and shall be transcribed if requested by a party if there is a challenge to the validity of the warrant or if ordered by the court. The finding of probable cause may be based on evidence which is hearsay in whole or in part. If the magistrate court finds that probable cause for the issuance of a warrant exists, he it shall issue a warrant or direct an individual whom he it authorizes for such purpose to affix his the court's signature to a warrant identifying the property or person and naming or describing the person or place or thing to be searched. The finding of probable cause shall be based on evidence, which may be hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is factual basis for the information furnished. Before ruling on a request for a warrant the court may require the affiant to appear personally and may examine under oath the affiant and any witnesses he may produce. The judge shall record a summary of any additional evidence on which he relies. The warrant shall be directed to any peace officer. It shall command the officer to search, within a specified period of time not to exceed 10 days, the person, place,

or thing named for the property or person specified. It shall designate a magistrate to whom it shall be returned. The warrant may be served at any time.

(d) Execution and Return With Inventory. The peace officer taking property under the warrant shall give to the person from whom or from whose premises the property is taken a copy of the warrant and a receipt for the property taken. The return shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person from whose possession or premises the property is taken, or in the presence of at least one person other than the officer. The magistrate shall upon request deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(e) Motion for Return of Property. A person aggrieved by an unlawful search and seizure may move the court for the return of the property on the ground that the property was illegally seized and that he is lawfully entitled to possession thereof. If the motion is granted, the property shall be returned. If a motion for return of property is made or comes on for hearing after an indictment or information is filed in the court in which the motion is pending, it shall be treated as a motion to suppress.

JTIR 6.2

MONETARY PENALTY SCHEDULE

(a) Effect of Schedule. The penalty for any infraction listed in this rule may not be changed by local court rule. The court may impose on a defendant a lesser penalty in an individual case.

(b) Unscheduled Infractions. The penalty for any infraction not listed in this rule shall be \$20, not including statutory assessments. A court may, by local court rule, provide for a different penalty.

(c) Infractions Not Covered. This schedule does not apply to penalties for parking, standing, stopping, or pedestrian infractions established by municipal or county statute. Penalties for those infractions are established by statute or local court rule, but shall be consistent with the philosophy of these rules.

(d) Penalty Schedule. The following infractions shall have the penalty listed, not including statutory assessments.

Serious Infractions	Penalty
1. Wrong way on freeway (RCW 46.61.150)	\$185
2. Wrong way on freeway access (RCW 46.61.155)	\$68
3. Backing on limited access highway (RCW 46.61.605)	\$68
4. Spilling or failure to secure load (RCW 46.61.655)	\$68
5. Throwing or depositing debris on highway (RCW 46.61.645)	\$68
6. Disobeying school patrol (RCW 46.61.385)	\$68

- 7. Passing stopped school bus (with red lights flashing) \$68
(RCW 46.61.370)
- 8. Violation of posted road restriction \$185
(RCW 46.44.080; RCW 46.44.105(4))
- 9. Switching license plates, loan of license or use of another's \$68
(RCW 46.16.240)
- 10. Altering or using altered license plates \$68
(RCW 46.16.240)

Penalty

- Operator's Licenses (RCW 46.20)
- All RCW 46.20 infractions \$20
- Vehicle Licenses (RCW 46.16)
- Expired Vehicle License (RCW 46.16.010)
 - Two months or less \$20
 - Over 2 months \$68
- Failure to obtain Washington vehicle license within 2 months after residency established \$20
- Failure to obtain Washington vehicle license over 2 months after residency established \$185
- Speeding (RCW 46.61.400) if speed limit is over 40 m.p.h.
 - 1-5 m.p.h. over limit \$5
 - 6-10 m.p.h. over limit \$17
 - 11-15 m.p.h. over limit \$25
 - 16-20 m.p.h. over limit \$43
 - 21-25 m.p.h. over limit \$63
 - 26-30 m.p.h. over limit \$88
 - 31-35 m.p.h. over limit \$115
 - 36-40 m.p.h. over limit \$145
 - Over 40 m.p.h. over limit \$185

Speeding if speed limit is 40 m.p.h. or less

- 1-5 m.p.h. over limit \$12
- 6-10 m.p.h. over limit \$20
- 11-15 m.p.h. over limit \$35
- 16-20 m.p.h. over limit \$58
- 21-25 m.p.h. over limit \$88
- 26-30 m.p.h. over limit \$120
- 31-35 m.p.h. over limit \$145
- Over 35 m.p.h. over limit \$185

Speed Too Fast for Conditions (RCW 46.61.400(1)) \$20

Penalty

- Rules of the Road
 - 1. Failure to stop \$20
(RCW 46.61.050, .210)
 - 2. Failure to yield the right of way \$20
(RCW 46.61.180, .190, .205, .210, .235, .300, .365)
 - 3. Following too close \$20
(RCW 46.61.145, .635)
 - 4. Failure to signal \$20
(RCW 46.61.310)
 - 5. Improper lane usage or travel \$20
(RCW 46.61.140)
 - 6. Impeding traffic \$20
(RCW 46.61.425)

- 7. Improper passing \$20
(RCW 46.61.110, .115, .120, .125, .130)
- 8. Prohibited and improper turn \$20
(RCW 46.61.290, .295, .305)
- 9. Crossing double yellow line left of center line \$20
(RCW 46.61.100, .130, .140)
- 10. Operating with obstructed vision \$20
(RCW 46.61.615)
- 11. Wrong way on one-way street \$20
(RCW 46.61.135)
- 12. Failure to comply with restrictive signs \$20
(RCW 46.61.050)

Accident

If an accident occurs in conjunction with any of the listed rules-of-the-road infractions or speed too fast for conditions, the penalty for the infraction shall be: \$43

Equipment (RCW 46.37) Penalty

- 1. Illegal use of emergency equipment \$68
(RCW 46.37.190)
- 2. Defective or modified exhaust systems, mufflers, prevention of noise and smoke (RCW 46.37.390(1) and (3))
 - First offense (the penalty portion may be waived) \$25
upon proof to the court of compliance)
 - Second offense within 1 year of first offense \$48
 - Third and subsequent offenses within 1 year of first offense \$68
- 3. Any other equipment infraction (RCW 46.37.010) \$20

Motorcycles

Any infraction relating specifically to motorcycles \$20
(including no valid endorsement, RCW 46.20.500)

Parking

- 1. Illegal parking on roadway (RCW 46.61.560) \$25
- 2. Any other parking infraction (not defined by city or county ordinance) \$12

Pedestrians

Any infraction regarding pedestrians (not defined by city or county ordinance) \$12

Bicycles

Any infraction regarding bicycles \$12

Load Violations Penalty

- (all under RCW 46.44, except over license capacity)
(see RCW 46.16)
- 1. Over legal—tires, wheelbase (RCW 46.44.105(1))
 - (First offense) \$53
 - (Second offense) \$88
 - (Third offense) \$105
 - In addition to the above (RCW 46.44.105(2)) 3¢ per excess pound
- 2. Over license capacity (RCW 46.16.145)
 - (First offense) \$35
 - (Second offense) \$88
 - (Third offense) \$105

3. Violation of special permit	\$43
4. Failure to obtain special permit	\$43
5. Failure to submit to being weighed	\$43
6. Illegal vehicle combination (RCW 46.44.036)	\$43
7. Illegally transporting mobile home	\$53
Any other infraction defined in RCW 46.44	\$25
Off-Road Vehicles (ATV's) (RCW 46.09)	
Any 46.09 infraction	\$25
Snowmobiles (RCW 46.10)	
Any 46.10 infraction	\$25
Failure to respond to notice of infraction or failure to pay penalty (RCW 46.63.110(3))	\$25

WSR 83-14-013
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed June 28, 1983]

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 356-15-020	Work period designation.
Amd	WAC 356-15-030	Overtime provisions and compensation.
Amd	WAC 356-18-070	Sick leave—Reporting—Payment.
New	WAC 356-18-095	Vacation leave—Accumulation—Excess.
Amd	WAC 356-18-105	Exit leave;

that the agency will 10:00 a.m., Thursday, August 11, 1983, in the Board Hearing Room, Department of Personnel, 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.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

Dated: June 27, 1983

By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amend WAC 356-15-020.

Title: Work period designations.

Purpose: Establishes hours of work criteria for state employees.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposal would allow agencies and exclusive representatives to mutually agree on work schedules within the basic intent of the civil service system and with the approval of the director of the Department of Personnel, thus providing flexibility under certain circumstances for management and employees to work out a mutually beneficial work schedule.

Responsibility for Drafting: Larry Goodman, Washington Federation of State Employees, 1107

Harrison Avenue N.W., Olympia, WA 98502, Phone: 352-7603; Implementation and Enforcement: Department of Personnel.

Proposed by: Washington Federation of State Employees Employee Representative.

Amend WAC 356-15-030.

Title: Overtime provisions and compensation.

Purpose: Defines conditions which constitute overtime employment and establishes methods of compensation for overtime.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposal would provide agency discretion to pay straight-time cash or compensatory time off for overtime resulting from travel time considered to be time worked outside an employee's normal working hours. The proposed change would accommodate a negotiated agreement between WPEA and Department of Natural Resources to consider travel time to and from training locations outside an employee's normal working hours as time work provided that compensation would be a straight time. This change is supportive of employee development in general.

Responsibility for Drafting: Roger Theine, Department of Natural Resources, Public Lands Building, Room 102, Olympia, WA 98504, Mailstop QW-21; Implementation and Enforcement: All agencies, Department of Personnel.

Proposed by: Department of Natural Resources, Governmental Agency.

Comments: Approval would permit implementation of Department of Natural Resources—Washington Public Employees Association negotiated agreement.

Amend WAC 356-18-070.

Title: Sick leave—Reporting—Payment.

Purpose: Defines procedures for reporting use of and payment of sick leave.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposal would eliminate the obligatory requirement of submitting a medical certificate when returning from 10 or more days of sick leave. Sponsor feels the 10 day mandate is no longer relevant, the procedures of some health care agencies and doctors makes it impossible to comply.

Responsibility for Drafting: Larry Goodman, Washington Federation of State Employees, 1107 Harrison Avenue N.W., Olympia, WA 98502, Phone: 352-7603; Implementation and Enforcement: Department of Personnel.

Proposed by: Washington Federation of State Employees Employee Representative.

New WAC 356-18-095.

Title: Vacation leave—Accumulation—Excess.

Statutory Authority: Substitute House Bill 129.

Summary and Reasons: Proposed rule will implement provision of SHB 129 by providing for the alternative method of accumulating vacation leave above the maximum of 30 days.

Responsibility for Drafting: Bill B. Turney, Department of Personnel, 600 South Franklin, FE-11, Olympia, WA 98504, Phone: 753-7125; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-18-105.

Title: Exit leave.

Purpose: Rule defined "exit leave" and restricts the crediting of sick leave and time toward periodic increment dates after July 1, 1983.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposed change deletes the restriction of crediting sick leave toward the periodic increment date. Administrative costs of restrictions would outweigh savings over a period of time.

Responsibility for Drafting: Bill B. Turney, Department of Personnel, 600 South Franklin, FE-11, Olympia, WA 98504, Phone: 753-7125; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Comments: Proposed change was adopted on an emergency basis at June 9, 1983, Personnel Board meeting.

AMENDATORY SECTION (Amending Order 167 and 167-A, filed 2/16/82 and 2/19/82)

WAC 356-15-020 WORK PERIOD DESIGNATIONS. The personnel board shall assign a specific work period designation to each classification. The personnel board may authorize a work period designation which differs from the class-wide designation for specific positions having atypical working conditions. When two or more designations are indicated for a job classification, the first designation listed shall constitute the class-wide designation. Each position shall be assigned only one designation.

(1) Scheduled (S):

(a) Standard: Full time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours, and occurring within the same workweek.

(b) Alternate: Full time positions with conditions of employment which may be completed within:

(i) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(ii) Four work days lasting not more than ten working hours each within the same workweek; or

(iii) Ten consecutive work days with four consecutive days off; or

(iv) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the registered nurse class series who work in an institutional hospital primarily engaged in the care of residents.

(v) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than 52 40-hour workweeks per year. Positions are limited to communications officers and scheduled weight control officers of the state patrol.

After giving written notice to the employee and the certified exclusive representative, the employer may implement an alternate schedule provided the employer can document a program need for the alternate schedule or the alternate schedule is mutually agreeable to the employer and employee.

(c) Negotiated: Where the exclusive representative and appointing authority mutually agree on a scheduling system for positions in a bargaining unit different from other work period designations in this section, the director of personnel will approve such a scheduling plan provided (i) the hours of work shall not exceed average of forty hours per week for any position and (ii) both parties individually agree that the hours of work are mutually supported.

(2) Nonscheduled (NS): Full time positions with conditions of employment which necessitate adjustment of hours by employees within forty working hours within the workweek. These positions normally have no scheduled starting and/or quitting time, but management may designate specific tasks which require assigned hours.

(3) Exceptions (E): In determining which positions are designated in the "exceptions" work period, the personnel board shall consider the following factors:

(a) Positions which meet the definition (WAC 356-06-010) of administrative personnel, agricultural personnel, executive personnel, housed personnel, law enforcement personnel, professional personnel.

(b) Positions which have historically been paid overtime by the state.

(c) Positions which have direct counterparts in private industry or other governmental jurisdictions and which have an historical or prevailing practice of paying overtime.

(d) Other factors it may deem to be appropriate.

AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

WAC 356-15-030 OVERTIME PROVISIONS AND COMPENSATION. (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty working hours in one workweek or eighty working hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020(1)(b)(iv).

(c) Work on a holiday (except Sunday when it is within the assigned workshift).

(d) Work on a scheduled day off.

(e) Law enforcement work in excess of 240 hours in a work period of 28 consecutive days (60 hours in a work period of 7 consecutive days or in the case of any work period between 7 and 28 days, a proportionate number of hours in such a work period).

(2) Scheduled work period employees shall receive overtime compensation for work which meets (1)(a) through (d). However, an agency is not obligated to pay overtime due to a change in the work day or workweek, when such change is in response to a written request from an employee for employee convenience; nor is an agency obligated to pay overtime for travel time to and from training locations considered to be time worked outside an employee's normal working hours if the employee works no more than forty hours in a workweek, as provided in a collective bargaining agreement.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets (1)(b) through (d) and may be paid overtime compensation for work which meets (1)(a).

(4) Exception work period employees are not normally compensated beyond their regular rate of pay for work which meets (1)(a) through (d). However, they may be compensated for any of those conditions if their appointing authority deems it appropriate. The rate of overtime compensation may be fixed by the appointing authority but may not exceed time-and-one-half the regular rate of pay for these employees.

Law enforcement employees shall receive overtime compensation for work that meets (1)(e) and at the rate of time-and-one-half.

(5) Unless otherwise provided in the work period designations or other personnel board decisions, the rate of overtime compensation for scheduled and nonscheduled work period employees shall be time-and-one-half.

Overtime compensation shall be paid in either cash or compensatory time off, provided that such compensation is paid in a manner consistent with the overtime liquidation provisions of the merit system rules.

Only when an agency and the employee agree may compensatory time off be used in lieu of cash compensation for overtime. When compensatory time is utilized by scheduled or nonscheduled work period employees it shall be compensated at the rate of time-and-one-half.

AMENDATORY SECTION (Amending Order 140, filed 1/11/80)

WAC 356-18-070 SICK LEAVE—REPORTING—PAYMENT. (1) Sick leave shall be reported at the beginning of the absence and in accordance with agency procedure.

(2) Upon returning to work the employee shall report the general reason or circumstance for the sick leave as found in WAC 356-18-060(1) through (6). ((A medical certificate may be required for any length of sick leave taken, but must be required if the reason was personal illness as cited in WAC 356-18-060(1)(a), (b), or (c), and continued for more than ten continuous work days.))

(3) Sick leave shall be charged on an hourly basis.

(4) The accounting procedures established by the office of financial management prescribe the payments of sick leave for the reasons found in WAC 356-18-060(1) so as to exclude the payments from the meaning of "wages" under the Federal Old Age and Survivors Insurance.

AMENDATORY SECTION (Amending Order 179, filed 12/22/82)

WAC 356-18-105 EXIT LEAVE. (1) Employees who separate from the state service (voluntarily or involuntarily, except by death) and are not members of the public employees retirement system Plan 1 shall exhaust their accrued vacation leave to which they are entitled by taking exit leave.

(2) ~~(Effective July 1, 1983, exit leave time shall not be credited toward sick leave or periodic increments.~~

~~(3))~~ Time spent in exit leave by employees in probationary or trial service status shall not be credited toward gaining permanent status.

~~((4))~~ (3) Time spent in exit leave shall not be counted as part of the advance notice required for dismissals, demotions, suspensions, or separations due to reduction in force.

~~((5))~~ (4) Employees may not take accrued sick leave during the period of exit leave.

NEW SECTION

WAC 356-18-095 VACATION LEAVE—ACCUMULATION—EXCESS. Vacation leave may be accumulated to a maximum of thirty days (240 hours). However, there are two methods which allow vacation leave to be accumulated above the maximum.

(1) If an employee's request for vacation leave is denied by the employing agency, then the maximum of thirty working days' accrual shall be extended for each month that the leave is deferred, provided a statement of necessity justifying the denial is filed with the Department of Personnel.

(2) As an alternative to (1) above, employees may also accumulate vacation leave in excess of thirty days as follows:

(a) An employee may accumulate the vacation leave days between the time thirty days is accrued and his/her anniversary date of state employment.

(b) Such leave accumulated shall be used by the anniversary date and at a time convenient to the employing institution/agency. If such leave is not used prior to the employee's anniversary date, such leave shall be automatically extinguished and considered to have never existed.

(c) Such leave credit acquired and accumulated shall never, regardless of circumstances, be deferred by the employing institution/agency by filing a statement of necessity as described in (1) above.

WSR 83-14-014

ADOPTED RULES

WESTERN WASHINGTON UNIVERSITY

[Order 6-02-83, Motion No. 6-02-83—Filed June 28, 1983—Eff. September 19, 1983]

Be it resolved by the board of trustees of Western Washington University, acting at Bellingham, Washington, that it does adopt the annexed rules relating to parking and traffic regulations, repealing WAC 516-12-010 through 516-12-320 and adopting WAC 516-12-400 through 516-12-480; bicycle traffic and parking regulations, amending chapter 516-13 WAC; and appeals from parking violations, repealing WAC 516-14-010 through 516-14-110 and adopting WAC 516-14-200.

This action is taken pursuant to Notice No. WSR 83-09-040 filed with the code reviser on April 18, 1983. These rules shall take effect at a later date, such date being September 19, 1983.

This rule is promulgated under the general rule-making authority of Western 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 June 2, 1983.

By G. Robert Ross
President

Chapter 516-12
Parking and traffic regulations

NEW SECTION

WAC 516-12-400 [✓]DEFINITIONS. As used in these chapters, 516-12, 13, and 14 WAC, the following words and phrases mean:

(1) "Area Designator": A tag affixed to a decal indicating a parking lot assignment for a vehicle.

(2) "Automobile": Any motorized vehicle having four or more wheels.

(3) "Board": The Board of Trustees of Western Washington University.

(4) "Campus": All state lands devoted to the educational or research activities of the university.

(5) "Decal": A Western Washington University parking permit with a "peel-off" backing.

(6) "Employee": Any individual appointed to the faculty, staff, or administration of the university.

(7) "Habitual Offender": Any person who accrues ten or more paid or unpaid parking citations.

(8) "Motorcycle": Any two or three wheeled motorized vehicle.

(9) "Motor Vehicle" or "vehicle": Any automobile or motorcycle.

(10) "Multiple vehicle" or "pool" card: A card issued to a multiple vehicle or pool permit holder.

(11) "Multiple Vehicle Permit": A decal with a designator "MV" indicating a decal issued to a person who owns and has registered more than one vehicle.

(12) "Parking Appeals Board": The Board which hears parking citation appeals.

(13) "Parking Manager": The person appointed Parking Manager of the university by the President or designee.

(14) "Parking Space": A parking area designated by a sign, wheelstop, white-painted lines, and/or white traffic buttons.

(15) "Permit": Any special or temporary parking permit authorized by the Parking Manager.

(16) "Pool Permit": A decal with a designator "Pool" indicating a decal issued to a member of a car pool.

(17) "President": The President of Western Washington University.

(18) "Public Safety Department": The University Public Safety Department.

(19) "Student": Any person enrolled in the university as a student.

(20) "Transportation and Parking Department": The Transportation and Parking Department of the university.

(21) "Time-limited parking space": A space in which parking is allowed for a specific time period.

(22) "University": Western Washington University.

(23) "Valid permit": An unexpired parking decal and area designator or special permit authorized by the Parking Manager, properly registered and displayed on the vehicle.

(24) "Wheelstop": A cement, metal, or wood barrier approximately eight inches high.

NEW SECTION

WAC 516-12-410 **PURPOSE.** The purpose of these regulations are:

- (1) To facilitate the work of the university.
- (2) To assign the limited available space for the most effective use.
- (3) To protect and control pedestrian and vehicular traffic.
- (4) To assure access at all time for emergency traffic.
- (5) To regulate parking and minimize traffic disturbance during class hours.
- (6) To provide funds to maintain suitable parking facilities.

NEW SECTION

WAC 516-12-420 **AUTHORITY.** The Board of Trustees of Western Washington University is granted authority under Title 28B of the Revised Code of Washington to establish regulations to govern pedestrian and vehicular traffic and parking on the campus of the university. The administration of the parking regulations is the responsibility of the Parking Manager. Moving violations are the responsibility of the Director of Public Safety.

- (1) All regulations in this chapter and all motor vehicle and other traffic laws of the State of Washington will apply on the campus.
- (2) The traffic code of the City of Bellingham will apply on city streets which cross the campus.
- (3) The Parking Manager is authorized to:
 - (a) issue and/or sell parking decals and permits to employees, students, guests, visitors, and others when necessary, and to provide special parking for the physically disabled.
 - (b) impose and/or suspend traffic and parking regulations and restrictions when appropriate to the mission of the university.
 - (c) erect signs, barricades, and other structures to designate and mark the various parking or no parking areas on campus; and to paint marks and other directions on the streets and roadways for the regulation of traffic and parking.
 - (d) establish procedures, including time schedules and deadlines, to govern the purchase of annual, academic year, and quarterly decals, and to assign the limited parking spaces.
- (4) The authority conferred upon the Parking Manager under this chapter may be delegated by the Parking

Manager to other personnel within the Transportation and Parking Department under guidelines established by Business and Financial Affairs.

(5) The university reserves the right to change or close, either temporarily or permanently, any campus parking area. Notice of change will be provided whenever practical.

NEW SECTION

WAC 516-12-430 **GENERAL REGULATIONS.**

- (1) The registered owner(s) and the operator of a vehicle involved in a violation of these regulations will be jointly and severally responsible for the violation.
- (2) All vehicles, attended or unattended, must display a valid Western Washington University parking decal or permit when parked on the campus unless parked in a metered parking space (with meter payment), a time-limited space, or, with approval by the Parking Services Office, a space designated for visitors.
- (3) Policy on assignments to parking lots will be established by the Parking Manager.
- (4) If a parking decal or permit holder cannot locate a parking space in the assigned lot, he/she may park in the nearest visitor area and then must call the Parking Services Office. Motorcycle decal holders will go to the next nearest motorcycle lot.
- (5) The university reserves the right to refuse issuance of a parking decal and/or permit to anyone who has
 - (a) had a decal or permit revoked.
 - (b) falsified a parking application or vehicle registration.
 - (c) counterfeited or altered a decal, area designator, or permit.
 - (d) failed to pay outstanding citations.
 - (e) been identified as a habitual offender.
- (6) The speed limit on campus is 10 mph or as posted. Vehicles must be operated in a careful and prudent manner at all times and must be operated in compliance with established speed limits. Drivers of vehicles must obey all regulator signs and comply with directions given by members of the Transportation and Parking Department and officers of the Public Safety Department in the control and regulation of parking and traffic.
- (7) The operator of a vehicle must yield the right-of-way to pedestrians crossing streets and roadways within the campus, and at intersections or clearly marked crosswalks or city streets which cross the campus. Pedestrians must not cross any street or roadway except at an intersection or clearly marked crosswalk. Pedestrians must utilize sidewalks where provided on streets and roadways. If no sidewalk is provided, pedestrians will utilize the extreme left-hand side and move to their left and clear of the roadway or street upon meeting an oncoming vehicle.
- (8) Vehicles owned by or assigned on a permanent basis to administrative units on campus and bearing "B" or "M" license plates or a university insignia may be parked in "G" or "P" lots for brief periods while the driver is on university business. Long-term parking is not permitted, nor is any parking allowed in reserved spaces except when a space is designated for that specific vehicle. University vehicles may be parked in metered

spaces provided that meter regulations are observed. Violations incurred will be the responsibility of the driver. All operators of these or other state vehicles will abide by all traffic and parking regulations.

(9) No person may utilize any vehicle parked on campus as a living unit without specific approval from the Parking Manager. Violators will be cited and/or towed.

(10) Vehicles are to be maintained in operating condition at all times on university property. Repairs will not be made on campus unless authorization has been received in advance from the Parking Manager. A vehicle which appears to be abandoned, with or without current Western Washington University registration or license plates, may be impounded after an attempt is made to locate and notify the owner of the impending action.

(11) The university rents space to individuals who wish to park on campus and who purchase or are issued a parking decal or permit. The university assumes no responsibility or liability under any circumstances for vehicles or bicycles parked on campus nor does it assume any personal liability in connection with its parking program. No bailment of any sort is created by the purchase of a permit.

(12) The person who registers a vehicle is responsible for assuring that the vehicle, regardless of who drives it, is parked in conformance with these regulations.

NEW SECTION

WAC 516-12-440 ✓ **PARKING AREAS.** (1) Parking is prohibited in any area not specifically marked as a parking space, designated by a sign, wheelstop, whitepainted lines, and/or white traffic buttons.

(2) Vehicles will not be parked in any parking area without a parking permit or decal and designator for that area except as provided in WAC 516-12-430(2).

(3) Parking in a time-limited space is limited to the time posted or assigned.

(4) Visitors will park only where assigned by permit or in metered visitor areas with meter payment.

(5) Vehicles displaying valid decals or permits for other parking areas on campus may not park in metered visitor lots except as provided in WAC 516-12-430(4).

(6) Metered lots are reserved for visitors and should not be used by members of the campus community. "Feeding" meters is prohibited.

(7) Motorcycles and moped-type vehicles will be parked in designated "M" (motorcycle) lots only and will not use space assigned to automobiles or bicycles.

(8) Automobiles will not park in areas assigned to motorcycles.

(9) Bicycles must be parked in bicycle racks where provided. (WAC 516-13)

(10) Personal notes left on vehicles describing reasons for parking without a proper and valid decal or permit or for parking in an unauthorized manner will not be accepted.

(11) Spaces designated for specific use are restricted to assigned vehicles.

(12) Resident student (C) lots are restricted to permit/decal holders 24 hours per day.

(13) All parking spaces are defined by signs, painted surface lines, traffic "buttons", and/or wheelstops. All other areas are no parking zones. Using more than one space when parking is prohibited.

(14) The fact that other vehicles are parked improperly does not constitute a valid excuse. Should an individual parked in violation of any regulation not receive a citation, it does not indicate that such parking is authorized, that the regulation is no longer in effect, or that a future ticket is invalid.

NEW SECTION

WAC 516-12-450 ✓ **PERMITS AND DECALS.** (1) Except as otherwise provided in this chapter, decals and permits may be issued only to students, employees, and other members of the university community. Persons wishing to obtain parking decals are required to complete a registration form provided by the Transportation and Parking Department and pay the fee.

(2) A valid permit means an unexpired parking decal and area designator or special parking permit authorized by the Parking Manager, properly registered and displayed on the vehicle.

(3) Decals and area designators are to be permanently attached to the inside of the rear window, lower left-hand corner, as viewed from the rear of the vehicle. If the vehicle is a convertible, has no rear window, has a retractable rear window or rear window defoggers, the decal and area designator may be permanently attached to the center bottom of the windshield.

(4) Motorcycle decals will be permanently attached to the top of the taillight. If tail light does not conform to current Federal law, decal must be attached so as to be easily seen from the rear of the vehicle.

(5) All expired decals and area designators must be removed before new decals and designators are attached.

(6) Special permits are to be displayed as instructed by parking personnel. Decals, area designators, and special permits not displayed as stated will be considered invalid.

(7) Parking decals, designators, and special permits may not be transferred to any other vehicle.

(8) Current decals and permits must be removed when the vehicle is destroyed or changes ownership. Replacement decals and permits will be issued at no cost provided the old permit/decal is returned.

(9) Lost or stolen decals will be replaced provided a report is made to the Office of Public Safety (if stolen) and a statement is signed at the Parking Services Office. A fee will be charged for replacement of lost decals and/or pool and multiple vehicle cards.

(10) Persons who wish to form car pools with other members of the university community or who own and wish to park different vehicles on campus will be issued pool or multiple vehicle decals. In either case, each vehicle must be registered and the decal is not valid without the display of a pool or multiple vehicle card which is transferrable from car to car. Persons who have been issued pool or multiple vehicle decals may have only one vehicle parked on campus at any one time during the hours of enforcement.

(11) To enhance the business or operation of the university, "all lots" decals may be issued by the Parking Manager. Requests for all lots decals require annual written justification and the signature of the dean, director, or chairperson of the department with which the person is associated. Requests may also require the approval of the Transportation and Parking Advisory Committee. Issuance of all lots decals require purchase of a parking decal and will be in effect for the same period of time. All lots decals are valid for brief periods of time only when on university business and are not valid in metered lots, specifically reserved spaces, or small capacity lots.

(12) Persons with a temporary or permanent physical disability who require special parking consideration must furnish to the Parking Manager a physician's certification of the request on forms provided by the Parking Services Office. (This certification does not apply to persons whose vehicles bear a state-issued handicapped license.)

(13) Decals, permits and area designators are the property of the university and may be recalled by the Parking Manager under the following circumstances:

- (a) When the purpose for which they were issued changes or ceases to exist.
- (b) When they are used on a vehicle other than the one for which they were issued.
- (c) Falsification of an application for parking or a vehicle registration.
- (d) Violation of the regulations in this chapter.
- (e) Counterfeiting or altering a decal, area designator, or permit.
- (f) Failure to comply with a judgment of the Parking Appeals Board.
- (g) Failure to pay outstanding citations.

(14) Annual, academic, and quarterly parking space assignments for each year beginning September 15 and ending September 14 will be available according to a schedule determined and publicized by the Parking Manager.

- (a) Annual decals are valid for 12 months: September 15 through September 14.
- (b) Academic decals are valid for 9 months: September 15 through June 14.
- (c) Quarterly decals are valid from the first day of the quarter for which issued until the first day of the succeeding quarter.
- (d) Those persons desiring to renew a quarterly decal for Winter, Spring, and Summer quarters in the same parking lot as assigned for Fall quarter, may do so during the two weeks prior to finals week each quarter. All spaces not renewed will go on open sale finals week of each quarter.
- (15) Special permits may include, but are not limited to, part-time, guest, service/vendor, temporary assignment, visitor, loading, and replacement vehicle permits authorized by the Parking Manager.

NEW SECTION

WAC 516-12-460 FEES (1) Fee schedules will be submitted by the President or his designee to the Board

of Trustees for approval by motion and will thereafter be posted in the public area of the Parking Services Office.

(2) Cost of decals will be pro-rated throughout the year according to type of decal and date purchased and will be posted in the Parking Services Office.

(3) Refunds may be made on decals purchased based on the valid time remaining upon application by the decal holder or upon revocation of the decal by the Parking Manager. Unpaid citation fines will be deducted from any refund.

(a) The decal holder must return the decal to the Parking Services Office before a refund will be authorized or a payroll deduction be terminated.

(b) A service charge will be assessed for any decal returned during the first ten days of Fall quarter.

(c) A service charge will be assessed for quarterly decals returned during the first ten days of the quarter for which valid.

(d) No refund will be made for any decal during the last two weeks of the period for which issued.

(4) A service charge will be assessed for:

(a) Change of decals when a lot transfer is requested by the decal holder and approved by the Parking Manager.

(b) Replacement of a pool or multiple vehicle card or lost decals.

(5) Full-time faculty and staff have the option of paying for parking through payroll deduction.

(6) Pro-rated fees will be charged for part-time permits and a visitor parking fee will be charged.

(7) The proper fee must be paid for all vehicles parked in metered lots unless otherwise authorized.

NEW SECTION

WAC 516-12-470 ENFORCEMENT (1) General

(a) A vehicle which is parked in a manner which endangers or potentially endangers members of the university community or their property, state property, and/or prevents a person having a valid decal or permit from parking in their designated parking area, will be impounded on the first violation.

(b) Upon receiving a third parking citation with two previous unpaid parking citations outstanding for more than 72 (seventy-two) hours, a vehicle is subject to impound.

(c) A student with unpaid parking citations may not be allowed to have a copy of his/her transcript released by the Registrar's Office.

(d) Parking decals/permits will not be issued until all outstanding citations are paid.

(e) After identifying the registered owner of any vehicle with or without a parking decal or permit which has five or more unpaid citations, the Parking Services Office will contact the owner in writing that payment is required. If payment for outstanding citations is not made by the date required, the matter will be referred to the appropriate civil court for resolution.

(f) The operator and owner(s) of a vehicle which is involved in a violation of the university's parking regulations are jointly and severally responsible for the violation.

(g) These enforcement measures are cumulative and resort to one or more will not waive or impair the university's right to use any other enforcement measure.

(2) When Regulations Are In Effect

(a) Except as stated in b and c of this section, the regulations in this chapter will be enforced throughout the calendar year from 7 a.m. to 5 p.m. but will not be enforced on Saturdays, Sundays, and official university holidays unless otherwise posted. For purposes of this section, intersessions are not considered a university holiday.

(b) A vehicle which is parked in a manner which endangers or potentially endangers members of the university or their property or state property will be impounded on the first violation regardless of when the violation occurs.

(c) Intersession regulations will be determined and published by the Parking Manager as required.

(3) Night Parking

(a) The hours of night parking are 5 p.m. to 7 a.m.

(b) During the hours of night parking all lots except "C" (Campus Resident) lots and reserved spaces in any lot are open to parking unless otherwise designated by the Parking Manager.

(c) "C" parking lots are restricted to "C" decal holders at all times.

(4) Citations. A vehicle which is in violation of the university's parking regulations will be issued a citation, and fines will be assessed for violations of these regulations according to the following schedule:

(a) \$3.00 violations

(i) No valid permit displayed

(ii) Parking at an expired meter

(iii) Parking out of assigned area

(iv) Pool or multiple vehicle card not displayed

(v) Overtime parking

(vi) Parking in a no parking zone

(vii) Occupying more than one space

(viii) Parking in a reserved or restricted area

(ix) Parking in a driveway and/or walkway

(x) Improper display of permit, decal, and/or area designator

(b) \$5.00 violations

(i) Blocking traffic

(ii) Parking in prohibited area (except handicapped spaces)

(iii) Parking on grass or landscaped area

(c) \$10.00 violation. Use of forged or stolen area designator.

(d) \$25.00 violations

(i) Use of forged or stolen vehicle permit or decal

(ii) Parking in a designated handicapped space

(iii) Parking within ten feet of a fire hydrant

(e) Citations will remain in effect for a period of five years.

(5) Continued Violations. A vehicle which remains in violation of any regulations may receive additional citations for every four (4) hours of the violation.

(6) Impoundment

(a) All violators are subject to having their vehicles impounded at their own risk and expense

(i) upon receiving a third parking citation with two previous unpaid citations outstanding for more than 72 hours.

(ii) when the vehicle is parked in such a manner as to endanger the university community, or

(iii) the vehicle is parked so as to deprive a permit holder of his/her parking space.

(b) The operator/owner of the vehicle must provide positive personal identification and proof of ownership of the vehicle and pay all outstanding citations at the Parking Services Office (or Public Safety Office when Parking Services Office is closed) before a vehicle release form is completed.

(i) The release form is issued to the vehicle operator/owner who must then present it in person at the towing company and pay all towing charges including any storage fees incurred.

(ii) A towing fee is charged if the driver of the tow truck has performed any labor prior to the operator/owner returning to the vehicle before the impound is completed.

NEW SECTION

WAC 516-12-480 ✓ APPEALS. Any person who alleges being unjustly ticketed and who wishes to appeal a citation shall report to the Parking Services Office within seven (7) days from the date of the citation and complete an appeal form.

(1) The right to a hearing is forfeited seven (7) days from the date of the citation.

(2) Any person dissatisfied with the decision of the Parking Manager or designee on appeal of a citation may request a hearing before the Parking Appeals Board. (WAC 516-14)

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 516-12-010 ✓ DEFINITIONS.

(2) WAC 516-12-020 ✓ PREAMBLE

(3) WAC 516-12-030 ✓ PURPOSES

(4) WAC 516-12-040 ✓ APPLICABLE TRAFFIC RULES AND REGULATIONS.

(5) WAC 516-12-050 ✓ PERMITS REQUIRED FOR VEHICLES ON CAMPUS.

(6) WAC 516-12-060 ✓ PERSONS RESPONSIBLE FOR COMPLIANCE.

(7) WAC 516-12-070 ✓ PERMITS - AUTHORIZATION FOR ISSUANCE AND SALE.

(8) WAC 516-12-073 ✓ PERMITS - FEES.

(9) WAC 516-12-076 ✓ PURCHASE SCHEDULE.

(10) WAC 516-12-080 ✓ ASSIGNMENT OF PARKING.

(11) WAC 516-12-090 ✓ VALID PERMIT.

(12) WAC 516-12-100 ✓ PERMIT - DISPLAY.

(13) WAC 516-12-110 ✓ TRANSFER.

- (14) WAC 516-12-120 ✓ ADDITIONAL VEHICLE - POOL PERMITS.
- (15) WAC 516-12-130 ✓ PERMIT - REVOCATION.
- (16) WAC 516-12-140 ✓ PERMIT - RIGHT TO REFUSE.
- (17) WAC 516-12-145 ✓ PERMIT - APPLICATIONS.
- (18) WAC 516-12-150 ✓ PERMIT - ANNUAL, ACADEMIC YEAR AND QUARTERLY.
- (19) WAC 516-12-160 ✓ REFUNDS.
- (20) WAC 516-12-170 ✓ PERMIT - SPECIAL
- (21) WAC 516-12-175 ✓ PERMITS - ALL LOTS
- (22) WAC 516-12-180 ✓ NIGHT PARKING
- (23) WAC 516-12-190 ✓ SPEED.
- (24) WAC 516-12-200 ✓ REGULATORY SIGNS AND DIRECTIONS.
- (25) WAC 516-12-210 ✓ PEDESTRIANS RIGHT OF WAY.
- (26) WAC 516-12-220 ✓ PARKING AREAS.
- (27) WAC 516-12-230 ✓ PARKING WITHIN DESIGNATED SPACES.
- (28) WAC 516-12-240 ✓ UNIVERSITY AND STATE OWNED VEHICLES.
- (29) WAC 516-12-250 ✓ AUTHORITY OF PARKING MANAGER TO IMPOSE SPECIAL TRAFFIC AND PARKING REGULATIONS.
- (30) WAC 516-12-255 ✓ CITATIONS.
- (31) WAC 516-12-256 ✓ CONTINUING VIOLATIONS.
- (32) WAC 516-12-260 ✓ ENFORCEMENT.
- (33) WAC 516-12-265 ✓ ENFORCEMENT - WHEN REGULATIONS IN EFFECT.
- (34) WAC 516-12-268 ✓ LACK OF SPACE IN ASSIGNED LOT.
- (35) WAC 516-12-280 ✓ LIABILITY OF UNIVERSITY.
- (36) WAC 516-12-290 ✓ PARKING AREA DESIGNATIONS.
- (37) WAC 516-12-300 ✓ DELEGATION OF AUTHORITY.
- (38) WAC 516-12-310 ✓ PARKING OF VEHICLES ON CAMPUS.
- (39) WAC 516-12-320 ✓ REPAIR OF VEHICLES.

Chapter 516-13

Bicycle traffic and parking regulations

AMENDATORY SECTION

WAC 516-13-010 ✓ PURPOSE. The primary aim of ~~((the))~~ these regulations ~~((set forth in this chapter))~~ shall be to prevent the unsafe use and/or unsafe parking

of bicycles on the campus of Western Washington ~~((State College))~~ University.

AMENDATORY SECTION

WAC 516-13-020 ✓ PARKING REGULATIONS.
(1) All State of Washington bicycle regulations are applicable on the campus.

(2) All City of Bellingham Bicycle regulations are applicable on the campus.

(3) Bicycles are to be parked in bicycle racks where provided or in parking areas specifically designated or marked as a bicycle parking area. No person shall park a bicycle in the public areas of buildings, ~~((on the campus of Western Washington State College (except in designated areas, if any). No person shall park a bicycle on the campus of Western Washington State College))~~ on a path, sidewalk, walkway, or in such a manner as to block a building exit or entrance.

(4) Bicycles are not to be chained to a designated work of art (identifiable by a placque).

(5) Improperly parked bicycles are subject to impoundment.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION

WAC 516-13-030 ✓ IMPOUNDING OF BICYCLES. (1) Bicycles may be impounded for illegal parking, if parked in public areas of buildings (except in designated areas) or parked so as to block paths, walkways or building exits.

(2) Bicycles will be released upon presentation of proof of ownership and payment of a \$3.00 fee if claimed within seven (7) days. ~~((Owners of impounded bicycles, if identifiable, will be notified immediately after impound and must reclaim the bicycle within seven days.))~~ Bicycles unclaimed after seven days will be released to the Bellingham Police Department. If the owner of an impounded bicycle can be identified they will be notified immediately after impound.

NEW SECTION

WAC 516-13-070 ✓ REGISTRATION. Owners of bicycles operated on the Western Washington University campus are encouraged to register their bicycles with the University Public Safety Department. Registration is free and will facilitate identification of stolen or impounded bicycles.

NEW SECTION

WAC 516-13-080 ✓ OPERATION. Pedestrians have the right-of-way on all sidewalks, pathways, and plaza areas on campus. Bicyclists will use due caution when riding bicycles on campus.

Chapter 516-14
Appeals from parking violations

NEW SECTION

WAC 516-14-200 ✓ **POLICY AND PROCEDURE.**
A Parking Appeals Board has been established composed of one administrator, one faculty member, and one staff member, to be appointed by the administrators, faculty, and staff respectively, and four students to be appointed by the Associated Students. Each will be appointed for a one-year term. The board will choose its own chairperson from its members.

(1) The board will meet throughout the academic year dependent upon the volume of appeals.

(2) The Parking Appeals Board has jurisdiction to hear and decide only those cases involving alleged violations of Western Washington University's Parking Regulations, WAC Chapter 516-12 and 13.

(3) Moving violations, violations of the motor vehicle and other traffic laws of the state of Washington, and traffic code of the City of Bellingham are referred to the Bellingham Police Department and District Justice Court.

(4) The Parking Appeals Board may adopt its own by-laws. However, these by-laws may not conflict with the WAC or the policies and procedures of related offices except by recommendation in writing, and subsequent approval of the office involved, through established university channels. The Board shall be considered autonomous to the the university governance system as to its judgment of appeals only. The Board Chairperson shall prepare an annual report for informational purposes to be submitted to the Vice President of Business and Financial Affairs by May 31 each year.

(a) Payment of a parking fine shall not constitute a waiver of the right to a hearing with regard to the underlying violation.

(b) Those receiving a university parking citation may appeal the citation by completing an official appeal form available at the Parking Services Office. The form must be completed within seven (7) days of the issuance of the citation or the citation will be considered valid. (WAC 516-12-480)

(c) The appeal form must include a full explanation of the basis for the appeal. The only proper basis for an appeal is a contention that the cited regulations were not violated.

(d) The Parking Manager (or designee) will review the appeal and may recommend dismissal of the citation. If dismissal is not recommended, the appeal will be sent to the board for adjudication. The Parking Manager has the authority to waive completion of the appeal form.

(d) Should a personal appearance before the board be desired, it should be indicated on the form, otherwise the citation will be adjudicated on the basis of the written submission only.

(e) If a personal appearance is requested, and the appellant cannot appear on the date scheduled, the appellant must notify the Transportation and Parking Department in writing at least 24 hours before the scheduled time and request a new date. Only on such re-

scheduling is permitted. If the appellant does not appear at a scheduled hearing without notification, the appeal will be adjudicated on the basis of the written appeal only.

(f) The Parking Appeals Board operates according to the rights of due process of law. If desired, the appellant has the right to be represented by counsel, the right to cross-examine witnesses, and the right to an open and impartial hearing.

(g) The Transportation and Parking Department has the right to be represented at hearings and to cross-examine witnesses.

(h) The appeals Board may examine witnesses for either side.

(i) At the conclusion of a hearing, and in an open meeting, the Board will specify the charge(s) against the alleged violator, pronounce a judgment of guilty or not guilty as to each charge, and include a rationale for each judgment. The Board has the authority to deny the appeal, void or refund the citation fine(s) in part or in full, and/or refund the towing charge(s) in part or in full, according to the pronounced judgement of guilty or not guilty.

(j) The decision of the Appeals Board will be in writing and will be final.

(k) Failure to comply with a decision of the Parking Appeals Board constitutes a ground for revocation of campus parking privileges. Any unpaid fine will be deducted from any refund due as a result of revocation of parking privileges or a judgment of the Board.

(l) A written record of the judgment, rationale, and fine imposed, if any, shall be furnished the Transportation and Parking Department by the Parking Appeals Board Chairperson. These records will then be maintained by the Transportation and Parking Department.

(m) Within the Revised Code of Washington, the alleged violator may appeal the decision of the Appeals Board to the State District Court within ten days after written notice of the final decision has been given.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 516-14-010 ✓ ESTABLISHMENT OF PARKING APPEALS BOARD AND APPOINTMENT OF MEMBERS.
- (2) WAC 516-14-020 ✓ JURISDICTION OF THE COLLEGE APPEALS BOARD.
- (3) WAC 516-14-030 ✓ PROCEDURE—SUMMONS AND SERVICE THEREOF.
- (4) WAC 516-14-040 ✓ PROCEDURE—ELECTION TO FORFEIT OR CONTEST.
- (5) WAC 516-14-050 ✓ PROCEDURE—COMPLAINT.
- (6) WAC 516-14-060 ✓ PROCEDURE—PLEAS AT HEARING.

- (7) WAC 516-14-070 ✓ PROCEDURE—OATH OR SOLEMN AFFIRMATION.
- (8) WAC 516-14-080 ✓ PROCEDURE—RULES OF EVIDENCE.
- (9) WAC 516-14-090 ✓ PROCEDURE—EXAMINATION OF WITNESSES.
- (10) WAC 516-14-100 ✓ PROCEDURE—JUDGMENT.
- (11) WAC 516-14-110 ✓ ENFORCEMENT OF JUDGMENTS OF THE COLLEGE PARKING APPEALS BOARD.

WSR 83-14-015
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 83-56—Filed June 28, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, 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 will allow the use of additional types of gear to harvest squid, provide protection for other species of food fish and shellfish during squid harvesting, and provide additional management information on the squid fishery.

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 June 27, 1983.

By Ronald E. Westley
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-52-07500F SHELLFISH HARVEST LOGS. Notwithstanding WAC 220-52-075, effective immediately:

It is unlawful for any vessel operator engaged in commercial crawfish, sea cucumber, sea urchin, scallop, squid, or shrimp fishing or operator of mechanical clam digging device to fail to obtain and accurately maintain the appropriate harvest log available from the Washington department of fisheries. The harvest log

must be kept aboard the vessel while the vessel is engaged in harvest or has crawfish, sea cucumbers, sea urchins, shrimp, scallops, squid, or clams aboard. The vessel operator must submit the log book for inspection upon request by authorized department of fisheries representatives. The department's copies of the completed harvest log must be submitted to the department for each calendar month in which fishing activity occurs. State copies must be received within ten days following any calendar month in which fishing activity occurred and by the tenth day following the termination of commercial fishing activity, whichever occurs first. Vessel operators engaged in commercial harvest of:

(1) *Shrimp or crawfish with shellfish pot or ring net gear must record the vessel Washington department of fisheries boat registration number, number of pots or ring nets pulled, date pulled, soak time, and gear location before leaving the catch area where taken, and weights must be recorded upon landing or sale. In addition, vessel operators engaged in commercial harvest of shrimp in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 27A, 27B, or 27C (Hood Canal) must record the total number of pots they have in the water and the total number of buoys attached to those pots, and the department's copy of the completed harvest log must be submitted weekly, post-marked no later than Friday and showing harvest activity for the period Thursday of the week previous to submission through Wednesday of the week the harvest log is submitted.*

(2) *Shrimp with beam trawl or shrimp trawl gear must record the vessel identity, date, location, duration and estimated weight of shrimp caught for each tow before leaving the catch area where taken.*

(3) *Sea urchins or sea cucumbers must record the vessel identity, date, location, and the approximate number of sea urchins or sea cucumbers before leaving the catch area where taken and the exact weight must be recorded upon landing or sale.*

(4) *Clams with mechanical digging devices must record the vessel identity, location, and date of harvest before the end of each day's fishing and the weights by clam species must be recorded upon landing or sale.*

(5) *Scallops with dredge or trawl gear must record the vessel identity, date, location, and duration of harvest and estimated weight of scallops caught for each tow before leaving the catch area where taken.*

(6) *Squid, except when taken incidental to another lawful fishery, shall record the vessel Washington department of fisheries registration number, gear type, Marine Fish-Shellfish Catch Area, starting and ending time of fishing, numbers of other species caught and returned, and weights of squid must be recorded upon landing or sale.*

NEW SECTION

WAC 220-52-06600A SQUID FISHERY Notwithstanding WAC 220-52-066, effective immediately:

(1) *It is lawful at any time to take or fish for squid for commercial purposes with drag seine gear not exceeding 350 feet in length and having meshes of not less than 1-1/4 inches stretch measure, dip bag net, brail, and squid*

jigging gear. Dip bag net and brail shall not exceed 10 feet in diameter and shall have a minimum stretch mesh of one inch. Other gear may be used to fish for squid when authorized by a permit from the director.

(2) Food fish or other shellfish caught while fishing for squid shall be returned to the water immediately. It is lawful to retain squid for commercial purposes taken incidental to another commercial fishery.

(3) Each vessel fishing for squid may use a lighting system consisting of lights with a combined power of not more than 10 kilowatts to attract the squid. Lights of 200 watts and greater shall be shielded and shall be directed on the water towards a point not more than 100 feet from the vessel.

(4) It is unlawful to fish for squid for commercial purposes within 1/4 mile of the shoreline of an incorporated city or town.

WSR 83-14-016

**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Memorandum—June 27, 1983]

You are hereby notified that the board of trustees of Whatcom Community College, District Number Twenty-One, will hold its regular meeting at 3:00 p.m., July 12, 1983, Board Room, Northwest 2, Whatcom Community College, 5217 Northwest Road, Bellingham, WA 98226.

Please note the scheduled July 28 and August 9, 1983, board meetings are cancelled.

WSR 83-14-017

**RULES OF COURT
STATE SUPREME COURT**

[June 21, 1983]

IN THE MATTER OF THE ADOPTION
OF GR 10 AND CJC 7(B)(1)(d) and
AMENDMENTS TO CJC 3(A)(7)(c),
CJC 6(c), CJC 7(A)(2). NO. 25700-A-345
ORDER

The adoption of GR 10 and CJC 7(B)(1)(d) and amendments to CJC 3(A)(7)(c), CJC 6(c), and CJC 7(A)(2) and the Court having determined that the proposed rules and amendments will aid in the prompt and orderly administration of justice; Now, therefore, it is hereby:

ORDERED:

(a) That the rules and amendments as attached hereto are adopted.

(b) That pursuant to GR 9.7(c) the rules and amendments will be published in July in a Washington Reports Advance Sheet.

(c) That pursuant to GR 9.7(d) the rules and amendments will become effective September 1, 1983.

DATED at Olympia, Washington this 21st day of June, 1983.

William H. Williams

Robert F. Brachtenbach

James M. Dolliver

Hugh J. Rosellini

Fred H. Dore

Charles F. Stafford

Carolyn R. Dimmick

Robert F. Utter

Vernon R. Pearson

GR 10

**ETHICS ADVISORY COMMITTEE REGARDING
ADVISORY
OPINIONS ON JUDICIAL CONDUCT**

(a) The Chief Justice shall appoint an Ethics Advisory Committee consisting of seven members each to serve a 2-year term. One member shall be appointed from the Court of Appeals, two members from the superior courts, two members from the courts of limited jurisdiction, one member from the Washington State Bar Association, and the Administrator for the Courts. The Chief Justice shall designate one of the members as chairman. The committee (1) is designated as the body to give advice with respect to the application of the provisions of the Code of Judicial Conduct to officials of the Judicial Branch as defined in article 4 of the Washington Constitution and (2) shall from time to time submit to the Supreme Court recommendations for necessary or advisable changes in the Code of Judicial Conduct.

(b) Any judge may in writing request the opinion of the committee. Compliance with an opinion issued by the committee shall be considered as evidence of good faith by the Judicial Qualifications Commission and the Supreme Court.

(c) Every opinion issued pursuant to this rule shall be circulated by the Administrator for the Courts. A request for an opinion is confidential and not public information unless the Supreme Court otherwise directs. The Administrator for the Courts shall publish regularly opinions issued pursuant to this rule.

CJC 3(A)(7)(c)

(c) No witness, juror, or party who expresses any prior objection to the judge shall be photographed nor shall the testimony of such a witness, juror, or party be broadcast or telecast. Notwithstanding such objection, the judge may allow the broadcasting, televising, recording, or photographing of other portions of the proceedings.

CJC 6(C)

~~(C) Public Reports. A judge should report the date, place, and nature of any activity for which he received compensation, and the name of the payor and the amount of compensation so received. Compensation or income of a spouse attributed to the judge by operation of a community property law is not extrajudicial compensation to the judge. His report should be made at~~

~~least annually and should be filed as a public document in the office of the clerk of the court on which he serves or other office designated by rule of court. A judge should make such financial disclosures as required by law.~~

CJC 7(A)(2)

(2) A judge holding an office filled by public election between competing candidates or candidates for such office, may attend political gatherings and speak to such gatherings on his own behalf or that of another judicial candidate. The judge or candidate shall not identify himself as a member of a political party, and he shall not contribute to a political party or organization.

CJC 7(B)(1)(d)

(d) should not permit false, misleading, or deceptive campaign advertising to be published or broadcast in behalf of his candidacy.

WSR 83-14-018
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed June 28, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning WAC 296-400-010 examination fee and notification; WAC 296-400-030 issuing of permits; and WAC 296-400-045 plumber examination, certification, reinstatement, and temporary permits fees. WAC 296-400-030 is amended to clarify the provisions on temporary permits. WAC 296-400-045 is added to establish fees for plumber's examination, the fee for the renewal or reinstatement of a journeyman or specialty plumber's certificate, the fee for the issuance of a new plumber's certificate, and for a plumber's temporary permit. This notice also specifies that the plumber's certificate will expire on the certificate holder's birthdate in an odd or even numbered year depending on the birth year of the certificate holder. WAC 296-400-010 is repealed;

that the agency will at 9:30, Wednesday, August 17, 1983, in the General Administration Building, 3rd Floor Conference Room, 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 16, 1983.

The authority under which these rules are proposed is RCW 18.106.140 for WAC 296-400-030 and section 10 of Senate Bill 3054 which was enacted in the 1983 legislature for WAC 296-400-045.

The specific statute these rules are intended to implement is RCW 18.106.140 for WAC 296-400-030 and section 10 of Senate Bill 3054 which was enacted in the 1983 legislature for WAC 296-400-045.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 17, 1983.

Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Robert C. Cronkrite, Administrator
 Electrical Inspection, Plumber Certification
 and Contractor Registration Sections
 300 West Harrison, Room #509
 Seattle, Washington 98119

Dated: June 28, 1983

By: Sam Kinville
 Director

STATEMENT OF PURPOSE

Titles and Numbers of the Rules: WAC 296-400-030 Issuing of permits; WAC 296-400-010 Examination fee and notification; and WAC 296-400-045 Plumber examination, certification, reinstatement, and temporary permit fees.

Statutory Authority for the Rules and the Statutes the Rules Implement: RCW 18.106.140 for WAC 296-400-030 and section 10 of Senate Bill 3054 which was enacted in the 1983 legislature for WAC 296-400-045.

Summary of the Rules: Section 10 of Senate Bill 3054 which was enacted in the 1983 legislature requires fees to be established to cover the full cost of administering and enforcing the plumber certification statute. WAC 296-400-045 specifies a fee of \$30.00 for taking the plumber examination, a fee of \$48.00 for the issuance of a plumber certificate of competency for the two year renewal period, a fee of \$2.00 per month for a certificate for a period of less than two years, for a new or reinstated certificate of competency, with a minimum fee of \$10.00, and a \$10.00 fee for the issuance of a temporary permit. WAC 296-400-030 is amended to clarify the issuance and duration of temporary permits. WAC 296-400-010 is repealed.

Reasons Supporting the Rules: New legislation requires the establishment of fees for plumber certificates of competency and examinations and the change of the term and expiration of the new certificate or renewal from July 1 of each year to every other year and to expire on the birthday of the certificate holder. The fees in WAC 296-400-045 will allow the department to cover its costs and to pro-rate the fees for certificates that must expire less than two years from the issuance date. WAC 296-400-030 is confusing and is amended for clarity.

The Agency Employees Responsible for Drafting: M. Carlene White, Assistant Administrator, Licensing, Certification, and Compliance, Electrical Licensing, Plumber Certification, and Contractor Registration Sections, 520 South Water Street, Olympia, Washington 98504, (206) 754-1587; Implementation and Enforcement: Robert C. Cronkrite, Administrator, Electrical Inspection, Plumber Certification, and Contractor Registration Sections, 300 West Harrison, Room #509, Seattle, Washington 98119, (206) 281-5574.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, and Enforcement, and Fiscal Matters Pertaining to the Rule: These rules will cover the costs of the examinations and the issuance of journeyman and specialty plumber certificates of competency.

The rules are not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business impact statement is not required because chapter 18.106 RCW requires the department to set fees for the issuance, renewal, and reinstatement of all certificates, permits, and examinations.

AMENDATORY SECTION (Amending Order 74-13, filed 4/15/74)

WAC 296-400-030 ISSUING OF PERMITS. ~~((+))~~ The department will issue to an applicant one out-of-state temporary permit ~~((sec section 9) will be issued prior to))~~ before the examination of the applicant for a period of ninety days or less.

~~((2) One temporary permit may be issued prior to examination to any applicant for a period of ninety days or less, subject to the approval of the department.~~

~~This)) The applicant shall surrender the permit ((shall be surrendered)) to the person conducting the examination ((at the time)) when the applicant appears for ~~((and))~~ the examination. If the applicant with a temporary permit does not appear for ~~((his))~~ the examination ~~((upon written, certified notification, he will forfeit the fee for examination and certification. PROVIDED, That extenuating circumstances deemed sufficient by the director will be considered in excusing the applicant for failure to appear for the examination))~~ the permit will expire on the expiration date specified on the permit.~~

NEW SECTION

WAC 296-400-045 PLUMBER EXAMINATION, CERTIFICATION, REINSTATEMENT, AND TEMPORARY PERMIT FEES.

Examination fee:	\$30.00
Temporary permit fee:	\$10.00
Issuance or renewal of journeyman or specialty certificate fee (2 year):	\$48.00
Issuance of certificate for less than two years:	\$ 2.00 for each month of certificate period with a minimum fee of \$10.00
Reinstatement of journeyman or specialty certificate:	\$48.00

Each person who has passed the examination for the plumbers certificate of competency and has paid the certificate fee shall be issued a certificate of competency that will expire on his or her birthdate. If the

person was born in an even-numbered year, the certificate shall expire on the person's birthdate in the next even-numbered year. If the person was born in an odd-numbered year, the certificate shall expire on the person's birthdate in the next odd-numbered year.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-400-010 EXAMINATION FEE AND NOTIFICATION.

WSR 83-14-019
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 83-18—Filed June 28, 1983]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to WAC 296-400-010 examination fee and notification; WAC 296-400-030 issuing of permits; and WAC 296-400-045 plumber examination, certification, reinstatement, and temporary permits fees. WAC 296-400-030 is amended to clarify the provisions on temporary permits. WAC 296-400-045 is added to establish fees for plumber's examination; the fee for the renewal or reinstatement of a journeyman or specialty plumber's certificate; the fee for the issuance of a new plumber's certificate, and for a plumber's temporary permit. This notice also specifies that the plumber's certificate will expire on the certificate holder's birthdate in an odd or even numbered year depending on the birth year of the certificate holder. WAC 296-400-010 is repealed.

I, Sam Kinville, 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 plumber law, chapter 18.106 RCW, was amended in the 1983 legislature to authorize the department to set certificate fees by rule. The amendments become effective July 24, 1983. Because regular rule adoption procedures can take up to three months from the date the rule is proposed, the department does not have time to adopt a permanent rule before the statute takes effect. The department needs to adopt these new rules immediately because the fees previously were set by statute. The rules are necessary to ensure the department can charge fees. The department will hold a public hearing on these rules on August 17, 1983, and intends to adopt the permanent rules on September 16, 1983.

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

This rule is promulgated pursuant to RCW 18.106-.140, section 10 of the Senate Bill 3054 (1983 session), 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 28, 1983.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 74-13, filed 4/15/74)

WAC 296-400-030 ISSUING OF PERMITS. ~~((+)) The department will issue to an applicant one out-of-state temporary permit ((sec section 9) will be issued prior to)) before the examination of the applicant for a period of ninety days or less.~~

~~((2) One temporary permit may be issued prior to examination to any applicant for a period of ninety days or less, subject to the approval of the department.~~

~~This)) The applicant shall surrender the permit ((shall be surrendered)) to the person conducting the examination ((at the time)) when the applicant appears for ((said)) the examination. If the applicant with a temporary permit does not appear for ((his)) the examination ((upon written, certified notification, he will forfeit the fee for examination and certification. PROVIDED; That extenuating circumstances deemed sufficient by the director will be considered in excusing the applicant for failure to appear for the examination)) the permit will expire on the expiration date specified on the permit.~~

NEW SECTION

WAC 296-400-045 PLUMBER EXAMINATION, CERTIFICATION, REINSTATEMENT, AND TEMPORARY PERMIT FEES.

Examination fee:	\$30.00
Temporary permit fee:	\$10.00
Issuance or renewal of journeyman or specialty certificate fee (2 year):	\$48.00
Issuance of certificate for less than two years:	\$ 2.00 for each month of certificate period with a minimum fee of \$10.00
Reinstatement of journeyman or specialty certificate:	\$48.00

Each person who has passed the examination for the plumbers certificate of competency and has paid the certificate fee shall be issued a certificate of competency that will expire on his or her birthdate. If the person was born in an even-numbered year, the certificate shall expire on the person's birthdate in the next even-numbered year. If the person was born in an odd-numbered year, the certificate shall expire on the person's birthdate in the next odd-numbered year.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-400-010 EXAMINATION FEE AND NOTIFICATION.

WSR 83-14-020
ADOPTED RULES
DEPARTMENT OF FISHERIES

[Order 83-57—Filed June 28, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

This action is taken pursuant to Notice No. WSR 83-11-039 filed with the code reviser on May 18, 1983. 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 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 June 28, 1983.

By Bette M. Johnson
for William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order 82-83, filed 7/15/82)

WAC 220-47-307 **CLOSED AREAS—PUGET SOUND SALMON.** It is unlawful to take, fish for, or possess salmon for commercial purposes with any type of gear from the following portions of Puget Sound Salmon Management and Catch Reporting Areas:

Area 7B - that portion of the Fidalgo Bay Salmon Preserve south and east of a line from William Point on Samish Island to Saddlebag Island to the southeastern tip of Guemes Island.

Area 7C - that portion inside a line projected from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

Area 8 - Skagit Bay Salmon Preserve.

Area 8A - ~~((Port Susan and))~~ Port Gardner Salmon Preserve((s)) and those waters northerly of a line from Camano Head to Hermosa Point on the north end of Tulalip Bay.

Area 10 - that portion easterly of a line projected from Meadow Point to West Point and that portion of Port Madison northwest of a line from the Agate Pass entrance light to the light on the end of the Indianola dock.

Area 11 - Gig Harbor Salmon Preserve and those waters south of a line from Browns Point to the northernmost point of land on Point Defiance.

Area 12 - Those waters inside and southeasterly of a line projected from Lone Rock to buoy "BBC Comm

Fish" approximately 1/2 mile offshore, thence south-westerly approximately 1-1/2 miles to another buoy "BBC Comm Fish," thence approximately 1/2 mile directly to a fishing boundary marker on shore.

AMENDATORY SECTION (Amending Order 82-23, filed 7/15/82)

WAC 220-47-311 ✓ PURSE SEINE—SEASONS. It is unlawful to take, fish for or possess salmon taken with purse seine gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective Management and Catch Reporting Area:

Areas 4B, 5, 6, 6A, 6B, 6C – closed.

Area 6D – October ((3)) 2 through ((October 16)) November 5.

Areas 7 and 7A – closed.

Area 7B – September ((13)) 11 through November ((6)) 5.

Areas 7C and 7D – closed.

Area((s)) 8 ((and 8A)) – ((September 13)) October 23 through October ((30)) 29.

Area 8A – July 24 through October 29.

Areas 9 and 9A – closed.

Areas 10 and 11 – September ((13)) 11 through October ((30)) 29.

Areas 10A, 10B, 10C, 10D, 10E and 11A – closed.

Area 12 – ((September 13)) July 24 through October ((30)) 29.

Areas 12A, 12B, 12C, 12D, 13, 13A, 13B and all freshwater areas – closed.

AMENDATORY SECTION (Amending Order 82-83, filed 7/15/82)

WAC 220-47-312 ✓ PURSE SEINE—WEEKLY PERIODS. It is unlawful during any open season to take, fish for or possess salmon taken with purse seine gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

Area 6D – Weeks beginning October ((3)) 2, 9, 16 and 23: ((Monday, Tuesday, and Wednesday)) Sunday through Saturday. Week beginning October ((10)) 30: ((Tuesday, Wednesday, and Thursday)) Sunday through Friday.

Area 7B – Week beginning September ((12)) 11: Monday((, Tuesday, Wednesday, Thursday, Friday, and)) through Saturday. Weeks beginning September ((19)) 18 and 25, ((September 26,)) and October ((3)) 2 and 9: Sunday((, Monday, Tuesday, Wednesday, Thursday, Friday, and)) through Saturday. Week beginning October ((24)) 16: ((Tuesday)) Sunday through Friday. Weeks beginning October ((31)) 23 and 30: Monday.

Area 8 – ((Weeks beginning September 12 and September 26: Tuesday, Wednesday, Thursday, and Friday: Week beginning September 19: Monday, Tuesday, Wednesday, and Thursday:)) Week beginning October ((17)) 23: Monday. ((Week beginning October 24: Tuesday:))

Area 8A – Week beginning July 24: Tuesday. Week beginning July 31: Tuesday and Wednesday. Weeks beginning September ((12)) 11, October 16, and October 23: ((Tuesday and Wednesday)) Monday. Week beginning September ((19)) 18: Monday and Tuesday. ((Week beginning October 17: Monday. Week beginning October 24: Tuesday:))

Areas 10 and 11 – ((Week beginning September 12: Tuesday, Wednesday and Thursday:)) Weeks beginning September ((19)) 11 and 18: Monday and Tuesday. ((Week beginning September 26: Tuesday and Wednesday:)) Weeks beginning October ((17)) 16 and 23: Monday. ((Week beginning October 24: Tuesday:))

Area 12 – Weeks beginning July 24 and July 31: Tuesday. Weeks beginning September ((12)) 11 and 18 and October ((24)) 16 and 23: ((Tuesday. Weeks beginning September 19 and October 17:)) Monday.

AMENDATORY SECTION (Amending Order 82-83, filed 7/15/82)

WAC 220-47-313 ✓ PURSE SEINE—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with purse seine gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated:

Area 6D from September 25 to November 3 and Area 7B from September 11 to October 20 – 24 hours per day.

Area 6D on November 4 – 12:01 a.m. to 4:00 p.m. Pacific Standard Time.

Area 7B on October 21 – 12:01 a.m. to 4:00 p.m. Pacific Daylight Time.

All other open areas – ((September 13)) July 24 through October ((30)) 29: 5:00 a.m. to 9:00 p.m. Pacific Daylight Time((, except purse seine fishery in Area 8 closes at 4:00 p.m. (PDT) on September 17 and [25 and] October 1, 1982)). October ((31)) 30 through November ((6)) 5: 5:00 a.m. to 8:00 p.m. Pacific Standard Time.

AMENDATORY SECTION (Amending Order 82-83, filed 7/15/82)

WAC 220-47-411 ✓ GILL NET—SEASONS. It is unlawful to take, fish for or possess salmon taken with gill net gear for commercial purposes except in the following designated Puget Sound Salmon Management and Catch Reporting Areas during the seasons provided for hereinafter in each respective fishing area:

Areas 4B, 5, 6, 6A, 6B and 6C – closed.

Area 6D – October ((3)) 2 through ((October 16)) November 5.

Areas 7 and 7A – closed.

Area 7B – July ((25)) 24 through November ((6)) 5.

Area 7C – July ((25)) 24 through August ((7)) 6.

Area 7D – closed.

Area((s)) 8 ((and 8A)) – ((September 12)) October 16 through October ((30)) 29.

Area 8A – July 24 through October 29.

Areas 9 and 9A – closed.

Area 10 – September ~~((+2))~~ 11 through October ~~((30))~~ 29.

Areas 10A, 10B, 10C, 10D and 10E – closed.

Area 11 – September ~~((+2))~~ 11 through October ~~((30))~~ 29.

Area 11A – closed.

Area 12 – ~~((September 12))~~ July 24 through October ~~((30))~~ 29.

Areas 12A, 12B, 12C, 12D, 13, 13A, 13B and all freshwater areas – closed.

AMENDATORY SECTION (Amending Order 82-83, filed 7/15/82)

WAC 220-47-412 ✓ GILL NET—WEEKLY PERIODS. It is unlawful during any open season to take, fish for or possess salmon taken with gill net gear except during the weekly open periods hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas:

Area 6D – Weeks beginning October ~~((3 and October 10))~~ 2, 9, 16 and 23: ((Monday, Tuesday, and Wednesday nights)) Sunday through Saturday. Week beginning October 30: Sunday through Friday.

Area 7B – Week~~((s))~~ beginning July ~~((25 and August 8))~~ 24: Tuesday~~((:))~~ and Wednesday ~~((and Thursday))~~ nights. Week beginning ~~((August 1))~~ July 31: Monday, Tuesday and Wednesday nights. Week beginning August 7: Tuesday, Wednesday, and Thursday nights. Weeks beginning September ~~((12, September 19, September 26))~~ 11, 18, and 25, and October 2 and 9: Sunday through Saturday. Week~~((s))~~ beginning October ~~((24 and October 31))~~ 16: Sunday through Friday. Week beginning October 23: Sunday night. Week beginning October 30: Monday night.

Area 7C – Week beginning July ~~((25))~~ 24: Tuesday~~((:))~~ and Wednesday ~~((and Thursday))~~ nights. Week beginning ~~((August 1))~~ July 31: Monday, Tuesday and Wednesday nights.

Area 8 – Week~~((s))~~ beginning ~~((September 12, September 19 and September 26))~~ October 16: Monday~~((; Tuesday, Wednesday[,], and Thursday))~~ night. Week~~((s))~~ beginning October ~~((17 and October 24))~~ 23: ~~((Monday))~~ Sunday night.

Area 8A – Week~~((s))~~ beginning ~~((September 12 and September 19))~~ July 24: ~~((Monday and))~~ Tuesday night~~((s)).~~ Week~~((s))~~ beginning ~~((October 17 and October 24))~~ July 31: Monday and Tuesday nights. Weeks beginning September 11 and October 23: Sunday night. Week beginning September 18: Monday and Tuesday nights. Week beginning October 16: Monday night.

Areas 10 and 11 – Week beginning September ~~((12))~~ 11: Sunday and Monday~~((, Tuesday and Wednesday))~~ nights. Week~~((s))~~ beginning September ~~((19 and September 26))~~ 18: Monday and Tuesday nights. Week~~((s))~~ beginning October ~~((17 and October 24))~~ 16: Monday night. Week beginning October 23: Sunday night.

Area 12 – Week~~((s))~~ beginning ~~((September 12, September 19, October 17, and October 24))~~ July 24: ~~((Monday))~~ Tuesday night. Week beginning July 31: Monday night. Weeks beginning September 11 and October 23: Sunday night. Weeks beginning September 18 and October 16: Monday night.

AMENDATORY SECTION (Amending Order 82-83, filed 7/15/82)

WAC 220-47-413 ✓ GILL NET—DAILY HOURS. It is unlawful during any open day to take, fish for or possess salmon taken with gill net gear in the following Puget Sound Salmon Management and Catch Reporting Areas except during the daily open hours hereinafter designated: °

July ~~((25))~~ 24 through August ~~((14))~~ 13 – 7:00 p.m. to 9:30 a.m. Pacific Daylight Time in all open areas.

August ~~((15))~~ 14 through September ~~((18))~~ 17 – 6:00 p.m. to 9:00 a.m. Pacific Daylight Time in all open areas.

October 2 through November 3 – open 24 hours per day in area 6D.

November 4 – 12:01 a.m. to 4:00 p.m. Pacific Standard Time in area 6D.

September 11 through October 20 – open 24 hours per day in area 7B.

October 21 – 12:01 a.m. to 4:00 p.m. Pacific Daylight Time in area 7B.

September ~~((19))~~ 18 through October ~~((31))~~ 29 – 5:00 p.m. to 9:00 a.m. Pacific Daylight Time in all other open areas.

October ~~((31))~~ 30 through November ~~((6))~~ 5 – 4:00 p.m. to 8:00 a.m. Pacific Standard Time in all other open areas.

AMENDATORY SECTION (Amending Order 82-83, filed 7/15/82)

WAC 220-47-414 ✓ GILL NET—MESH SIZES. It is unlawful to take, fish for or possess salmon taken with gill net gear containing mesh smaller than the minimum size stretch measure as hereinafter designated in the following Puget Sound Salmon Management and Catch Reporting Areas during the periods specified:

July ~~((25))~~ 24 through September ~~((11))~~ 10 – ~~((Areas 7B and 7C))~~ All open areas – 7 inch minimum mesh size.

October 2 through November 5 – Area 6D – 5 inch minimum mesh size.

September ~~((12))~~ 11 through October ~~((16))~~ 22 – ~~((All open areas))~~ Areas 7B and 7C – 5 inch minimum mesh size. October ~~((17))~~ 23 through November ~~((6))~~ 5 – ~~((All open areas))~~ Areas 7B and 7C – 6 inch minimum mesh size.

September 11 through October 15 – All other open areas – 5 inch minimum mesh size.

October 16 through November 5 – All other open areas – 6 inch minimum mesh size.

WSR 83-14-021
PROPOSED RULES
EASTERN WASHINGTON UNIVERSITY
 [Filed June 29, 1983]

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 appeals and grievance procedure, chapter 172-129 WAC;

that the institution will at 10:00 a.m., Wednesday, August 10, 1983, in the President's Office Conference Room, Showalter Hall, EWU, Cheney, 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 repealed is RCW 28B.35.110.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before August 10, 1983.

Dated: June 28, 1983

By: Kenneth R. Dolan
 Secretary, Board of Trustees

REPEALER

The following sections of the Washington Administrative Code are to be repealed:

- | | |
|----------------------|--|
| (1) WAC 172-129-010 | Purpose. |
| (2) WAC 172-129-020 | Jurisdiction. |
| (3) WAC 172-129-030 | Definitions. |
| (4) WAC 172-129-031 | Reference to bylaws. |
| (5) WAC 172-129-035 | Informal hearings. |
| (6) WAC 172-129-036 | Formal hearings. |
| (7) WAC 172-129-037 | Statements and testimony confidential. |
| (8) WAC 172-129-040 | Divergent procedures established regarding grievances and appeals. |
| (9) WAC 172-129-050 | Use of normal administrative processes encouraged. |
| (10) WAC 172-129-060 | Faculty appeals committee—Purpose and composition. |
| (11) WAC 172-129-070 | Functions of the faculty appeals committee. |
| (12) WAC 172-129-080 | Conflict of interest. |
| (13) WAC 172-129-090 | General procedures for appeals and grievances. |
| (14) WAC 172-129-100 | Grievance procedures. |
| (15) WAC 172-129-110 | Appeals—Division into categories. |
| (16) WAC 172-129-120 | Burden of proof on appeals. |
| (17) WAC 172-129-130 | Hearing procedure for appeals. |
| (18) WAC 172-129-140 | Procedure for appointment of hearing examiner. |
| (19) WAC 172-129-145 | Scope of authority conferred upon hearing examiner. |
| (20) WAC 172-129-150 | Cost of appeals and grievances. |
| (21) WAC 172-129-160 | Content of grievance and appeal forms. |

WSR 83-14-022
PROPOSED RULES
BOARD OF HEALTH
 [Filed June 29, 1983]

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 hospitals, amending chapter 248-18 WAC:

- | | | |
|-----|----------------|---|
| Amd | WAC 248-18-001 | Definitions. |
| Amd | WAC 248-18-215 | Pediatrics services. |
| Amd | WAC 248-18-220 | Obstetrical department. |
| Amd | WAC 248-18-222 | Birthing rooms. |
| Amd | WAC 248-18-223 | Neonatal intensive care nursery. |
| Amd | WAC 248-18-240 | Psychiatric unit. |
| Amd | WAC 248-18-500 | Applicability of these regulations governing hospital construction. |
| Amd | WAC 248-18-520 | Site and site development. |
| Amd | WAC 248-18-525 | Administrative facilities. |
| Amd | WAC 248-18-539 | Pediatric nursing unit. |
| Amd | WAC 248-18-560 | Recovery unit. |
| Amd | WAC 248-18-565 | Surgery suite. |
| Amd | WAC 248-18-600 | Obstetrical delivery facilities. |
| Amd | WAC 248-18-607 | Birthing room. |
| Amd | WAC 248-18-615 | Newborn nursery facilities. |
| Amd | WAC 248-18-636 | Neonatal intensive care unit. |
| Amd | WAC 248-18-640 | Infant formula facilities. |
| Amd | WAC 248-18-645 | Emergency department. |
| Amd | WAC 248-18-650 | Outpatient department. |
| Amd | WAC 248-18-655 | Radiology facilities. |
| Amd | WAC 248-18-660 | Laboratory facilities. |
| Amd | WAC 248-18-675 | Rehabilitation facilities. |
| Amd | WAC 248-18-680 | Central sterilization and supply service facilities. |
| Amd | WAC 248-18-690 | Housekeeping department. |
| Amd | WAC 248-18-695 | Laundry facilities; |

that the agency will at 9:00 a.m., Wednesday, September 14, 1983, in the Auditorium in Spokane County Health District, 1101 West College Street, Spokane, 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 70.41.030.

The specific statute these rules are intended to implement is chapter 70.41 WRCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 14, 1983.

Dated: June 23, 1983

By: John A. Beare, MD, MPH
 Secretary

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.025.

Re: Amending chapter 248-18 WAC.

The Purpose of the Rule Changes: To edit and improve clarity of rules prior to reformat and printing of new licensing manual.

The Reasons These are Necessary: Repetitiveness and duplication which could not be avoided during ongoing, section by section revision of hospital licensing codes; prior to printing a new manual, it is cost effective to edit carefully and make necessary nonsubstantive changes; and repeal of references to codes which have been repealed since last action.

Statutory Authority: RCW 70.41.030.

Summary of the Rule or Rule Change: Corrected references, format, footnotes, and punctuation to coincide with other amended sections and codes; and general editing with no substantive change.

Person Responsible for the Enforcement of the Rule: John Gerth, Section Head, Facility Licensing and Certification Section, OSHPD, Division of Health, ET 31, Olympia, Washington 98504, Phone: 753-5851.

Rules proposed by Facility Licensing and Certification Section, OSHPD, Division of Health, DSHS.

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

The proposed rule change does not impose an additional cost of compliance and therefore no economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

Reviser's note: The material contained in this filing will appear in the 83-15 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 83-14-023
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed June 29, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning chapter 480-125 WAC relating to telephone company access charges. The proposed chapter is shown below as Appendix A, Cause No. U-83-38. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed chapter on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

Because of the emergence of competition in telecommunications and changes in federal policies which affect telecommunications in the state of Washington, the Washington Utilities and Transportation Commission deems it appropriate to issue notice of intent to adopt the rules shown below as Appendix A. These rules are to be considered for adoption by the commission at its regular public meeting August 10, 1983, unless by further notice a different date is given.

The commission welcomes all interested persons to submit data, views, and comments about the proposed rules to the commission either in writing or orally. Written matter can be submitted any time between now and August 10, 1983. Oral comments can be made either at the August 10, 1983, meeting or at any of the regular or special open public meetings listed below at which the commission will hear presentations on this subject.

The commission will hear comments at its regular public meetings July 20, 1983, and August 3, 1983. Both of these meetings and the August 10, 1983, meeting will be held in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington 98504, beginning at the hour of 8:00 a.m.

The commission will hear comments at two special open public meetings. The first meeting will be held Wednesday, July 27, 1983, beginning at 1:30 p.m. and 7:00 p.m., in the Third Floor Auditorium, Armory Building (Food Circus), Seattle Center, Seattle, Washington. The second meeting will be held Tuesday, August 9, 1983, beginning at 10:00 a.m. and also at 7:00

p.m. in Spokane, Washington. Additional notice of these special meetings will be given as required by law, including the location of the Spokane meeting.

The commission expects to receive, during the comment period, data from telephone company records concerning estimated financial impacts of the transition to access charges on consumers. The commission wants to assure the widest possible distribution of this information to interested members of the public for their information and use in the comment process. The commission will distribute this information to the news media, and will make the information available to anyone who signifies interest by writing to the commission in care of the Secretary, Barry M. Mar, 7th Floor, Highways-Licenses Building, Olympia, Washington 98504, and requesting the information. Reference to Cause No. U-83-38 will assist the commission in responding to such requests.

While not limiting comments on any part of the proposal, the commission especially encourages comment from all interested parties on the following aspects:

(1) Alternative methodologies and effects in calculation of customer line access charges (CALC) including but not limited to:

(a) A flat rate charge per line, with or without a maximum, based on the revenue requirements of each telephone company;

(b) A flat rate charge per line uniformly applicable to all telephone companies based on the average CALC revenue requirement for all companies; and

(c) Some combination of flat rate per line and usage surcharge on intrastate toll service.

(2) Necessity for and desirability of a Universal Service Fund, particularly in relation to its establishment, funding, and administration. Included would be the concept of premium access charges.

(3) Definition of the term "carrier" for purposes of application of the carrier's carrier access charge (CCAC), particularly whether it is proper and feasible to resolve in the definition, any questions relating to situations in which the carrier is also a customer.

The authority under which these rules are proposed is RCW 80.01.040.

The specific statute these rules are intended to implement is RCW 80.36.160.

Dated: June 29, 1983

By: Barry M. Mar
Secretary

STATEMENT OF PURPOSE

In the matter of adopting chapter 480-125 WAC relating to telephone company access charges.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, which directs that the commission has authority to implement the provisions of chapter 80.36 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to implement a transition from division of revenues and settlement for sharing of costs and revenues of providing long distance telephone service between regulated telephone companies to a system of charging by exchange companies to end

users and long distance telephone companies for access to the local switching and distribution system.

A group convened pursuant to request of the commission in the use of its good offices was responsible for the drafting of the proposed rules. Barry M. Mar and members of his staff will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040, and is consistent with RCW 80.36.160.

The rule adoption is not necessary as the result of federal law, or federal or state court action.

(Pursuant to chapter 43.21H RCW) The rule adoption proposed may affect economic values of individual consumers or providers of telephone service, but will not affect the aggregate economic value of the service provided and the compensation paid for that service.

(Pursuant to RCW 19.85.030) The comparative cost impact of compliance with the rule proposal on small business with the cost impact on the ten percent of firms which are the largest businesses required to comply is as follows:

Estimated additional cost to prepare and file tariffs, and provide witness support for them, given that the FCC required development of the interstate model tariff and the rates for services contained in that tariff for interstate carrier access are mirrored at the intrastate level: \$0.10/\$100 of revenue for small business and \$0.0125/\$100 of revenue for the ten percent of companies which are the largest businesses required to comply.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

NEW CHAPTER

Chapter 480-125 WAC

TELEPHONE ACCESS CHARGES

WAC	
480-125-010	Statement of Policy.
480-125-020	Implementation procedure.
480-125-030	Filing of access charge rates.
480-125-040	Intrastate or interstate access charges.
480-125-050	Customer access line charge.
480-125-060	Necessity for filing of interim customer access line charge tariffs.
480-125-070	Calculation of interim customer access line charges.
480-125-080	Procedure after filing.
480-125-090	Pooling of access charge revenues.

WAC 480-125-010 STATEMENT OF POLICY. (1) In this state, local exchange and long distance telephone service has historically been provided by private telephone companies operating within exclusive assigned geographical territories. These companies have been regulated under statute with respect to a number of things, including the services they offer, and the rates they charge. In any given geographic area there is predominantly a single company which provides local distribution and switching service to all users of telephone service.

Users of this local service also gain access to the facilities of that local company to send and receive long distance calls.

(2) Long distance service has been provided by the companies under a system in which revenues and expenses have been shared, with earnings being apportioned in proportion to each company's net investment in providing the service. In general, the Federal Communications Commission (FCC) has jurisdiction to regulate interstate long distance services, the WUTC has jurisdiction to regulate intrastate long distance and local exchange services. There has been no uniform relationship between the rates charged for intrastate long distance (toll) calls, and the cost of providing those calls.

(3) Historically, a portion of toll revenues has been used to pay costs associated with telephone plant and equipment that provides both toll and local exchange service. As a result, the toll rates charged by regulated telephone companies have tended to keep local exchange service rates lower than they otherwise would have been.

(4) The underlying purpose of this process has been to provide affordable local exchange service throughout the state and nation. It was consistent with a monopoly environment in which the regulated telephone companies, which have a public service responsibility to provide both local and long distance service, were free of competition.

(5) Within the past several years, federal policies have fostered the development of competition in the telecommunications industry. Numerous companies now provide long distance services which compete with long distance services provided by local telephone companies. These new long distance carriers have no public service responsibility to provide local exchange service. These carriers complete long distance calls by gaining access to the local distribution and switching network of local telephone companies. The rates those carriers pay for that access do not include the same level of revenue support of the local network as exists in toll rates charged by the local companies. In general, these new long distance carriers charge long distance rates which are less than those charged by the regulated telephone companies.

(6) The emergence of competition in long distance service and the related disparity in rates between the new long distance carriers and the regulated telephone companies has created an incentive for toll users to bypass the existing toll network. That, in turn, reduces the revenue support for the existing integrated national toll network, as well as the local network. The construction of alternative networks which is prompted by pricing disparities rather than cost differences is economically inefficient and should not be encouraged.

(7) In addition, the legal requirement that rates be nondiscriminatory means that all providers of long distance services that use the local switching and distribution facilities of the local telephone company for access to the local network must pay equal rates, that are in turn fully compensatory, for access. This is consistent with the requirements of the Modified Final Judgment entered in the Bell System divestiture proceedings, that access to the local switching and distribution system be equal for all long distance carriers, both in terms of quality and price.

(8) The FCC has recognized these principles, and has adopted a policy that the revenue support for the local network that has traditionally been derived from interstate toll revenue be derived instead from users of the local network and that equal access to the local distribution and switching network at nondiscriminatory, compensatory rates is necessary.

(9) The same principles and concerns lead the commission to find that a policy which protects the efficiency of the intrastate toll network by shifting the revenue support of the local network from toll revenues to the users of the local network, and which provides access to the local network at nondiscriminatory, compensatory rates, is in the public interest, necessary and appropriate. In the long run, the interests of local network customers will be best served by this policy which promotes an efficient national and local network.

(10) To accomplish these policy objectives, commission use of a combination of mechanisms consistent with those applied by the FCC at the interstate level is fair and reasonable, and will be most efficient for the commission and companies to administer. This approach will enhance customer understanding.

WAC 480-125-020 IMPLEMENTATION PROCEDURE. To implement these policy objectives, the following steps need to be taken:

(1) Convert from a system in which local exchange and toll rates for services do not uniformly reflect the cost of providing those services to a system where customers and carriers pay for costs caused by their

access to, and use of, the local distribution and switching network to send and receive calls. These charges are called access charges.

(2) Shift the charges for that portion of the local network which is dedicated to end users, the costs of which are referred to as "nontraffic sensitive costs," because they do not vary with usage, to the end user over a five-year transition period. During that transition a declining portion of those costs will be borne by long distance carriers through payment of an access charge (the "carrier's carrier" access charge) based on minutes of use, and an increasing portion will be borne by the end users through a flat monthly charge (the "customer access line charge," or CALC). Concerns about affordable telephone service will be dealt with by a Universal Service Fund.

(3) A system of traffic sensitive access charges to be imposed on long distance carriers will be implemented to recover the local companies' traffic sensitive costs, those which do vary with usage, incurred in sending and receiving the carriers' traffic over the local switching and distribution network.

(4) Except for an assessment to fund the Universal Service Fund, it is expected that the carrier's carrier access charges will be phased out over five years. It is expected that the traffic sensitive access charges will be modified from time to time as underlying costs or other relevant considerations change.

WAC 480-125-030 FILING OF ACCESS CHARGE RATES.

For technological and economic reasons, companies are currently unable to distinguish between intrastate and interstate calls. For this reason, it is not practical for the commission to adopt a policy and structure for intrastate access charges to be paid by carriers which is different from the policy and structure which has been adopted for interstate access charges. The commission therefore directs that each company, or an association on behalf of participating companies, file access charge rates in the same format as for interstate access rates.

WAC 480-125-040 INTRASTATE OR INTERSTATE ACCESS CHARGES. If charges for intrastate access to be charged to carriers are different from those for interstate access, an incentive for incorrect carrier identification of calls would exist, so the carrier could obtain the lower of the two rates. This would impose a greater burden on local customers. To avoid that, therefore, intrastate and interstate access charges should be the same for the same facilities of a local telephone company.

WAC 480-125-050 CUSTOMER ACCESS LINE CHARGE.

(1) Implementation of this policy by the commission requires that nontraffic sensitive costs for intrastate access be recovered from the end user through a customer access line charge (CALC). This will require the filing and approval of appropriate tariffs. Initially such tariffs will only have to recover that portion of the nontraffic sensitive costs not recovered from carrier's carrier access charges and pooling arrangements.

WAC 480-125-060 NECESSITY FOR FILING OF INTERIM CUSTOMER ACCESS LINE CHARGE TARIFFS. (1) Because there is insufficient time to process general rate cases for the companies prior to the January 1, 1984, implementation date, and because in 1983 and in succeeding years the CALC tariffs will deal with prospective revenue requirements, the commission finds it will be necessary to adopt a procedure to authorize the companies to file interim CALC tariffs which will be subject to commission monitoring and modification as hereinafter provided. The interim tariffs must be filed by October 1 of each year to be effective January 1 of the following year. Such tariffs would remain in effect until modified by commission order, or superseded by an approved tariff.

WAC 480-125-070 CALCULATION OF INTERIM CUSTOMER ACCESS LINE CHARGES. The interim CALC will be calculated for each company by:

(1) Determining its 1984 intrastate toll revenue requirement, including traffic sensitive and non traffic sensitive costs, based on Pacific Northwest Bell's authorized overall rate of return for 1984. Each subsequent year's CALC will be determined in a similar manner.

(2) Adjusting that revenue requirement to reflect the transfer of toll plant and toll business to other entities as a result of any court-ordered divestiture.

(3) Subtracting from that revenue requirement the revenues which would have been expected to be derived from the carrier's access charge and traffic sensitive access charges according to the distribution

procedure applicable to each year, had those charges and that procedure been in effect in the annual period from which the revenue requirement data is obtained.

(4) The resulting number is the CALC revenue requirement for each company. To obtain the monthly CALC rate for each access line, divide the total CALC revenue requirement by estimated average number of access lines in service for 1984 (using an equivalent number of PBX trunks for Centrex lines as finally determined by the FCC), and then dividing that number by twelve. The resulting number is the interim monthly CALC tariff rate per access line for 1984. Each subsequent year's CALC will be determined in a similar manner. The party line CALC shall be determined in accordance with guidelines issued by the FCC.

WAC 480-125-080 PROCEDURE AFTER FILING. (1) At the time each interim CALC tariff is filed, each company shall file data to support the CALC calculations in a format approved by the commission.

(2) Within thirty days of each company's filing, the commission shall either enter an order approving the interim CALC to be collected during the following annual period, or in the event the commission finds there is reasonable cause to believe that an interim CALC would result in an excessive rate of return for that company, took into account improper expenses, or has been improperly calculated, suspending the filing and ordering prompt hearings. In the latter event, the commission may order a temporary CALC to be collected pending conclusion of the hearing.

(3) In any event, each company which has an approved interim or temporary CALC in effect, shall file with the commission within thirty days of the end of the reporting period, its monthly or quarterly actual results of operations, whichever it customarily uses with such additional supporting data as the commission may require.

(4) The commission retains the express authority to modify interim or temporary CALC tariffs based on actual results of operations, including requiring refunds to ratepayers in the event a reasonable earnings level is exceeded. The companies will retain the burden of showing that the CALC tariffs are fair and reasonable.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WAC 480-125-090 POOLING OF ACCESS CHARGE REVENUES. During the period in which carrier's carrier access charges, and a premium access charge, if any, are imposed, the revenues from all such charges shall be collected, pooled, and distributed in accordance with contractual arrangements among the local telephone companies, and the other provisions of this rule. The administrator of the pool will be Pacific Northwest Bell. The administrator shall be entitled to recover its expenses of administration from the pooled revenues.

WAC 480-125-100 POLICY FOR MONITORING. The commission has continuously followed policies that support widely available, affordable telephone service for the citizens of the state of Washington. It reaffirms that position at this time. Being cognizant of the possible impact on certain groups of subscribers of the transition to the policies adopted in this rule, it is the intent of the commission to continually monitor this transition and take whatever action is necessary to insure the continual availability of affordable telephone service in this state.

WAC 480-125-110 UNIVERSAL SERVICE FUND. One such action the commission is prepared to take, in the event widely available, affordable telephone service is threatened, is the establishment of a Universal Service Fund. The purpose of such fund would be to provide financial support to those local telephone companies whose non-traffic sensitive costs were found to be so high as to threaten the availability of affordable telephone service to their subscribers. The funding and administration of a Universal Service Fund would be as follows:

(1) If a premium access charge is established, those charges, which are paid to the pool referred to in WAC 480-125-090 shall be used first to fund the Universal Service Fund. During 1984 and 1985, the maximum contribution from the pool, referred to in WAC 480-125-090, shall not exceed five cents per minute of use multiplied by the total number of minutes of use used in determining the carrier's carrier access charge.

(2) In 1986 and years thereafter the maximum amount contributed to the USF would be based on a formula identical to the one prescribed by the FCC for the interstate jurisdiction.

WSR 83-14-024
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 30, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd ch. 388-86 WAC Medical care—Services provided.
 Amd ch. 388-87 WAC Medical care—Payment.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1983;

that the agency will at 10:00 a.m., Tuesday, August 9, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, 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 August 17, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

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

David A. Hogan, Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 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 July 26, 1983. The meeting site is in a location which is barrier free.

Dated: June 30, 1983

By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-86-005, 388-87-005, and new WAC 388-86-02301 and 388-87-04701.

Purpose of the Rule or Rule Change: To implement chapter 76, Laws of 1973 1st ex. sess.

The Reason These Rules are Necessary: Change in state law.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: To include chiropractic services, nurse midwife services, rural health clinic services and treatment of tuberculosis.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7316.

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

NEW SECTION

WAC 388-86-02301 CHIROPRACTIC SERVICES. (1) Services of a chiropractor, licensed by the state of Washington to perform within the scope of his license, shall be authorized when medically necessary.

(2) Services shall be subject to the following:

(a) Treatment shall be restricted to adjustment by hand of subluxation of the spine.

(b) X-rays shall be limited only to the following spinal areas:

(i) Cervical, anterior-posterior, and lateral.

(ii) Thoracic (dorsal), anterior-posterior, and lateral.

(iii) Lumbar and/or lumbo-sacral, anterior-posterior, and lateral.

(c) Chiropractic treatment received out of state, limited to three treatments for acute and emergent conditions, may be provided without prior approval for categorically needy recipients.

(d) Payment is restricted to a maximum of twenty treatments per calendar year per recipient subsequent to an initial visit payable only the first time a new patient is seen.

AMENDATORY SECTION (Amending Order 1923, filed 12/15/82)

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF MEDICAL ASSISTANCE. (1) For recipients of medical assistance (MA) categorically needy only, the department shall authorize early and periodic screening diagnosis and treatment services including dental, vision, and hearing services, to eligible individuals under twenty-one years of age, family planning services, home health agency services, inpatient and outpatient hospital care, other laboratory and x-ray services, skilled nursing home care, and physicians' services in the office or away from the office as needed for necessary and essential medical care. The department may authorize medically justified ambulance service and other approved transportation.

(2) The following additional services shall also be authorized when medically necessary: Anesthetization services; blood; chiropractic services; dental services to EPSDT recipients; drugs and pharmaceutical supplies; eyeglasses and examination; hearing aids and examinations; nurse midwife services; oxygen; physical therapy services; private duty nursing services; rural health clinic services; surgical appliances, prosthetic devices, and certain other aids to mobility.

(3) Treatment, transplants, dialysis, equipment and supplies for acute and chronic nonfunctioning kidneys are provided in the home, hospital and kidney center. See WAC 388-86-050(5).

(4) Organ transplants, other than kidney transplants are not provided as a part of physician services or hospital care authorized under the medical assistance program.

(5) Treatment to detoxify narcotic addiction cases in a hospital or on an outpatient basis is not provided as a part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(6) Detoxification of an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(7) ((The following medical services are not provided:

(a)) Adult dental services((-and)) are not provided.

((b)) Chiropractic services;

(c) Treatment of tuberculosis. See WAC 388-86-050(5).))

(8) Treatment for obesity is not provided as part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(9) Where evidence is obtainable to establish medical necessity, as defined in WAC 388-80-005, the department shall approve the request if the recipient or provider submits sufficient objective clinical information (including, but not limited to, a physiological description of the disease, injury, impairment or other ailment; pertinent laboratory findings; x-ray reports; and patient profiles).

(10) A request for medical services may be denied by the department if the requested service is not medically necessary as defined by WAC 388-80-005, is generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient can demonstrate through sufficient objective clinical evidence the existence of particular circumstances which render the requested service medically necessary.

(11) The department shall approve or deny all requests for medical services within fifteen days of the receipt of the request, except that if additional justifying information is necessary before a decision can be made, the request shall be neither approved nor denied but shall be returned to the provider within five working days of the original receipt. If additional justifying information is not returned within thirty days of the date it was returned to the provider, then the original request shall be approved or denied. However, if such information is returned to the department, the request shall be acted upon within five working days of the receipt of the additional justifying information.

(12) Whenever the department denies a request for medical services the department shall, within five working days of the decision, give written notice of the denial to the recipient and the provider. In order to fully inform the recipient, the notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service.

(b) If a fair hearing is requested, a medical assessment other than that of the person or persons involved in making the original decision may be obtained at the expense of the department of social and health services, and instructions on how to obtain such assessment.

(c) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing.

(d) The recipient may be represented at the hearing by legal counsel or other representative.

(e) That upon request, the CSO shall furnish the recipient the name and address of the nearest legal services office.

(13) The limited casualty program—medically needy is defined in chapter 388-99 WAC, and the limited casualty program—medically indigent is defined in chapter 388-100 WAC.

(14) The department has the authority to require a second opinion prior to the approval of any elective surgical procedure.

(15) The department may designate those surgical procedures which can be performed in other than a hospital in-patient setting. Where the patient has a medical condition which necessitates a hospital admission, prior approval by the local medical consultant must be obtained.

AMENDATORY SECTION (Amending Order 1949, filed 2/16/83)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted Medicare benefits. With exceptions and limitations the recipient will have free choice of hospitalization.

(2) Certain hospitalization services covered by the program require approval of the medical consultant.

(a) Prior approval for nonemergent hospital admissions;
(b) Retroactive certification and out-of-state care including bordering cities.

(3) The division of medical assistance will certify hospital admission, length of stay and/or services for all recipients.

(4) Department authorization for inpatient hospital care for eligible individuals shall be limited to the number of days established at the 50th percentile in the 1981 edition of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region," unless prior contractual arrangements are made by the department for a specified length of stay (as defined in WAC 388-80-005 and 388-87-013). A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. When hospitalization of a recipient exceeds the number of days as limited by this subsection, the hospital shall submit to the local medical consultant a request with adequate justification and signed by the attending physician within sixty days of final service for approval of the extension.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS

days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for AFDC recipients or SSI beneficiaries under age twenty-one and for all categorically needy recipients age sixty-five and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs.

~~(5) ((The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established.~~

~~(6))~~ Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a Medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

~~((7))~~ (6) Except for an emergency no hospital admission shall be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

~~((8))~~ (7) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

AMENDATORY SECTION (Amending Order 1801, filed 5/5/82)

WAC 388-87-005 PAYMENT—ELIGIBLE PROVIDERS DEFINED. (1) Eligible providers are:

(a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, optometry, podiatry, nursing, chiropractic, or physical therapy,

(b) A hospital currently licensed by the department,

(c) A nursing home currently licensed and classified by the department as a skilled nursing or intermediate care facility,

(d) A licensed pharmacy,

(e) A home health services agency certified by the department,

(f) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the requirements for such participation,

(g) A company or individual (not excluded in subsection (3) of this section) supplying items such as ambulance service, oxygen, eyeglasses, other appliances, or approved services,

(h) A provider of screening services that has signed an agreement with the department to provide such services to eligible individuals in the EPSDT program,

(i) A certified center for the detoxification of acute alcoholic conditions,

(j) A certified outpatient clinical community mental health center, an approved inpatient psychiatric facility, drug treatment center, or Indian health service clinic,

(k) A Medicare certified rural health clinic,

(l) Approved prepaid health maintenance, prepaid health plans and/or health insuring organizations,

(m) An out-of-state provider of services listed in subsection (1) (a) through (f) of this section, with comparable qualifications in state of residence or location of practice.

(2) Under the mandatory and discretionary provision of RCW 74.09.530, the services of the following practitioners will not be furnished to applicants or recipients:

~~((Chiropractors))~~

Sanipractors

Naturopaths

Homopaths

Herbalists

Masseurs or manipulators

Christian Science practitioners or theological healers

Any other licensed or unlicensed practitioners not otherwise specifically provided for in these rules.

NEW SECTION

WAC 388-87-04701 PAYMENT—CHIROPRACTIC SERVICES. (1) Payment shall be made by the department for medically necessary services rendered by a licensed chiropractor as described in WAC 388-86-02301.

(2) Payment shall be subject to the following limitations:

(a) Payment is restricted to a maximum of twenty treatments per calendar year per recipient subsequent to an initial visit payable only the first time a new patient is seen.

(b) Payment for x-rays is limited to single area films when the treatment area can be isolated. Maximum allowance is for two areas.

(c) Payment will not be made for modalities such as light, heat, hydrotherapy, and physiotherapy.

(d) Payment shall not be made for any food supplement, medication, or drug.

(e) Payment for chiropractic services received out of state is limited to three treatments for acute and emergent conditions for categorically needy recipients.

**WSR 83-14-025
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Filed June 30, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Food stamps—Eligibility—Standards, amending WAC 388-54-730.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1983;

that the agency will at 10:00 a.m., Tuesday, August 9, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, 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 August 17, 1983.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

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

David A. Hogan, Director
Division of Administration and Personnel
Department of Social and Health Services
Mailstop OB 14
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 July 28, 1983. The meeting site is in a location which is barrier free.

Dated: June 29, 1983

By: David A. Hogan, Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-54-730.

Purpose of the Rule or Rule Change: To amend the gross monthly income standard, the net monthly income standard food eligibility limits.

The Reasons These Rules are Necessary: To comply with federal regulations in 7 CFR 273.9 and general notices published in the federal register under 45 FR 46485-46487.

Statutory Authority: RCW 74.04.510.

Summary of the Rule or Rule Change: The rule change takes into account the annual increase in the maximum eligibility limits for the monthly gross, the monthly net and monthly gross income of others in the household where an elderly and disabled person lives.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule or Rule Change: Dana Beck, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 753-4912.

The Person or Organization (if other than DSHS) who Proposed These Rules: None.

These rules are necessary as a result of federal law, 7 CFR 273.9.

AMENDATORY SECTION (Amending Order 1956, filed 4/6/83)

WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS. Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting ~~((them))~~ the household to obtain a more nutritious diet.

(1) Eligibility shall be determined on the basis of gross income and net food stamp income~~((:))~~, except those households ~~((which contain))~~ containing a member ~~((who is))~~ sixty years of age or over, or a member ~~((who receives))~~ receiving Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV or XVI of the Social Security Act, or is a veteran or a surviving disabled spouse or a surviving disabled child as defined by WAC 388-54-665(2)(b).

The gross income eligibility standards shall be one hundred thirty percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines.

Effective ~~((July 1, 1982))~~ July 1, 1983,
Gross Monthly Income Eligibility Standards Table

Household Size	Monthly Standards
1	\$ ((507)) 527
2	((674)) 709
3	((841)) 891
4	((1,008)) 1,073
5	((1,175)) 1,255
6	((1,342)) 1,437
7	((1,508)) 1,619
8	((1,675)) 1,801
9	1,983
10	2,165
Each additional person	+ ((167)) 182

Effective ~~((July 1, 1982))~~ July 1, 1983,
Net Monthly Income Eligibility Standards Table

Household Size	Maximum Allowable Net Income
1	\$ ((390)) 405
2	((519)) 545
3	((647)) 685
4	((775)) 825
5	((904)) 965
6	((1,032)) 1,105
7	((1,160)) 1,245
8	((1,289)) 1,385

Household Size	Maximum Allowable Net Income
9	((1,418)) 1,525
10	((1,547)) 1,665
Each additional member	+ ((129)) 140

(2) Disabled individuals, sixty years of age or older, residing with others, must have the other members meet the following monthly income eligibility standard table. For definition of elderly disabled refer to WAC 388-54-665(1)(d).

Effective ~~((February 1, 1983))~~ July 1, 1983,
Elderly/Disabled Separate Household Income Eligibility Standards Table

Household Size	Maximum Gross Monthly Income Elderly/Disabled Separate Household
1	\$ ((644)) 669
2	((856)) 900
3	((1,067)) 1,131
4	((1,279)) 1,362
5	((1,491)) 1,593
6	((1,702)) 1,824
7	((1,914)) 2,055
8	((2,126)) 2,286
9	((2,338)) 2,517
10	((2,550)) 2,748
Each additional member	+ ((212)) 231

WSR 83-14-026
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed June 30, 1983]

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 Limited casualty program—Medically indigent, amending chapter 388-100 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1983;

that the agency will at 10:00 a.m., Tuesday, August 9, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, 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 August 17, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

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

David A. Hogan, Director
Division of Administration and Personnel
Department of Social and Health Services
Mailstop OB 14
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 July 26, 1983. The meeting site is in a location which is barrier free.

Dated: June 29, 1983

By: David A. Hogan, Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-100-030 and 388-100-035.

Purpose of the Rule Change: To comply with chapter 43, Laws of 1983 1st ex. sess.

The Reason These Rule Changes are Necessary: A change in state law effective July 1, 1983.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Changes: Lowers the deductible for LCP-MI to \$500. Adds treatment under ITA as an acute and emergent need.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: James Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7316.

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

AMENDATORY SECTION (Amending Order 1880, filed 10/1/82)

WAC 388-100-030 DEDUCTIBLE. A deductible of ~~((fifteen))~~ five hundred dollars per family over a twelve-month period is required.

(1) Only family members that meet the eligibility requirements in WAC 388-100-010(1) through (4) can accumulate expenses against the deductible.

(2) The accumulation of the deductible may begin up to seven working days prior to the date of application. The department may waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

(3) Only medical services as specified in WAC 388-100-035 are countable toward meeting the deductible requirement.

(4) The expenses incurred against the deductible are the liability of the applicant/recipient.

(5) If the deductible has not been satisfied during the three-month base period beginning with the month of application, the remaining amount is applied to any subsequent applications within twelve months of the initial application.

AMENDATORY SECTION (Amending Order 1868, filed 8/18/82)

WAC 388-100-035 SCOPE OF CARE FOR MEDICALLY INDIGENT. (1) The medical coverage under the limited casualty program—medically indigent shall be available to an eligible individual for treatment of acute and emergent conditions only. This may include: Inpatient hospital services; outpatient hospital and rural health clinic services; physician and clinic services; prescribed drugs; dentures; prosthetic devices; eyeglasses, SNF, ICF, ICF/MR; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) Payment by the department will not be made until expenses are incurred by the recipient equal to the deductible amount.

(3) All services require the approval of the medical consultant.

(4) The deductible in WAC 388-100-030 does not apply for treatment under the Involuntary Treatment Act (ITA). When any other medical need is identified for recipients undergoing treatment under the Involuntary Treatment Act ~~((ITA) or detoxification for an acute alcohol condition as defined in chapter 388-40 WAC;))~~ the requirements for ~~((acute and emergent need and))~~ the deductible shall apply to the services other than ITA.

(5) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and

one office visit for diagnosis may be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.

(6) For other conditions and limitations under which these services may be provided refer to appropriate service in chapter 388-86 WAC.

(7) No out-of-state care is provided except in the designated bordering cities.

WSR 83-14-027
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed June 30, 1983]

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 medical provider agreement, amending WAC 388-87-007;

that the agency will at 10:00 a.m., Tuesday, August 9, 1983, in the General Administration Building Auditorium, 11th and Columbia, 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 August 17, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

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

David A. Hogan, Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 Olympia, WA 98504

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Dated: June 29, 1983

By: David A. Hogan, Director

Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-87-007.

Purpose of the Rule Change: Clarification of the rule on refunds from providers to recipients of medical assistance.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: This amendment to subsection (4) is to clarify that the requirement for reimbursement to recipients by providers does not apply to periods of retroactive eligibility.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: James Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7316.

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

AMENDATORY SECTION (Amending Order 1958, filed 5/4/83)

WAC 388-87-007 MEDICAL PROVIDER AGREEMENT. The medical care program is offered through the use of certified providers of medical services. To be certified, a provider must be licensed to provide said services, must meet the conditions of eligibility defined in WAC 388-87-005, and must submit a form to the department stating his/her intention to participate in the program according to the terms of this section. This form and participation by the provider according to the terms of this section shall constitute the agreement between the department and the provider. Certified providers shall be issued a provider number by the department which is authorization to participate in the medical care program. Providers who participate in the program by providing services to recipients of medical assistance and billing the department for such services are bound by the rules and standards set forth in this section and as issued by the department.

(1) Providers shall keep all records necessary to disclose the extent of services the provider furnishes to recipients of medical assistance.

(2) Providers shall furnish the department with any information it may request regarding payments claimed by the provider for furnishing services to recipients of medical assistance.

(3) The provider shall bill according to instructions issued by the department and accept payment for services according to the schedule of maximum allowances, the drug formulary and other applicable maximum payment levels or schedules. Such payment shall constitute complete remuneration for such services.

(4) The provider shall refund to the recipient any payment received directly from the recipient for services for which the department is responsible for payment. The departments responsibility for services provided in a retroactive period, as defined in WAC 388-80-005, is limited to cases in which the cost of the services has not been otherwise paid. However, it is appropriate, but not required, that a provider refund to a recipient any payment received in a retroactive period, if he/she later becomes eligible for medicaid on a retroactive basis. Such refund would be for services for which the department would otherwise be responsible for payment. After refunding to the recipient, the provider may bill the department. Upon receipt of a medical coupon that identifies the patient as eligible on a retroactive basis, the provider may not bill the recipient for any unpaid charges for covered services remaining from the retroactive period.

(5) Each billing invoice submitted to the department by a provider shall contain the following language and verification: "I hereby certify under penalty of perjury, that the material furnished and service rendered is a correct charge against the state of Washington; the claim is just and due; that no part of the same has been paid and I am authorized to sign for the payee; and that all goods furnished and/or services rendered have been provided without discrimination on the grounds of race, creed, color, national origin or the presence of any sensory, mental or physical handicap."

(6) Providers shall render all services without discrimination on the grounds of race, color, sex, religion, national origin, creed, marital status, or the presence of any sensory, mental or physical handicap.

(7) The department may suspend or withdraw the provider's number and authorization to participate in the medical care program upon thirty days written notice to the provider.

(8) Providers shall render all services according to the applicable sections of the Revised Code of Washington, the Washington Administrative Code, federal regulations and program instructions issued by the department.

(9) Nothing in this section shall preclude the department and any provider or provider group or association from jointly negotiating or entering into another form of written agreement for provision of medical care services to eligible recipients.

(10) The provider must meet the disclosure of ownership requirements of WAC 388-87-008.

WSR 83-14-028
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1976—Filed June 30, 1983]

I, David A. Hogan, Director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to exception to rule, amending chapter 388-20 WAC.

This action is taken pursuant to Notice No. WSR 83-11-009 filed with the code reviser on May 9, 1983. 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 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 June 29, 1983.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 773, filed 2/16/73)

WAC 388-20-010 ~~RULES~~—APPLICABILITY. (1) The rules for determining eligibility and amount of payment are based on law and are designed to permit the granting of necessary assistance considering the applicant's requirements, resources and ability to help himself or herself. The purpose is to assure the meeting of need on a modest, reasonable basis (~~with as little disturbance as possible of normal living arrangements~~). The result of granting assistance according to these rules should be to ease the conditions (~~which~~) individuals would face without such assistance and to increase (~~their~~) opportunities for functioning effectively under arrangements adapted to (~~their~~) the individual's particular circumstances.

(2) The rules are necessarily based on conditions (~~which are~~) considered to apply in the great majority of situations. Individual circumstances may exist (~~in which~~) where application of the rule seems to work in opposition to the objective desired. This may occur when the person's situation differs from that of the majority or when his or her circumstances are peculiar. In these cases, exceptions may be considered.

(3) An exception cannot be made to a specific provision of the law. However, individual case exception to a rule (~~or procedure~~) not specifically enunciated in the law can be authorized by the (~~state office~~) secretary or his or her designee when it appears to be in the best interest of overall economy and the individual's welfare.

(4) Exception decisions are not subject to the fair hearing procedures of chapter 388-08 WAC.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-20-020 ~~RULES—PROCEDURES FOR EXCEPTIONS.~~

WSR 83-14-029
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1977—Filed June 30, 1983]

I, David A. Hogan, Director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Chore services—Definitions, amending WAC 388-15-208.

This action is taken pursuant to Notice No. WSR 83-11-012 filed with the code reviser on May 10, 1983. 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 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 June 29, 1983.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1904, filed 11/16/82)

WAC 388-15-208 ~~DEFINITIONS~~. (1) "Chore services" consist of light household tasks and/or personal care, as defined by the department, which eligible persons are unable to do for themselves.

(2) "Contracted program" denotes that method of hourly chore service delivery where the contractor is responsible for recruiting, supervising, training, and paying the chore provider.

(3) "Individual provider program" denotes that method of chore service delivery where the client employs and supervises the chore provider. Payment is made to the client, who in turn pays the provider.

(4) "Attendant care" in the chore services program is the service provided to eligible persons:

(a) Who need full-time care, and(;))

(b) Require assistance that cannot be scheduled with personal care tasks, e.g., toileting, ambulation, wheelchair transfer, and/or

(c) Need protective supervision when it is dangerous for a person to be left alone. Protective supervision does not include responsibilities (~~that~~) a legal guardian should assume. Attendant care is authorized a monthly rate payment in the individual provider program.

(5) "Hourly care" in the chore services program is the service provided to eligible persons (~~(who need)~~) needing assistance that can be scheduled with household and/or personal care tasks. A maximum of one hundred sixteen hours per month per client can be provided. Hourly services do not include attendant care.

(6) "Own home" shall mean the individual's present or intended place of residence whether (~~(that is)~~) in a building rented or owned by the client or in the home of another person. Chore services are provided within the confines of the home property except for essential shopping, errands, and transportation necessary for the completion of authorized tasks.

(7) The "client review questionnaire" is an adult assessment form (~~(which determines)~~) determining the amount and type of chore services to be provided. The form is used by department staff to identify, document, and score the allowable chore service needs of all eligible persons.

(8) The "CRQ authorization ceiling chart" indicates the maximum number of hours that can be authorized for a client's score.

(9) "Personal care" shall mean such tasks as meal preparation, dressing/undressing, care of appearance, body care, bed transfer, ambulation, wheelchair transfer, bathing, toileting, and reminding to take medicines which a person would normally provide for himself or herself and are necessary to maintain a person in his or her own home. Sterile procedures and administering medications by injection are not authorized personal care tasks, unless the individual provider program worker is a licensed health practitioner or a member of the client's immediate family.

(10) "Shared living arrangement" occurs when two or more adults share expenses and live together in his or her own home with common facilities, such as living, cooking, and eating areas.

(11) Persons are "at risk of institutionalization" if the three following criteria are met:

(a) In greatest social and economic need as evidenced by more than one of the following:

(i) Financially eligible for chore services;

(ii) Seventy-five years of age or older;

(iii) Homebound;

(iv) Chronic physical health problems;

(v) Chronic mental health problems;

(vi) Confused;

(vii) Socially isolated;

(viii) Living alone.

(b) Unable to perform one or more activities essential to daily living, and

(c) Informal support system will not meet all chore services needs.

WSR 83-14-030

NOTICE OF PUBLIC MEETINGS PARKS AND RECREATION COMMISSION

[Memorandum—June 30, 1983]

The meeting of the Washington State Parks and Recreation Commission which was scheduled for August 18, 1983, at Ocean Shores, Washington has been cancelled.

WSR 83-14-031

PROPOSED RULES DEPARTMENT OF LICENSING (Barber Examining Committee)

[Filed June 30, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing, Barber Examining Committee, intends to adopt, amend, or repeal rules concerning the amending of WAC 308-16-213, 308-16-240, 308-16-310, adding new sections WAC 308-16-205, 308-16-214 and repealing WAC 308-16-21001, 308-16-211, 308-16-212, 308-16-217, 308-16-220, 308-16-280 and 308-16-370;

that the agency will at 10:00 a.m., Friday, July 8, 1983, in the 3rd Floor Conference Room, Highways-Licenses Building, Olympia, 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 RCW 18.15.056.

The specific statute these rules are intended to implement is RCW 18.15.056.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 8, 1983.

This notice is connected to and continues the matter in Notice No. WSR 83-11-045 filed with the code reviser's office on May 18, 1983.

Dated: June 30, 1983

By: Irv Adatto
Executive Secretary

WSR 83-14-032

EMERGENCY RULES BOARD OF ACCOUNTANCY [Order PL 437—Filed June 30, 1983]

Be it resolved by the Washington State Board of Accountancy, acting at 210 East Union, Olympia, WA 98504, that it does adopt the annexed rules relating to WAC 4-04-011, 4-04-021, 4-04-031, 4-04-061, 4-04-071, 4-04-191, 4-04-211, 4-04-221, 4-04-231, 4-04-301, 4-04-311, 4-12-021, 4-12-031, 4-12-041, 4-12-061, 4-12-111, 4-12-171, 4-12-181, 4-12-191, 4-16-301, 4-16-311, 4-16-371, 4-16-401, 4-20-011, 4-20-

021, 4-20-031, 4-20-046, 4-24-021, 4-24-041, 4-24-101 and 4-24-131.

We, the Washington State Board of Accountancy, 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 passage of the Public Accountancy Act of 1983 making it necessary to adopt rules on an emergency basis.

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

This rule is promulgated pursuant to chapter 34.04 RCW and RCW 18.04.070 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, 1983.

By B. W. Havisham
Chairman

NEW SECTION

WAC 4-04-011 CONSTRUCTION OF "DATE OF PASSAGE OF THE ACT." Wherever in the Public Accounting Act of 1983 reference is made to the date of passage of the Act, such wording shall be construed to mean the effective date of the Act.

NEW SECTION

WAC 4-04-021 USE OF TITLES RELATING TO ACCOUNTANCY. The use of the title "auditor", or the term "auditing" or any other title or designation likely to be confused with the title "certified public accountant", by any person, partnership or corporation is prohibited unless such person, partnership or corporation holds a valid permit for the practice of public accounting in this state.

The use of the title "certified tax consultant", either alone or in conjunction with the title of "public accountant" constitutes the use of a title or designation likely to be confused with "certified public accountant" and as such is prohibited.

NEW SECTION

WAC 4-04-031 ANNUAL NOTICE TO RE-NEW AN ANNUAL PERMIT. The act returning the annual notice to renew sent out by the Board shall constitute making application for an annual permit to practice public accounting, and the form returned to the applicant by the Board shall constitute the annual permit.

NEW SECTION

WAC 4-04-061 RESIDENT MANAGER OF PUBLIC ACCOUNTING OFFICE. A resident manager of a public accounting office must be an individual who holds a valid certificate to practice in this state as a certified public accountant, and who, in fact, personally spends the major portion of his working time in the management and supervision of the practice conducted out of a given office of which he is a resident manager, and with respect to which he must be and is, in fact, available during the major portion of the regular office hours of said office.

NEW SECTION

WAC 4-04-071 PROFESSIONAL SERVICE CORPORATIONS — NOTIFICATION REQUIREMENTS. It shall be the duty of the principal officer of every professional service corporation formed by licensed certified public accountants, within 30 days of the date of filing articles of incorporation with the Secretary of State, or, in the case of such corporations formed prior to the adoption of this rule within 30 days of the effective date of this rule, to provide the Board of Accountancy with the following information:

(1) The names and addresses of each shareholder, director or officer of the professional service corporation, and

(2) The name under which the professional service corporation is incorporated or intends to do business. In the event of any changes the Board shall be notified of such changes within 30 days of the occurrence of the change.

NEW SECTION

WAC 4-04-191 TIME OF EXAMINATION. A candidate for a certificate must meet the educational requirements set forth in WAC 4-12-171 prior to examination: PROVIDED, That the Board may, in its discretion, admit to the examination any person who will complete his study at a college or university recognized by the Board within 120 days after the date of the examination.

NEW SECTION

WAC 4-04-211 FEES FOR PERMIT TO PRACTICE ACCOUNTING. (1) The annual fee for a permit to practice public accounting shall be forty dollars.

(2) The annual fee for a permit to practice nonpublic accounting shall be twenty-five dollars. This permit enables a Washington CPA to use the appropriate title for occupational purposes (other than engaging in public accounting). The requirements for this permit are licensure, annual application and payment of the annual fee.

NEW SECTION

WAC 4-04-221 FEE FOR REGISTRATION AS CPA PARTNERSHIP OR PS. An application for registration or for amendment to registration as a partnership or professional corporation of certified public

accountants shall be accompanied by a fee of \$15 for registration or \$10 for each amendment.

NEW SECTION

WAC 4-04-231 ANNUAL LICENSE FEE FOR CPA PARTNERSHIP OR PS. The annual license fee for a certified public accountant's partnership or professional corporation license shall be \$25.

NEW SECTION

WAC 4-04-301 EDUCATIONAL REQUIREMENTS. The educational requirements shall be: A graduate of a college or university recognized by the Board who has been awarded a bachelor's degree therefrom or one who has an education that the Board determines to be equivalent thereto.

NEW SECTION

WAC 4-04-311 LICENSE REQUIREMENTS FOR PUBLIC ACCOUNTING PARTNERSHIPS OR PROFESSIONAL SERVICE CORPORATIONS. No application for registration for a public accounting partnership or professional service corporation will be approved by the Board unless the following conditions exist:

(1) At least one partner or shareholder holds a current or otherwise valid permit to practice public accounting within this state as a certified public accountant.

(2) Each partner or shareholder personally engaged within this state in the practice of public accounting holds a current and otherwise valid permit to practice public accounting in this state as a certified public accountant.

(3) Each resident manager in charge of an office of the partnership or corporation in this state must hold a current and otherwise valid permit to practice public accounting in this state as a certified public accountant. Application for such registration shall be in writing, sworn to by a partner or shareholder who holds a current and otherwise valid permit to practice public accounting in this state as a certified public accountant.

NEW SECTION

WAC 4-12-021 APPLICATIONS FOR EXAMINATION. Applications for examination or reexamination must be received by the Board March 1 for May, September 1 for November examinations.

NEW SECTION

WAC 4-12-031 EXAMINATION SPECIFIED MEANS EXAMINATION BY THE BOARD. The examination mentioned in the Act has reference to the C.P.A. examination given by the Board of Accountancy of the State of Washington.

NEW SECTION

WAC 4-12-041 CONSTRUCTION OF ACT AS TO GRADUATION FROM ESTABLISHED RESIDENT SCHOOL OF BUSINESS OR ACCOUNTING. That portion of the Act which refers to a graduate

of an established resident school of business or accounting is interpreted to mean that not only must a school offer courses of study in accounting, business law, economics and finance, but a graduate thereof in order to qualify under the Act must have satisfactorily completed courses of study in accounting, business law, economics and finance.

NEW SECTION

WAC 4-12-061 CONSTRUCTION OF ACT AS TO GRADUATE OF COLLEGE OR UNIVERSITY. A graduate of a college or university recognized by the Board, as provided under the Act, is defined as one who has received a bachelor's degree as a result of approximately one hundred and twenty semester hours of study or the equivalent at an institution whose credits would be accorded full recognition on transfer to any Washington state university.

NEW SECTION

WAC 4-12-111 EQUIVALENT EXAMINATION. An applicant for the CPA examination, who is not a college graduate and who desires to qualify under the provisions of the Act, will be permitted to substitute a passing score on an equivalency examination, said examination to be held at least twice yearly by the Board or its designee.

NEW SECTION

WAC 4-12-171 APPLICANTS FOR INITIAL PERMITS TO PRACTICE PUBLIC ACCOUNTING. An applicant for an initial permit to practice public accounting shall show to the satisfaction of the Board the following:

(1) An applicant who is a graduate of a college or university and who has completed courses satisfactory to the Board in the study of accounting, business law, economics and finance must have either engaged in the practice of public accounting for one year or been employed in private or governmental accounting work acceptable to the Board for two years. Each two months of private or governmental work may be substituted for one month of public accounting experience.

(2) An applicant who is a graduate of a college or university, but who has not completed the courses required by the Board in subsection (1) above must have engaged in the practice of public accounting for two years or been employed in private or governmental accounting work acceptable to the Board at least three years. Each three month's experience in private or governmental accounting work may be substituted for two months of the public accounting experience required by this subsection.

(3) An applicant must provide the affidavit of a CPA currently holding a valid permit to practice public accounting showing to the satisfaction of the Board that the applicant has experience in the elements of the attest function to include:

(a) Experience in applying a variety of auditing procedures and techniques to the usual and customary financial transactions recorded in accounting records.

(b) Experience in the preparation of audit working papers covering the examination of the accounts usually found in accounting records.

(c) Experience in the planning of the program of audit work including the selection of the procedures to be followed.

(d) Experience in the preparation of written explanations and comments of the findings of the examination and on the content of the accounting records.

(e) Experience in preparation and analysis of financial statements, together with explanations and notes thereof.

NEW SECTION

WAC 4-12-181 RENEWAL OF PERMITS TO PRACTICE PUBLIC ACCOUNTING. An applicant for renewal of a permit to practice public accounting shall demonstrate to the Board, compliance with continuing education provisions of the Act.

NEW SECTION

WAC 4-12-191 APPLICANTS FOR PERMITS TO PRACTICE PUBLIC ACCOUNTING FROM OTHER STATUS. An applicant for permit to practice public accounting who is entering public accounting from some other status shall:

(1) Show to the Board's satisfaction that the applicant has sufficient experience in the elements of the attest function.

(2) Show to the Board's satisfaction compliance with the continuing education requirements.

NEW SECTION

WAC 4-16-301 PREAMBLE. This code of professional conduct is promulgated under the authority granted by the Act which delegates to the Board of Accountancy of the State of Washington the power to promulgate and amend rules of professional conduct appropriate to establish and maintain a high standard of integrity and dignity in the profession of public accountancy.

The rules of conduct set out below rest upon the premises that the reliance of the public in general and of the business community in particular on sound financial reporting, and on the implication of professional competence which inheres in the authorized use of a legally restricted title relating to the practice of public accountancy, imposes on persons engaged in such practice certain obligations both to their clients and to the public. These obligations, which the rules of conduct are intended to enforce where necessary, include the obligation to maintain independence of thought and action, to strive continuously to improve one's professional skills, to observe, where applicable, generally accepted accounting principles and generally accepted auditing standards, to promote sound and informative financial reporting to hold the affairs of clients in confidence, to uphold the standards of the public accountancy profession, and to maintain high standards of personal conduct in all matters affecting one's fitness to practice public accountancy.

Acceptance of licensure to engage in the practice of public accountancy or to use titles which imply a particular competence so to engage involves acceptance by the licensee of such obligations, and accordingly, of a duty to abide by the rules of conduct.

The rules of conduct are intended to have application to all kinds of professional services performed in the practice of public accountancy, including tax and management advisory services, and to apply as well to all licensees, whether or not engaged in the practice of public accountancy, except where the wording of a rule clearly indicates that the applicability is more limited.

A licensee who is engaged in the practice of public accountancy outside of the United States will not be subject to discipline by the Board for departing, with respect to such foreign practice, from any of the rules, so long as his conduct is in accordance with the standards of professional conduct applicable to the practice of public accountancy in the country in which he is practicing. However, even in such a case, if a licensee's name is associated with financial statements in such manner as to imply that he is acting as an independent public accountant and under circumstances that would entitle the reader to assume that United States practices are followed, he will be expected to comply with the Rules of Professional Conduct. In the interpretation and enforcement of the Rules of Conduct, the Board will give consideration, but not necessarily dispositive weight, to relevant interpretations, rulings and opinions issued by the board of other jurisdictions, and by appropriately authorized committees on ethics of professional organizations.

NEW SECTION

WAC 4-16-311 DEFINITIONS. For purposes of these rules, the following terms have the meanings indicated:

(1) Board. Board of Accountancy of the State of Washington.

(2) Client. The person or entity which retains a licensee for the performance of professional services.

(3) Enterprise. Any person or entity, whether organized for profit or not, with respect to which a licensee performs professional services.

(4) Firm. A proprietorship, partnership or professional corporation engaged in the practice of public accountancy.

(5) Financial statements. Statements and footnotes related thereto that purport to show financial position that relates to a point in time or changes in financial position that relate to a period of time, including statements that use a cash or other incomplete basis of accounting. The term includes balance sheets, statements of income, position and statements of changes in owners' equity, but does not include incidental financial data included in management advisory services reports to support recommendations to a client, nor does it include tax returns and supporting schedules.

(6) He, his, him. Masculine pronouns when used herein also include the feminine and the neuter.

(7) Licensee. A person holding a certificate issued by the Board or registered by the Board or holding a permit

to practice, pursuant to the Public Accounting Act of 1983, and a firm registered with the Board or holding a permit to practice, pursuant to the Public Accounting Act of 1983. The term includes each firm of which a licensee is a partner, officer, or shareholder, and each partner, officer or shareholder of a firm that is a licensee.

(8) *Practice of public accountancy.* A licensee is deemed to be engaged in the practice of public accountancy when such licensee performs for a client one or more types of services involving the use of accounting or auditing skills or one or more types of management advisory or consulting services or the preparation of tax returns or the furnishing of advice on tax matters while holding oneself out in such manner as to state or imply that one is a licensee.

(9) *Professional services.* Any services performed or offered to be performed by a licensee for a licensee in the course of the practice of public accountancy.

(10) *Public communication.* A communication made in identical form to multiple persons or to the world at large, as by television, radio, business card or directory.

NEW SECTION

WAC 4-16-371 CONFIDENTIAL CLIENT INFORMATION. A licensee shall not without the consent of his client disclose any confidential information pertaining to his client obtained in the course of performing professional services.

This rule does not (a) relieve a licensee of any obligation under other rules, or (b) affect in any way a licensee's obligation to comply with the validly issued subpoena or summons enforceable by order of a court, or (c) prohibit disclosures in the course of a quality review of a licensee's professional services, or (d) preclude a licensee from responding to any inquiry made by the Board or any investigative or disciplinary body established by law or formally recognized by the Board.

Members of the Board and professional practice reviewers shall not disclose any confidential client information that comes to their attention from licensees in disciplinary proceedings or otherwise in carrying out their responsibilities, except that they may furnish such information to an investigative or disciplinary body of the kind referred to above.

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 4-16-401 FORM OF PRACTICE. A licensee may practice public accountancy only in a proprietorship, a partnership or a professional corporation whose characteristics conform to the Public Accountancy Act of 1983.

NEW SECTION

WAC 4-20-011 CITATION OF RULES AND PURPOSE. These rules may be cited and referred to as the "Accountancy Continuing Education Rules." They are subject to amendment, modification, revision, supplement, repeal or other change by appropriate action in

the future. The purpose of the rules is to require certified public accountants licensed under the Washington Public Accountancy Act of 1983, to comply with continuing education requirements except that it does not apply to those individuals not engaged in public practice such as licensees in private industry, government organizations, educational institutions, or similar activities unless those individuals in addition to their basic employment, engage in public practice, regardless of degree.

NEW SECTION

WAC 4-20-021 BASIC REQUIREMENTS — AMOUNT. In the two year period ending the December 31 immediately preceding the annual renewal of the permit to practice public accounting, the applicant must have completed 10 days, or accumulated 80 hours of acceptable continuing education: **PROVIDED,** That at least two days or 16 hours in each calendar year period shall consist of accounting related or auditing related subjects; no more than 8 hours of 1 day in any 1 year may be courses deemed "nontechnical" by the Board.

(1) Measurement is in full hours only (a fifty minute period equals one hour). A one day course will constitute eight hours of credit.

(2) Only class hours or the equivalent (and not hours devoted to preparation) are counted.

NEW SECTION

WAC 4-20-031 BASIC REQUIREMENTS — EFFECTIVE DATE OF REQUIREMENT. With respect to any individual, the regulation will become effective December 31, two years following the end of the calendar year in which the individual's first annual permit to practice public accounting is issued: **PROVIDED,** That all individuals holding valid Washington CPA certificates who are not eligible to practice public accounting at the time of this amendment must comply with terms of this regulation prior to applying for a permit to practice public accounting: **PROVIDED, FURTHER,** That licensees entering public accounting from some other status after the effective date of this rule must demonstrate compliance with CPE requirements before applying for a license to practice public accounting.

NEW SECTION

WAC 4-20-046 BASIC REQUIREMENTS — EXCEPTIONS. The following are exceptions from the continuing education requirements:

(1) Licensees who are not practicing public accounting in the State of Washington are exempt from any continuing education requirement and the applicable continuing education rules and regulations of the Board.

(2) Upon a showing of good cause by a licensee to the Board, the Board may exempt such licensee from any, all or part of the continuing education requirements and the applicable continuing education rules and regulations of the Board. Good cause includes but is not limited to chronic illness, retirement or military service.

(3) A licensee is exempted from the 16 hour accounting and auditing related subject provision for any calendar year in a reporting period during which the licensee

was not involved in preparing reports on financial statements: **PROVIDED**, That a licensee must accumulate at least 16 hours in accounting and auditing related subjects during the current calendar year if (s)he reasonably expects to be involved in preparing financial statements in the calendar year following the reporting period.

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 4-24-021 DEFINITIONS. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

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

(3) "The Washington State Board of Accountancy" is the Board whose members are appointed by the Governor. The Washington State Board of Accountancy shall hereinafter be referred to as the "Board". Where appropriate, the term "Board" also refers to the staff and employees of the Washington State Accountancy Board.

NEW SECTION

WAC 4-24-041 OPERATIONS AND PROCEDURES. (1) The Board of Accountancy consists of five members, one of whom is designated as chairman.

(2) The Board meets approximately once each month in various places throughout the state. The time and place of the meeting can be learned by writing or calling the administrative office of the Board.

(3) The chief executive officer is the Board's administrator. He is responsible for carrying out the Board's directions and for directing the Board's staff.

(4) It is the Board's duty to administer the accountancy law.

(a) The Board administers a certified public accountant's examination semiannually.

(b) The Board receives applications for certificates of CPA's and permits to practice as public accountants and investigates the qualifications of applicants and issues licenses to those properly qualified.

(c) The Board prepares an annual report to the Governor of its activities, which upon request shall be available to any person, office, partnership, or corporation within this Act, or to any member of the public.

(d) The Board reviews licensees' compliance with its continuing education rules.

(e) The Board receives complaints about licensees' professional conduct and revokes or suspends the license of persons found to have violated terms of the licensing law.

(5) Information concerning all licenses or registrations issued by the Board may be obtained by writing or calling the administrative office of the Board.

NEW SECTION

WAC 4-24-101 EXEMPTIONS. (1) The Board reserves the right to determine that a public record requested in accordance with the procedures outlined is exempt from disclosure under provisions of RCW 42.17-.310, also known as section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to RCW 42.17.310(2), section 26, chapter 1, Laws of 1973, the Board 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 disclosures of such details would be an invasion of personal privacy protected by RCW 42.17.310, also known as chapter 1, Laws of 1973. The public record 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 4-24-131 INDEX OF PUBLIC RECORDS AVAILABLE. (1) The Board has available to all persons:

(a) Card file of every Washington licensed certified public accountant with details of name, address, certificate type, date issued and number, including certified public accountant examination candidates without grade information.

(b) Computer status report showing current status of all licensed accountants, name and address, current or delinquent.

(c) Formal orders including orders of public hearings.

(d) Minutes of Board meetings.

(e) Files to support above, with specific complaints and other nondisclosable items deleted.

(f) Tape recordings of all Board meetings, excluding executive sessions.

(g) Correspondence, including AICPA reports of examination results, excluding names.

(h) Law pamphlets and amendments thereto.

(i) Continuing education course data, sponsor agreements and records applicable to licensees.

(j) Legal orders file.

(k) Correspondence and materials referred to therein by and with the Board relating to any regulatory, supervisory or enforcement responsibilities of the Board, whereby the Board determines or opines upon, or is about to determine or opine upon, the rights of any state, the public, a subdivision of state government or of any private party, which is filed chronologically, with one copy also filed in a licensee's file, if applicable.

(2) The Board has determined that it would be unduly burdensome to maintain an index, except as set forth herein, due to fiscal and personnel limitations and to the

general nature and large volume of correspondence of the Board.

(3) The Board shall not give, sell or provide access to lists of individuals requested for commercial purposes except that a list of licensees is maintained according to statute, and except that lists of applicants for licenses are accessible to bona fide educational and professional organizations.

REPEALER

The following sections of the Washington Administrative Code are each hereby repealed:

- | | | | |
|--------------|--|--------------|--|
| WAC 4-04-250 | FEE FOR REGISTRATION OF LPA PARTNERSHIP OR PS. | WAC 4-04-310 | LICENSE REQUIREMENTS FOR PUBLIC ACCOUNTING PARTNERSHIPS OR PROFESSIONAL SERVICE CORPORATIONS. |
| WAC 4-04-260 | ANNUAL LICENSE FEE FOR LPA PARTNERSHIP OR PS. | WAC 4-12-020 | APPLICATIONS FOR EXAMINATION. |
| WAC 4-04-280 | FEE FOR REGISTRATION OF PA PARTNERSHIP OR PS. | WAC 4-12-030 | EXAMINATION SPECIFIED MEANS EXAMINATION BY THE BOARD. |
| WAC 4-04-290 | ANNUAL LICENSE FEE FOR PUBLIC ACCOUNTANT PARTNERSHIPS OR PS. | WAC 4-12-040 | CONSTRUCTION OF ACT AS TO GRADUATION FROM ESTABLISHED RESIDENT SCHOOL OF BUSINESS OR ACCOUNTING. |
| WAC 4-12-070 | CONSTRUCTION OF RCW 18.04.170 AS TO COLLEGE ENROLLMENT. | WAC 4-12-060 | CONSTRUCTION OF ACT AS TO GRADUATE OF COLLEGE OR UNIVERSITY. |
| WAC 4-04-010 | CONSTRUCTION OF "DATE OF PASSAGE OF THE ACT." | WAC 4-12-110 | EQUIVALENT EXAMINATION. |
| WAC 4-04-020 | USE OF TITLES RELATING TO ACCOUNTANCY. | WAC 4-12-170 | APPLICANTS FOR INITIAL PERMITS TO PRACTICE PUBLIC ACCOUNTING. |
| WAC 4-04-030 | ANNUAL NOTICE TO RENEW AN ANNUAL PERMIT. | WAC 4-12-180 | RENEWAL OF PERMITS TO PRACTICE PUBLIC ACCOUNTING. |
| WAC 4-04-060 | RESIDENT MANAGER OF PUBLIC ACCOUNTING OFFICE. | WAC 4-12-190 | APPLICANTS FOR PERMITS TO PRACTICE PUBLIC ACCOUNTING FROM OTHER STATES. |
| WAC 4-04-070 | PROFESSIONAL SERVICE CORPORATIONS—NOTIFICATION REQUIREMENTS. | WAC 4-16-300 | PREAMBLE. |
| WAC 4-04-190 | TIME OF EXAMINATION. | WAC 4-16-310 | DEFINITIONS. |
| WAC 4-04-210 | FEES FOR PERMIT TO PRACTICE ACCOUNTING. | WAC 4-16-370 | CONFIDENTIAL CLIENT INFORMATION. |
| WAC 4-04-220 | FEE FOR REGISTRATION AS CPA PARTNERSHIP OR PS. | WAC 4-16-400 | FORM OF PRACTICE. |
| WAC 4-04-230 | ANNUAL LICENSE FEE FOR CPA PARTNERSHIP OR PS. | WAC 4-20-010 | CITATION OF RULES AND PURPOSE. |
| WAC 4-04-300 | EDUCATION REQUIREMENTS. | WAC 4-20-020 | BASIC REQUIREMENTS—AMOUNT. |
| | | WAC 4-20-030 | BASIC REQUIREMENTS—EFFECTIVE DATE OF REQUIREMENT. |
| | | WAC 4-20-045 | BASIC REQUIREMENTS—EXCEPTIONS. |
| | | WAC 4-24-020 | DEFINITIONS. |
| | | WAC 4-24-040 | OPERATIONS AND PROCEDURES. |
| | | WAC 4-24-100 | EXEMPTIONS. |
| | | WAC 4-24-130 | INDEX OF PUBLIC RECORDS AVAILABLE. |

WSR 83-14-033
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT
 [Memorandum—June 29, 1983]

A special meeting of the board of trustees of the Seattle Community College District VI has been scheduled for Tuesday, July 5, 1983, at 6:30 p.m., in the District Office Board Room, 300 Elliott Avenue West, Seattle, WA 98119.

WSR 83-14-034
NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION
 [Memorandum—June 30, 1983]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn on Thursday, July 21, 1983, at 9:30 a.m. The hospitals scheduled for informal hearing have previously filed with the commission their annual budget and rate requests and their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-20-135. Such information is on file in the commission's office and is available for inspection.

A meeting of the State Hospital Commission is also scheduled for August 25, 1983, at the Vance Airport Inn.

WSR 83-14-035
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed June 30, 1983]

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 Performance evaluation—Requirements—Monitoring, amending WAC 356-30-300;

that the agency will at 10:00 a.m., Thursday, August 11, 1983, in the Board Hearing Room, Department of Personnel, 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.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

Dated: June 29, 1983
 By: Leonard Nord
 Secretary

STATEMENT OF PURPOSE

Amend WAC 356-30-300.

Title: Performance evaluation—Requirements—Monitoring.

Purpose: Sets forth the requirements of an agency to evaluate the performance of their employees.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposed addition to the rule would make the failure on the part of a supervisor to complete an employee's required evaluations a cause for disciplinary action, thereby encouraging completion of evaluations.

Responsibility for Drafting: Bill B. Turney, Department of Personnel, 600 South Franklin, FE-11, Olympia, WA 98504, Phone: 753-7125; Implementation and Enforcement: Agency appointing authority.

Proposed by: Department of Personnel, governmental agency.

AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

WAC 356-30-300 PERFORMANCE EVALUATION—REQUIREMENTS—MONITORING. (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.

(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.

(6) Allowing a probationary employee to gain permanent status or a trial service employee to gain permanent status in the class to which he/she has been promoted without completion of an evaluation may be regarded as neglect of duty, incompetence or insubordination on the part of the supervisor.

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 83-14-036
PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
 [Filed June 30, 1983]

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 duties of elections officials receiving copies of campaign finance reports, new WAC 390-13-100;

that the agency will at 9:00 a.m., Tuesday, August 23, 1983, in the 2nd Floor Conference Room, Evergreen

Plaza 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 August 23, 1983.

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 before August 23, 1983.

Dated: June 30, 1983
By: Graham E. Johnson
Administrator

STATEMENT OF PURPOSE

Title: WAC 390-13-100 Duties of elections officials receiving copies of campaign finance reports.

Description of Purpose: [No information supplied by agency]

Statutory Authority: Chapter 294, Laws of 1983, HB 569.

Summary of Rule: Details requirements for county elections officers to follow when arranging, indexing, handling and providing access to copies of campaign finance reports they receive by law.

Reasons Supporting Proposed Action: Statutory mandate.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham Johnson and David Clark.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: PDC staff.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: [No information supplied by agency]

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: N/A.

NEW SECTION

WAC 390-13-100 DUTIES OF ELECTIONS OFFICIALS RECEIVING COPIES OF CAMPAIGN FINANCE REPORTS. (1) Pursuant to chapter 294, Laws of 1983, when arranging, indexing, handling and providing access to reports filed with the county as required by chapter 42.17 RCW, county election officers shall adhere to the following:

(a) Each report on receipt shall be marked with the date (or some means of determining the date) the report was postmarked and/or the date on which it was received by the elections office.

(b) Files for these reports shall be maintained separate from all other reports and documents in the office and shall be arranged alphabetically by the name of the candidate or committee. Elections officers may segregate files into additional categories, if desired.

(c) Files may be maintained in paper form or on micrographics. If files are maintained on micrographics, equipment for viewing film and for reproducing individual frames on paper must be made available to the public.

(d) A separate, special index shall be maintained showing the name of each candidate or committee for whom reports are on file. The index need not list each report subsequently filed. The index shall be readily available for public inspection.

(e) Reports shall be placed in the files and available for public inspection by the end of the next business day following receipt.

(f) Mindful that the public's right to know of the financing of political campaigns is paramount, elections officials shall give priority attention to and promptly honor each request for public inspection of the campaign finance report files.

(2) Copies of reports must be maintained by elections officers for a period of at least six years, in accordance with RCW 42.17.450, and records retention schedules prepared pursuant to chapter 40.14 RCW.

(3) A description of the county's method of filing and indexing campaign finance reports shall be sent to the Public Disclosure Commission within 30 days of the effective date of this rule. The description shall be updated any time there is a revision to the filing and indexing system.

WSR 83-14-037

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 83-59—Filed June 30, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, 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 provides for state law consistent with the U.S. Department of Commerce Fisheries Conservation Zone salmon regulations which meet various spawning escapement and treaty allocation requirements.

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 June 30, 1983.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-24-02000V *LAWFUL ACTS—TROLL FISHERY* Notwithstanding the provisions of WAC 220-24-010, WAC 220-24-020, and WAC 220-24-030, effective July 1, 1983 through July 31, 1983, it is unlawful to take, fish for or possess salmon for commercial purposes in the waters of the Pacific Ocean, except as provided in this section.

(1) It is unlawful to take or fish for salmon with troll gear in the waters of the Strait of Juan de Fuca east of the Bonilla-Tatoosh line.

(2) Except for the Columbia River Conservation Zone, it is lawful to fish for salmon with troll gear in all waters of the Pacific Ocean.

(3) For the purposes of this section, "Columbia River Conservation Zone" means those waters bounded by a line extending six nautical miles due west from North Head along 46°18'00" north latitude, then southerly along a bearing of 168 degrees true to the Columbia River light ship buoy at 46°11'06" north latitude then due

east to shore. It is unlawful to take or fish for salmon in the Columbia River Conservation Zone.

(4) It is unlawful to possess pink salmon and sockeye salmon while fishing in those waters north of a line projected due east-west through the northernmost point on Carroll Island.

(5) It is unlawful to possess or land more than one coho salmon for each two chinook salmon possessed or landed.

(6) It is unlawful to fish for or possess salmon while fishing with any terminal gear on a troll line except an artificial salmon plug. For the purposes of this section, "artificial salmon plug" means a fishing lure made of wood or rigid plastic with one or more hooks attached and which is six inches in length or longer. "Artificial salmon plug" does not mean flexible plastic lures or lures commonly known as spoons, wobblers and dodgers.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000U **LAWFUL ACTS—
TROLL FISHERY
(83-36)**

NEW SECTION

WAC 440-44-048 **WATER SYSTEM PROJECT REVIEW AND APPROVAL FEES.** (1) The review and approval fees for planning, engineering, and construction documents required under chapters 248-54 and 248-56 WAC shall be as follows:

(a) Water system plans

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
Water System Plan	No Plan Required	No Plan Required	500.00	1,000.00
Water System Plan letter update or coordinated water system plan or water system planning questionnaire	No Fee	No Fee	No Fee	No Fee

(b) Project engineering reports

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
All types of filtration or other complex treatment processes	250.00	500.00	1,000.00	1,500.00

**WSR 83-14-038
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)**

[Order 1980—Filed June 30, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to water system project review and approval fees, new WAC 440-44-048.

This action is taken pursuant to Notice No. WSR 83-10-076 filed with the code reviser on May 4, 1983. 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 43.20A-.055 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 29, 1983.

By David A. Hogan, Director
Division of Administration and Personnel

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
Chemical addition for corrosion control, or Fe and Mn control	No Report Required	No Report Required	300.00	500.00
Disinfection or fluoridation when no other process is involved	No Report Required	No Report Required	100.00	200.00
Complete water system which requires a detailed report to show how it will meet standards and regulations and operate properly	No Report Required	No Report Required	400.00	700.00
Major system modifications such as source, storage, or transmission, which change the system enough to require a detailed report to show how it will meet the regulations	100.00	200.00	300.00	500.00

2/c OK 9/14

(c) Project plans and specifications

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
All types of filtration or other complex treatment processes	250.00	500.00	1,000.00	1,500.00
Chemical addition for corrosion control or Fe and Mn control or disinfection or fluoridation when no other treatment process is involved	100.00	150.00	300.00	400.00
Complete water system which has not and will not be constructed prior to approval	200.00	400.00	600.00	800.00
New source of supply for an existing water system	150.00	200.00	300.00	400.00
Standard plans and specifications for water line installation, or booster pump station, or storage reservoir, or transmission/distribution water lines	100.00	150.00	200.00	300.00

PROJECT TYPE	CLASS 4	CLASS 2 & 3	CLASS 1	
			100 TO 999 SERVICES	1,000 OR MORE SERVICES
Well-site approval including the site inspection and hydro-geologic information review	100.00	100.00	100.00	100.00

(2) Additional review and approval fees may be assessed as follows:

(a) The basic fee covers services through the second review letter. If additional services or submittals are required for an approval to be made, an additional twenty-five percent of the original fee will be assessed for each subsequent service or review.

(b) Fees for approval of as-built plans and specifications for water system projects which were constructed without written approval, shall be twice the amount shown in subsection (1)(c) of this section.

WSR 83-14-039
EMERGENCY RULES
DEPARTMENT OF REVENUE
 [Order FT-83-4—Filed June 30, 1983]

I, Don Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 458-40-18688 Definitions for July 1 through December 31, 1983.
- New WAC 458-40-18689 Stumpage value areas—Map for July 1, 1983, through December 31, 1983.
- New WAC 458-40-18690 Hauling distance zones—Maps for July 1, 1983, through December 31, 1983.
- New WAC 458-40-18691 Timber quality code numbers—Tables for July 1, 1983, through December 31, 1983.
- New WAC 458-40-18692 Stumpage values—Tables for July 1 through December 31, 1983.
- New WAC 458-40-18693 Harvester adjustments—Tables for July 1 through December 31, 1983.
- New WAC 458-40-18694 Small harvester option for period July 1 through December 31, 1983.
- New WAC 458-40-18695 Definitions for small harvester option for July 1 through December 31, 1983.
- New WAC 458-40-18696 Taxable stumpage value for July 1 through December 31, 1983.
- Amd WAC 458-40-18600 General.
- Amd WAC 458-40-19000 Timber pole volume table for west of Cascade Summit for the calendar period July 1 through December 31, 1983.
- Amd WAC 458-40-19001 Timber piling volume table for west of Cascade Summit for the calendar period July 1 through December 31, 1983.
- Amd WAC 458-40-19002 Timber pole volume table for east of Cascade Summit for the calendar period July 1 through December 31, 1983.
- Amd WAC 458-40-19003 Timber piling volume table for east of Cascade Summit for the calendar period July 1 through December 31, 1983.
- Amd WAC 458-40-19004 Conversion definitions and factors for the calendar period July 1 through December 31, 1983.

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 RCW 84.33.071 requires stumpage value for timber be shown on tables to be prepared by the Department of Revenue each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, which stumpage values shall in accordance with the policy of the Department of Revenue reflect the most recent sales from which data is available.

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, 84.33.071, 84.33.070 and 84.33.074 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, 1983.

By John B. Conklin
 Forest Tax Supervisor

Reviser's note: The rules relating to stumpage values, chapter 458-40 WAC, were adopted both as permanent and emergency rules by the Department of Revenue in Administrative Order Numbers FT-83-4 and FT-83-3, respectively. Due to length of the rules, and the fact that they are identical in both their permanent and emergency versions, they are displayed in the Register only once, under WSR 83-14-040.

WSR 83-14-040
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order FT-83-3—Filed June 30, 1983]

I, Don Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- New WAC 458-40-18688 Definitions for July 1 through December 31, 1983.
- New WAC 458-40-18689 Stumpage value areas—Map for July 1, 1983, through December 31, 1983.
- New WAC 458-40-18690 Hauling distance zones—Maps for July 1, 1983, through December 31, 1983.
- New WAC 458-40-18691 Timber quality code numbers—Tables

- New WAC 458-40-18692 for July 1, 1983, through December 31, 1983. Stumpage values—Tables for July 1 through December 31, 1983.
- New WAC 458-40-18693 Harvester adjustments—Tables for July 1 through December 31, 1983.
- New WAC 458-40-18694 Small harvester option for period July 1 through December 31, 1983.
- New WAC 458-40-18695 Definitions for small harvester option for July 1 through December 31, 1983.
- New WAC 458-40-18696 Taxable stumpage value for July 1 through December 31, 1983. General.
- Amd WAC 458-40-18600 Timber pole volume table for west of Cascade Summit for the calendar period July 1 through December 31, 1983.
- Amd WAC 458-40-19000 Timber piling volume table for west of Cascade Summit for the calendar period July 1 through December 31, 1983.
- Amd WAC 458-40-19001 Timber pole volume table for east of Cascade Summit for the calendar period July 1 through December 31, 1983.
- Amd WAC 458-40-19002 Timber piling volume table for east of Cascade Summit for the calendar period July 1 through December 31, 1983.
- Amd WAC 458-40-19003 Conversion definitions and factors for the calendar period July 1 through December 31, 1983.

This action is taken pursuant to Notice No. WSR 83-11-037 filed with the code reviser on May 18, 1983. 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 84.33.071 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, 1983.

By John B. Conklin
Forest Tax Supervisor

AMENDATORY SECTION (Amending Order FT-82-7, filed 12/30/82)

WAC 458-40-18600 GENERAL. Pursuant to the duty imposed by RCW 84.33.071 to prepare tables of stumpage values for each species of timber and consistent with the duty to make allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions, and all other relevant factors, the department has promulgated rules and prepared tables which prescribe stumpage values and make allowances for the relevant factors.

Pursuant to the duty imposed by RCW 84.33.073 and 84.33.074 to establish an elective manner for the small harvester to report his forest excise tax, the department has promulgated rules providing for filing an optional short form forest excise tax return.

WAC 458-40-18600, (~~458-40-18679~~) 458-40-18688 through (~~458-40-18687~~) 458-40-18696 and

458-40-19000 through 458-40-19004 are promulgated for the calendar period (~~January 1 through June 30~~) July 1 through December 31, 1983, pursuant to the rule-making requirements, and procedures prescribed or authorized by chapter 34.04 RCW.

These rules shall not be construed to affect any public timber contracts in effect prior to August 1, 1982.

NEW SECTION

WAC 458-40-18688 DEFINITIONS FOR JULY 1 THROUGH DECEMBER 31, 1983. (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 458-40-18689, 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 458-40-18689, 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 land or from 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) 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) Private Timber. Private timber is all timber harvested from privately owned lands.

(13) Public Timber. Public timber is timber harvested from state, federal, municipal, and other government owned lands.

(14) 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.

(15) 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 458-40-18692.

(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" (Christmas trees), "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 458-40-18692.

(ii) In areas east of the Cascade Summit, species designations for the harvest type "special forest products" shall be "western redcedar" (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.

(16) 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 458-40-18689. 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.

(17) 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 458-40-18692.

(18) 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.

(19) 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 458-40-18691, and is based upon the constituent percentage of log grade specifications within the total volume of timber harvested for that particular species.

(20) This rule shall not be construed to affect any public timber contracts in effect prior to August 1, 1982.

NEW SECTION

WAC 458-40-18689 ~~STUMPAGE VALUE AREAS—MAP FOR JULY 1 THROUGH DECEMBER 31, 1983.~~ In order to allow for differences in market conditions and other relevant factors throughout the state as required by RCW 84.33.071(3) the department has created a map designating areas containing timber having similar growing, harvesting, and marketing conditions. The stumpage value area map shall be used for the determination of stumpage values.

The stumpage value area map shown herein shall be used to determine the proper stumpage value table to be used in calculating the taxable stumpage value under WAC 458-40-18692.

The following stumpage value area map is hereby adopted for use during the period of July 1 through December 31, 1983:

NEW SECTION

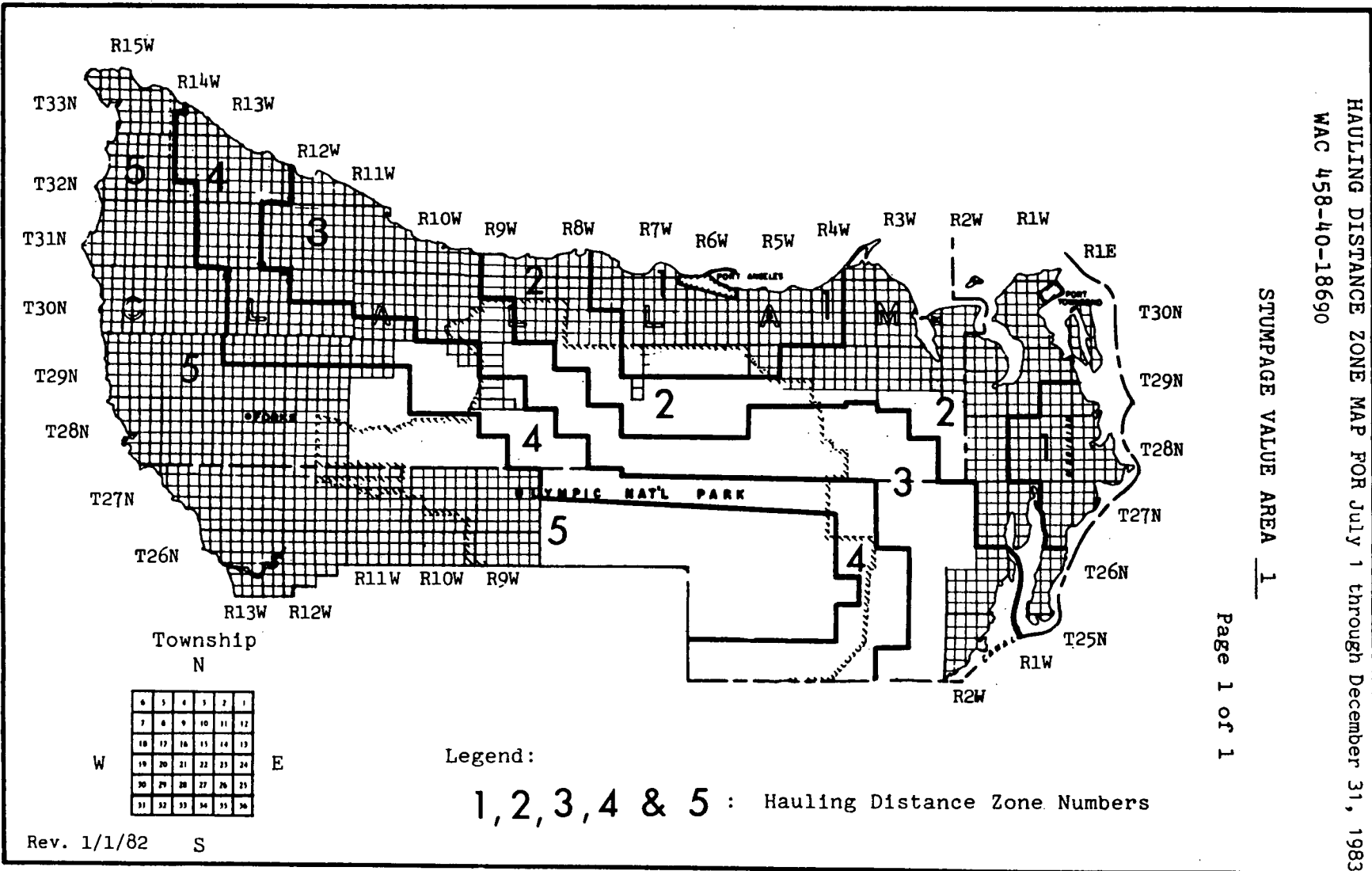
WAC 458-40-18690 ✓ HAULING DISTANCE ZONES—MAPS FOR JULY 1 THROUGH DECEMBER 31, 1983. In order to allow for differences in hauling costs and other relevant factors as required by RCW 84.33.071, the department has designated zones within each stumpage value area which have similar accessibility to conversion points and other similar hauling cost factors.

The hauling distance zone numbers on the following hauling distance zone maps establish the hauling distance zone numbers which are to be used in computing timber harvest value under the stumpage value tables of WAC 458-40-18692.

The following hauling distance zone maps designating zones established by the department as having similar hauling costs for transportation of forest products to the market, are hereby adopted for use during the period of July 1 through December 31, 1983:

HAULING DISTANCE ZONE MAP FOR JULY 1 THROUGH DECEMBER 31, 1983
MAC 458-40-18690

STUMPAGE VALUE AREA 1



Legend:

1, 2, 3, 4 & 5 : Hauling Distance Zone Numbers

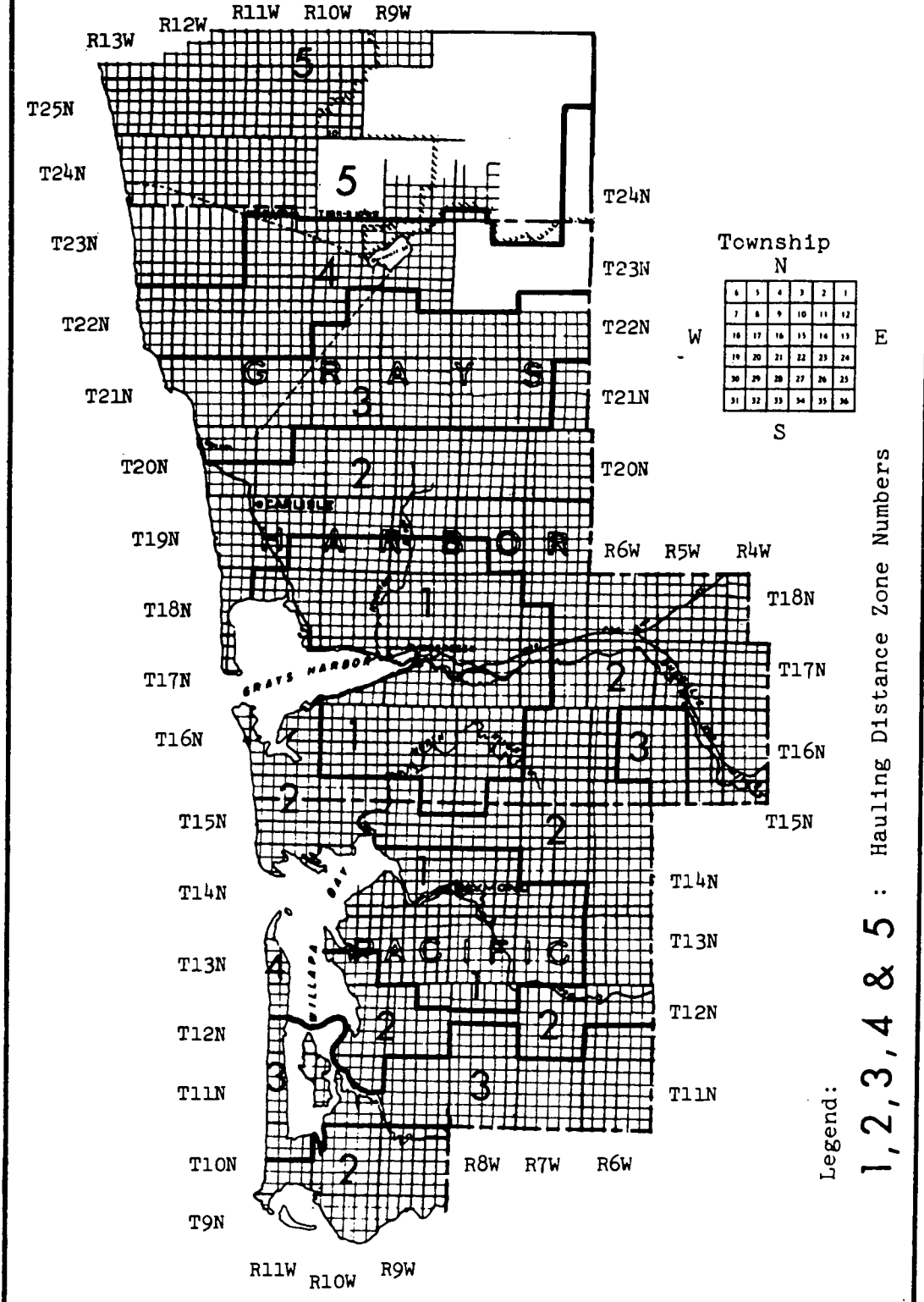
6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

Rev. 1/1/82 S

HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
WAC458-40-18690

STUMPAGE VALUE AREA 2

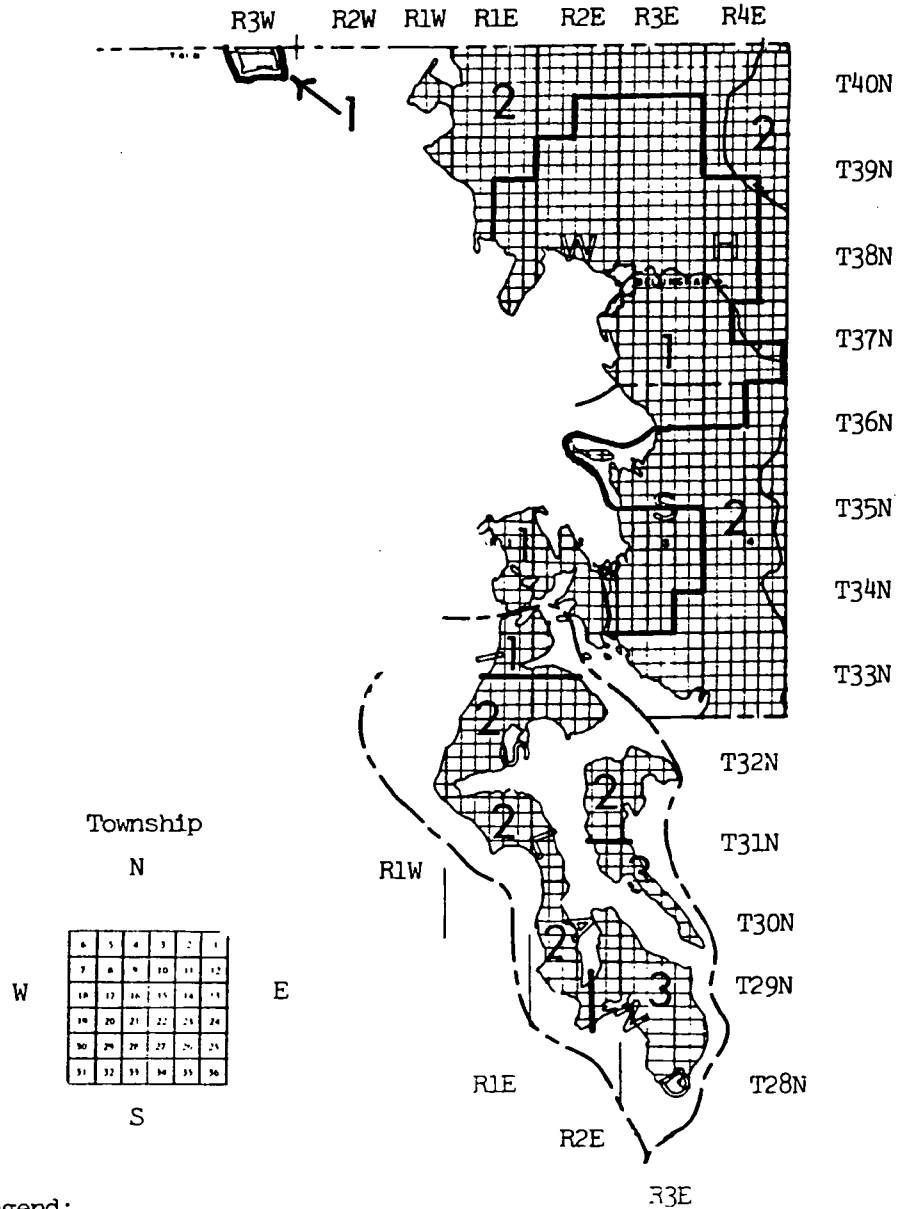
Page 1 of 1



HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
WAC458-40-18690

STUMPAGE VALUE AREA 3

Page 1 of 2



Legend:

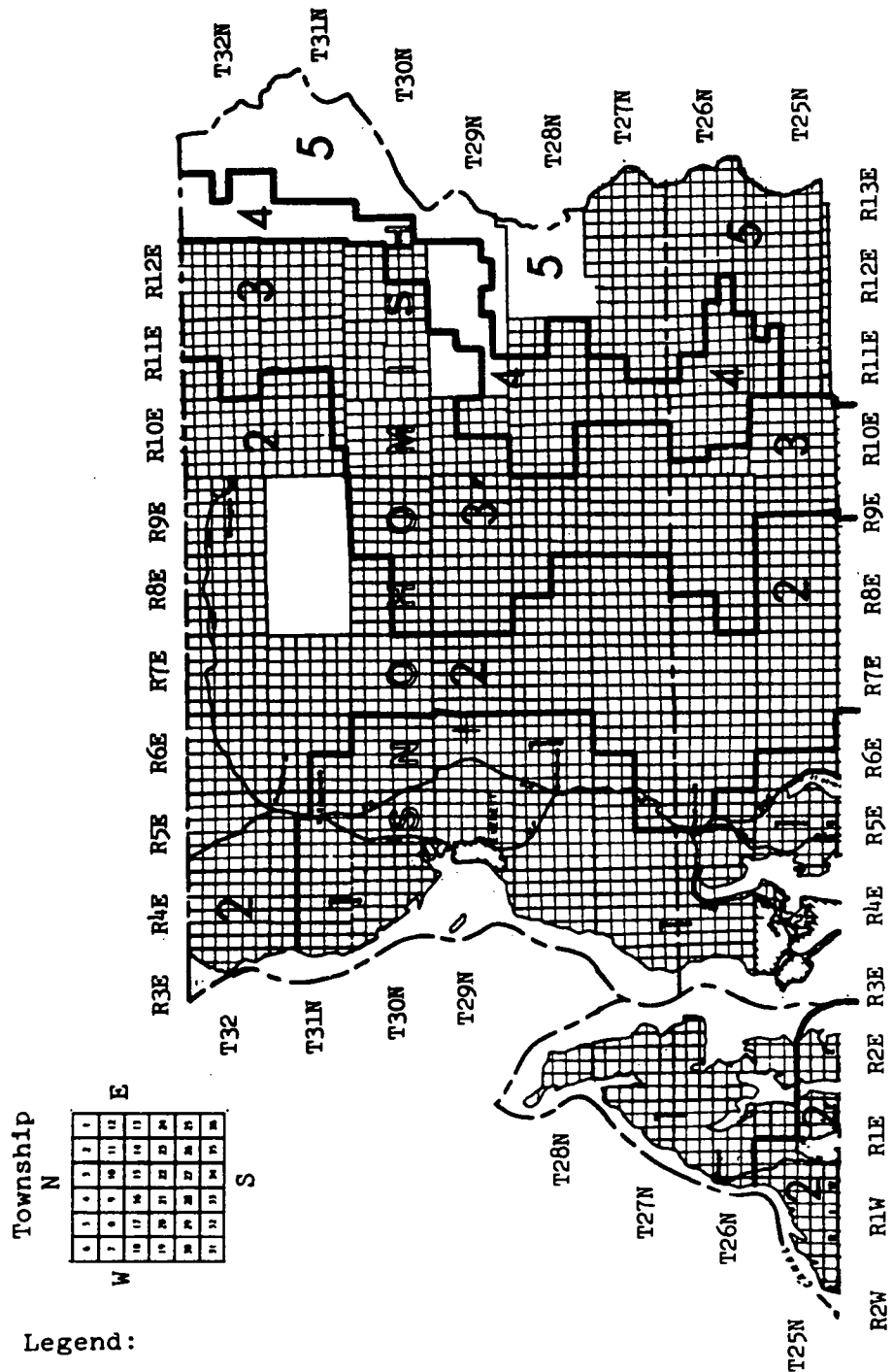
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

7/1/79

HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
WAC 458-40-186 90

STUMPAGE VALUE AREA 4

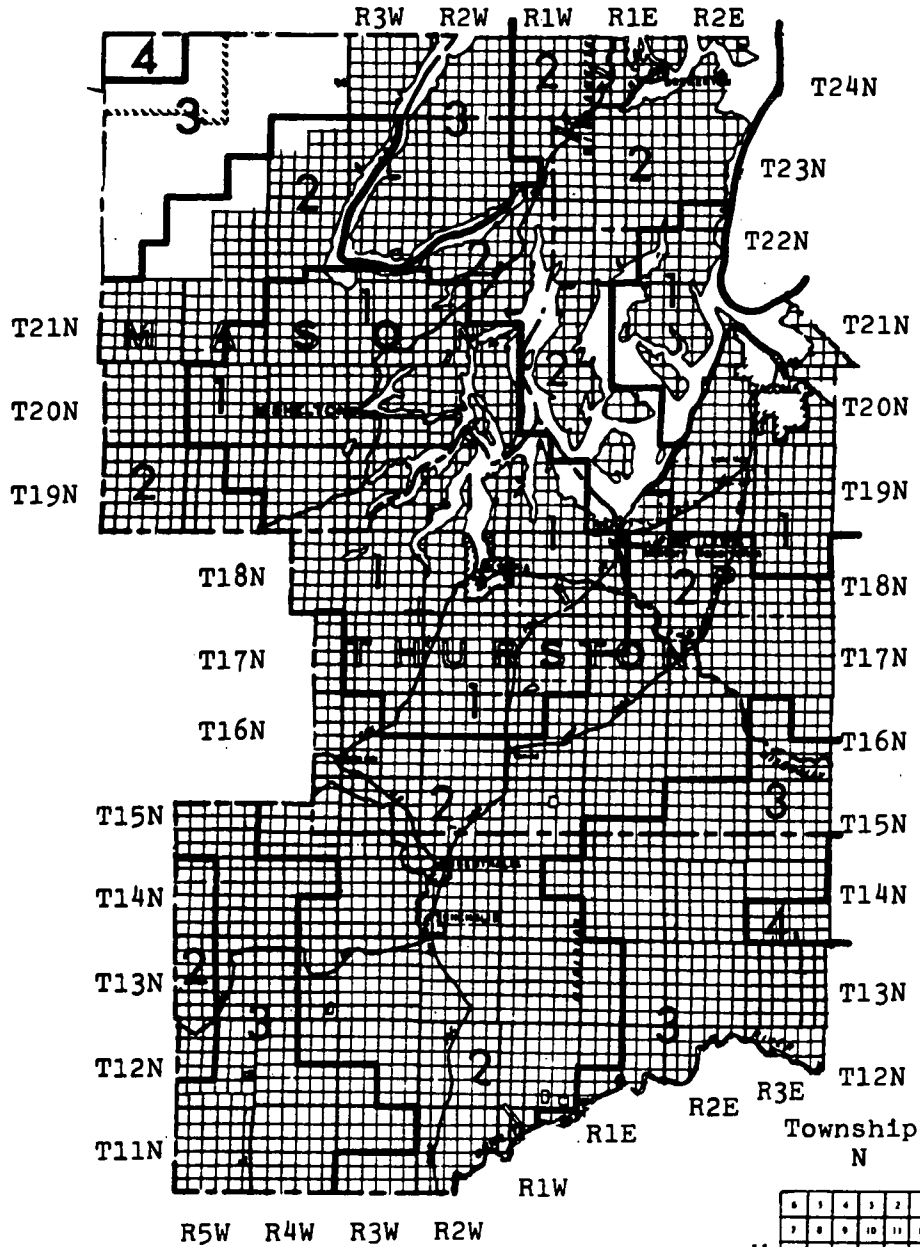
Page 1 of 3



HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
WAC 458-40-18690

STUMPAGE VALUE AREA 4

Page 2 of 3



Legend:

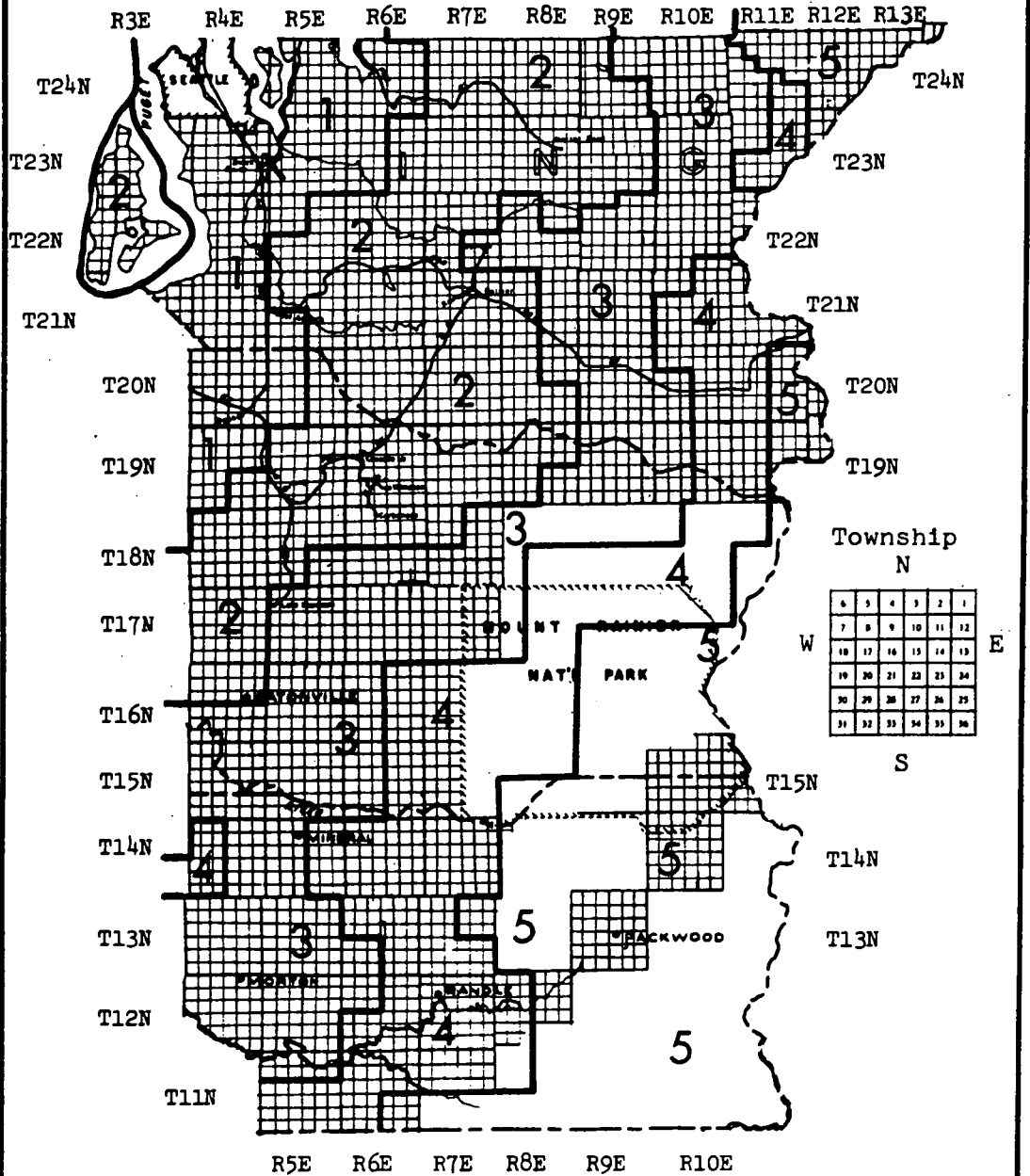
1, 2, 3 and 4: Hauling Distance Zone Numbers

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

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HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
WAC 458-40-186 90

STUMPAGE VALUE AREA 4 Page 3 of 3



Legend:

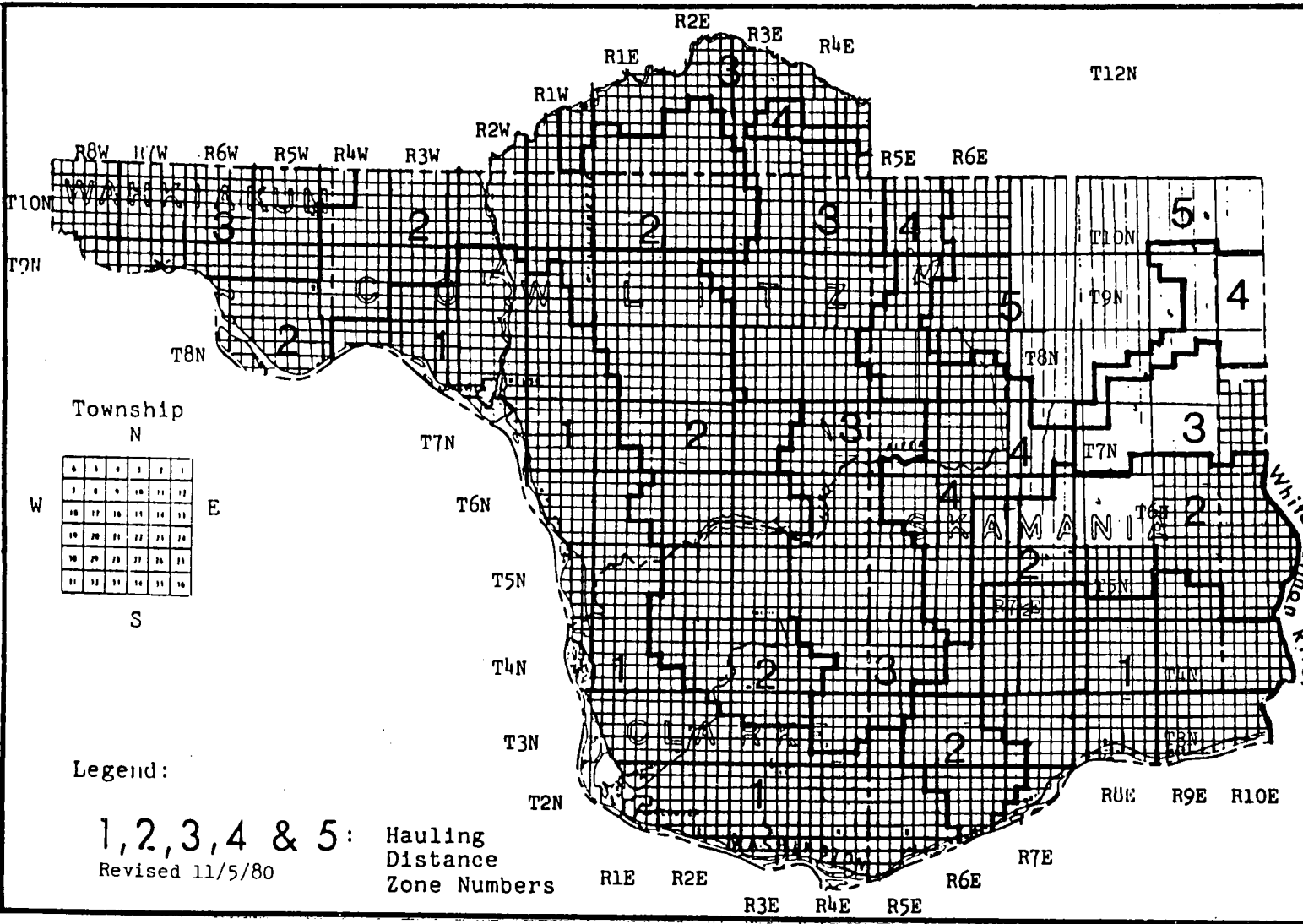
1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
MAC 458-40-18690

STUMPAGE VALUE AREA 5

Page 1 of 1

White Salmon River



Township

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6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

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Legend:

1, 2, 3, 4 & 5:

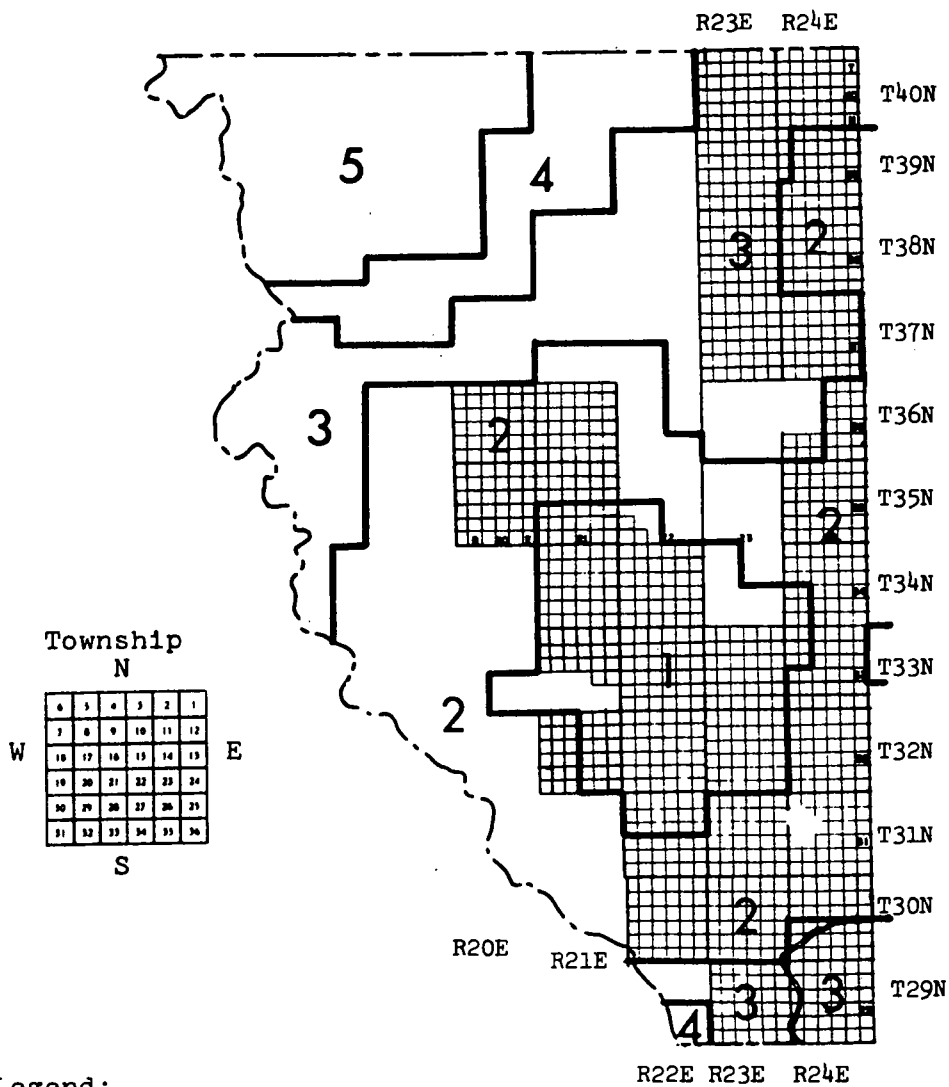
Revised 11/5/80

Hauling Distance Zone Numbers

[89]

HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
WAC 458-40-186 90

STUMPAGE VALUE AREA 6



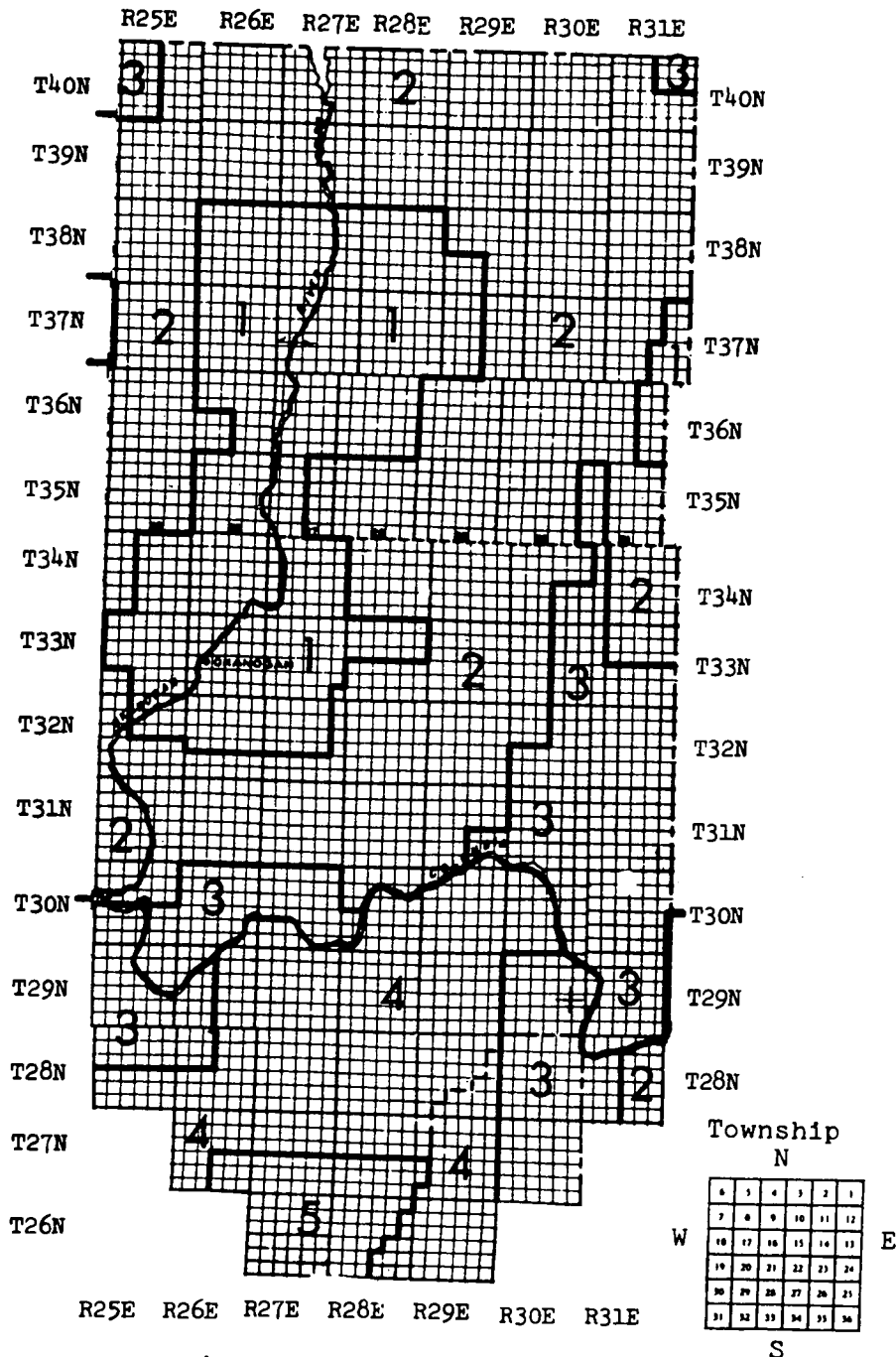
Legend:

1, 2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
WAC 458-40-186 90

STUMPAGE VALUE AREA 6

Page 2 of 2



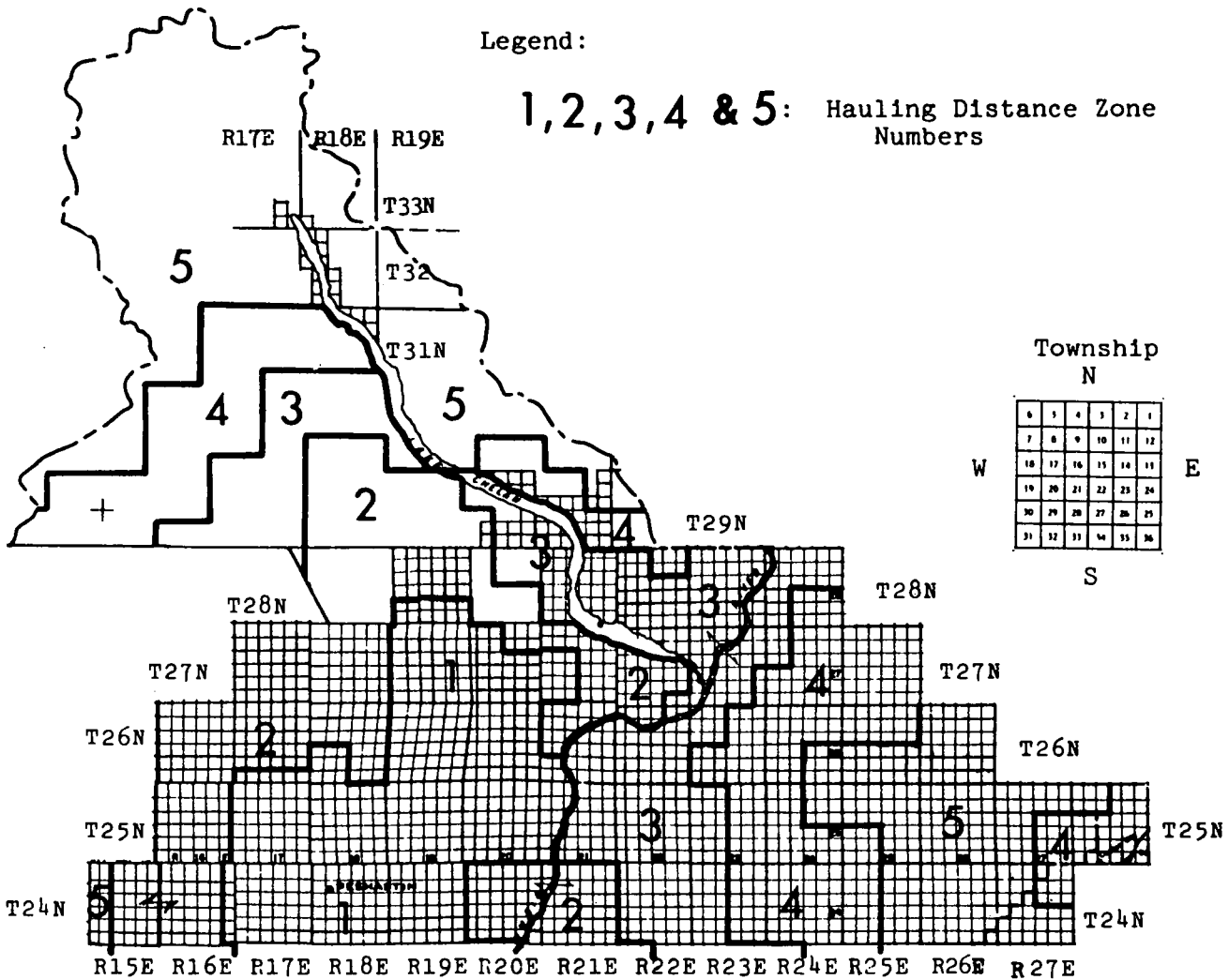
HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
WAC 458-40-186 90

STUMPAGE VALUE AREA 7

Page 1 of 3

Legend:

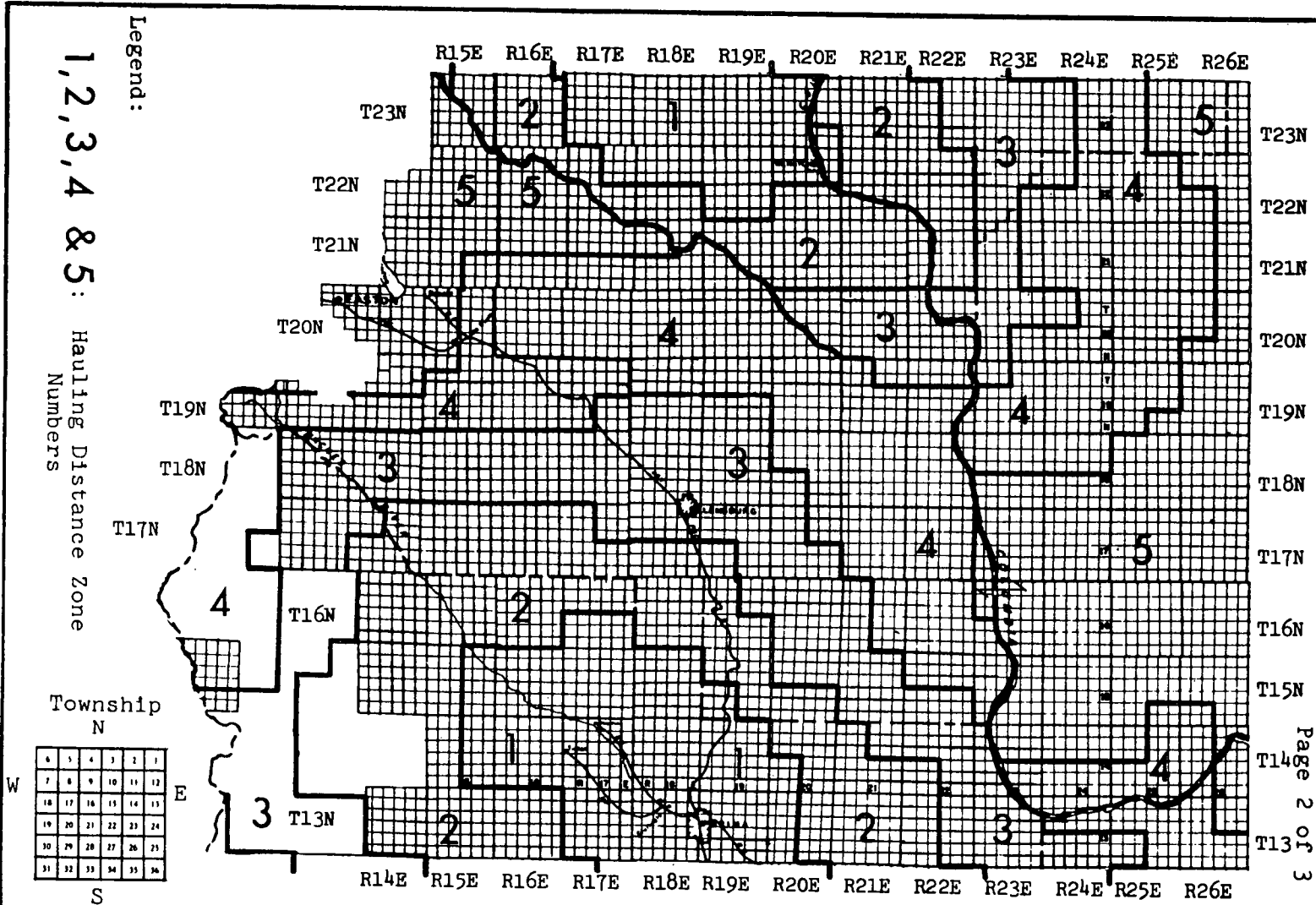
1, 2, 3, 4 & 5: Hauling Distance Zone Numbers



HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
WAC 458-40-18690

STUMPAGE VALUE AREA 7

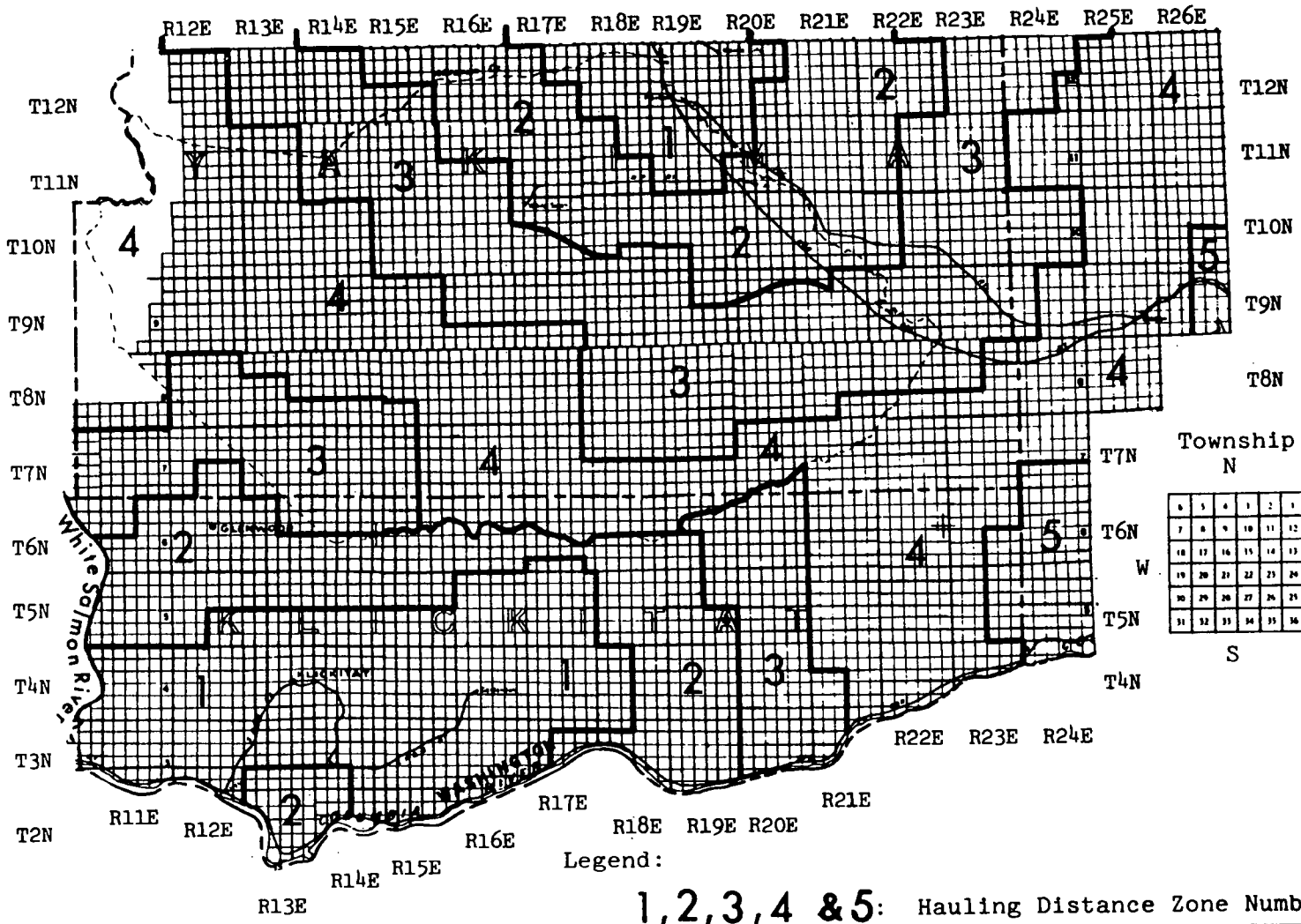
Page 2 of 3



HAULING DISTANCE ZONE MAP FOR JULY 1 THROUGH DECEMBER 31, 1983
WAC 458-40-186 90

STUMPAGE VALUE AREA 7

Page 3 of 3



Township N

6	5	4	3	2	1
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36

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HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983

WAC 458-40-18690

STUMPAGE VALUE AREA 8

Page 2 of 2

1, 2, 3, 4 & 5 : Hauling Distance
Zone Numbers

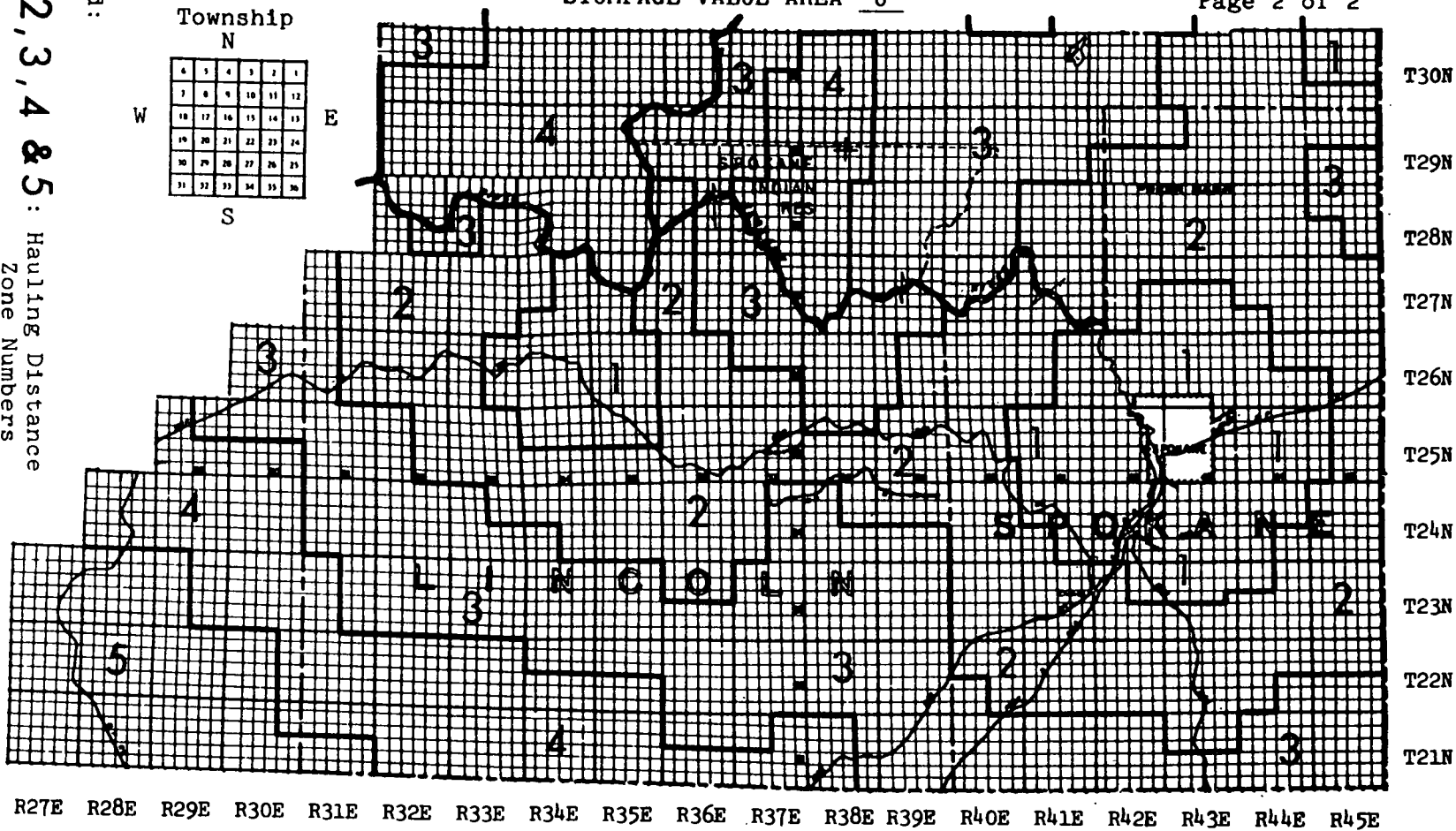
Legend:

Township
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	6	5	4	3	2	1
7	8	9	10	11	12	
13	14	15	16	17	18	
19	20	21	22	23	24	
25	26	27	28	29	30	
31	32	33	34	35	36	

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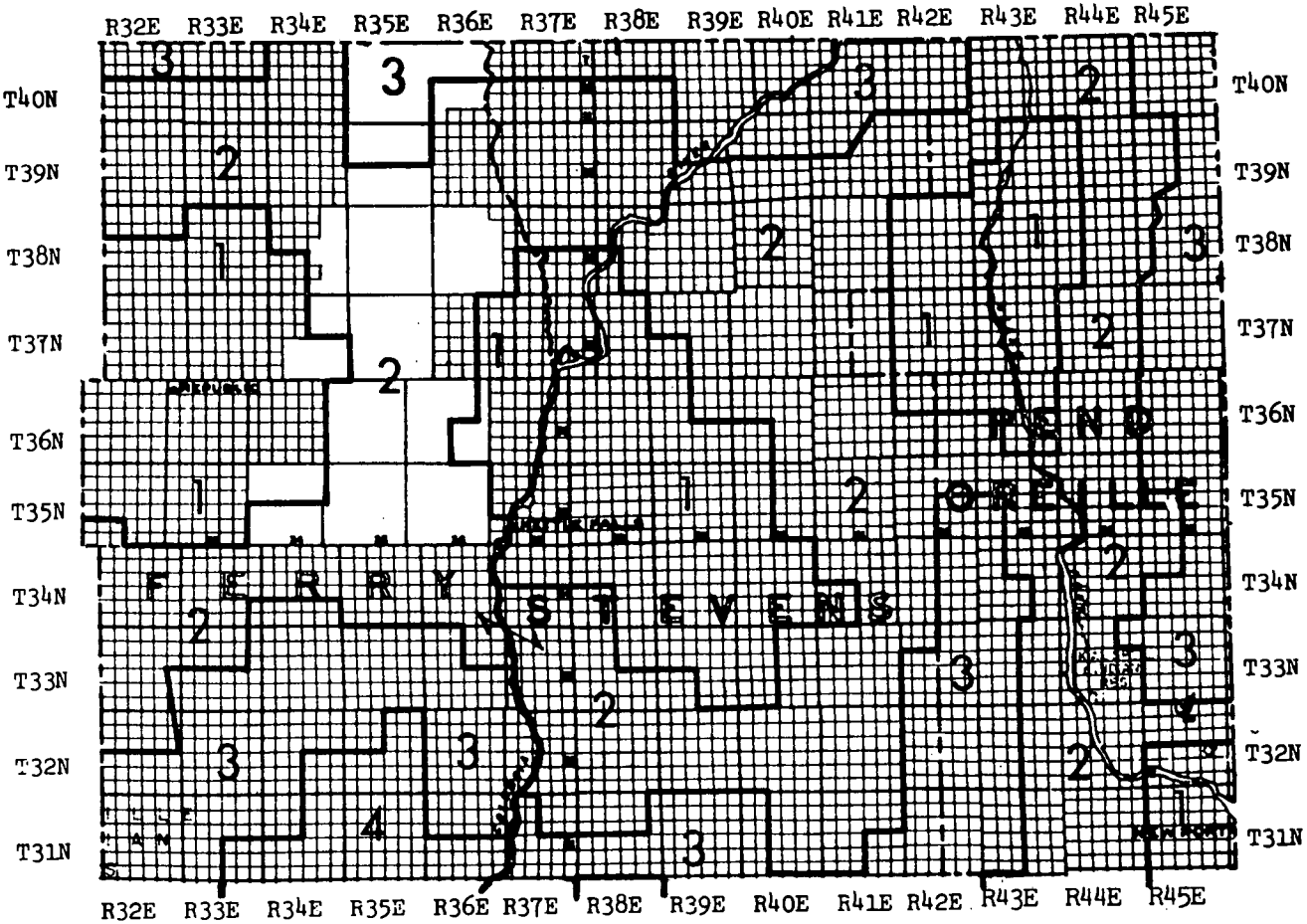
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HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
MAC 458-40-18690

STUMPAGE VALUE AREA 8

Page 1 of 2



Township
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4	5	6	7	8	9
10	11	12	13	14	15
16	17	18	19	20	21
22	23	24	25	26	27
28	29	30	31	32	33

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Legend:

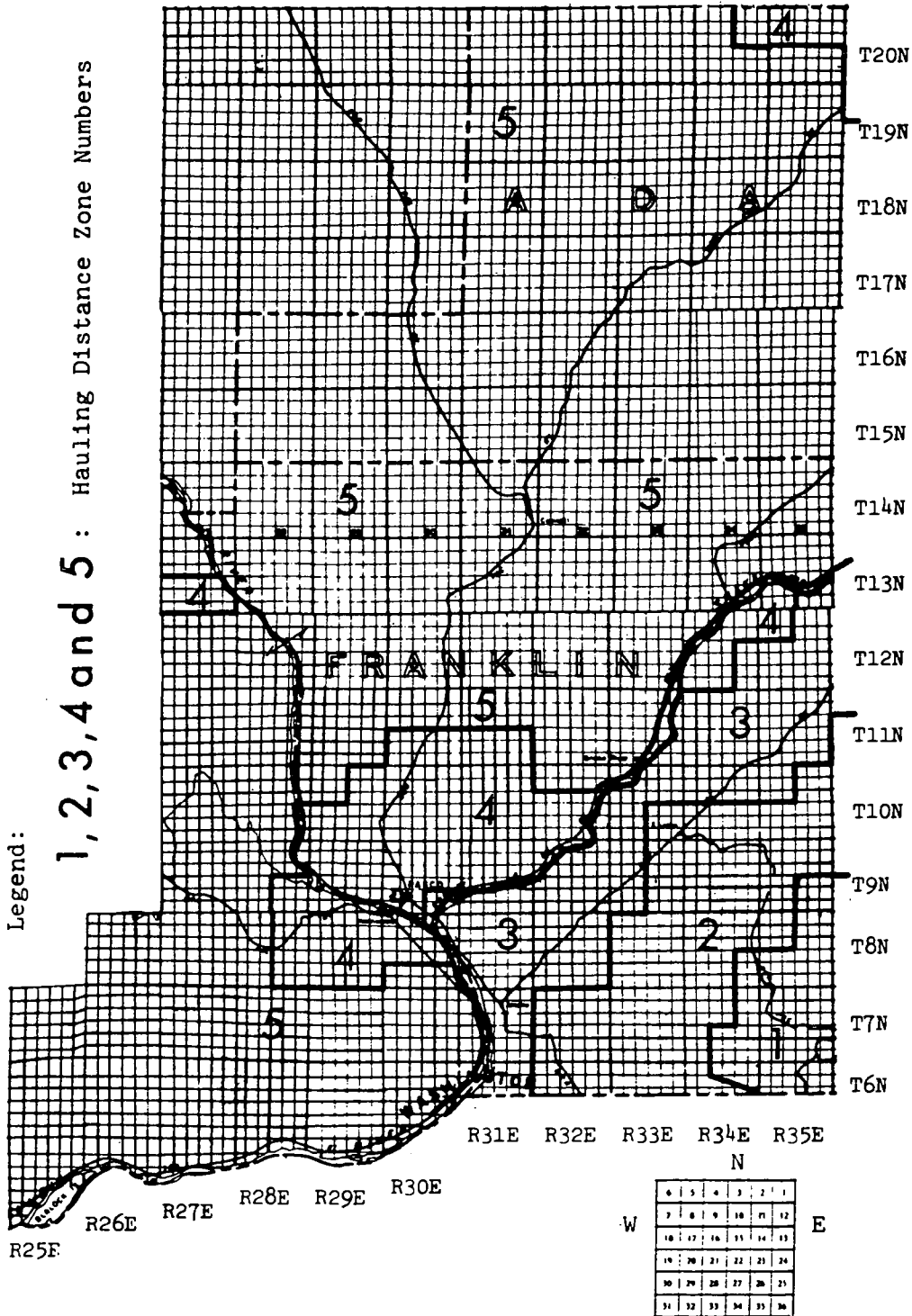
1, 2, 3, 4 & 5:

Hauling Distance
Zone Numbers

HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
 WAC 458-40-18690

STUMPAGE VALUE AREA 9

Legend:
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

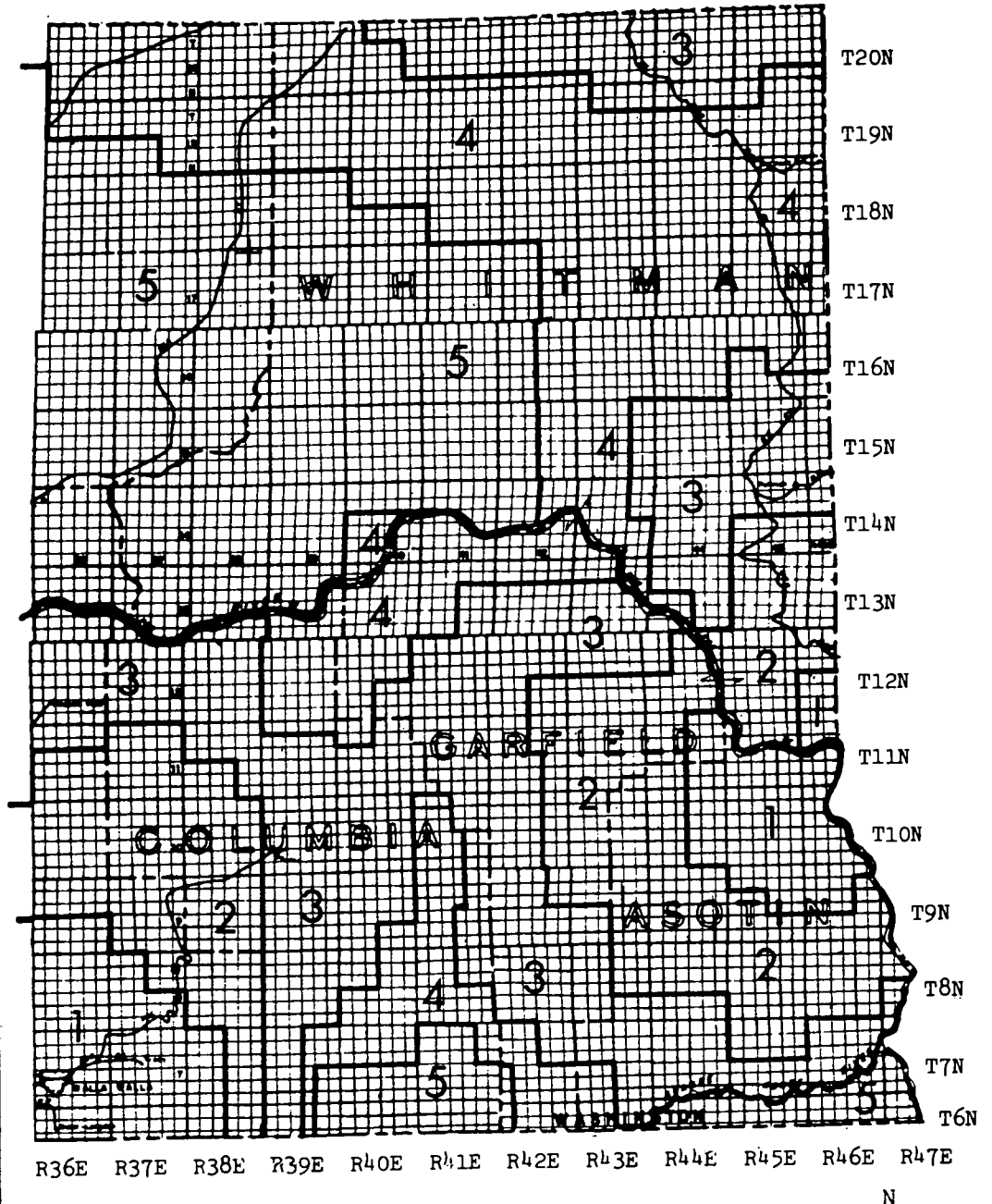


	6	5	4	3	2	1
7	8	9	10	11	12	
13	14	15	16	17	18	
19	20	21	22	23	24	
25	26	27	28	29	30	
31	32	33	34	35	36	

HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
 WAC 458-40-186 90

STUMPAGE VALUE AREA 9

Page 2 of 2



Legend:

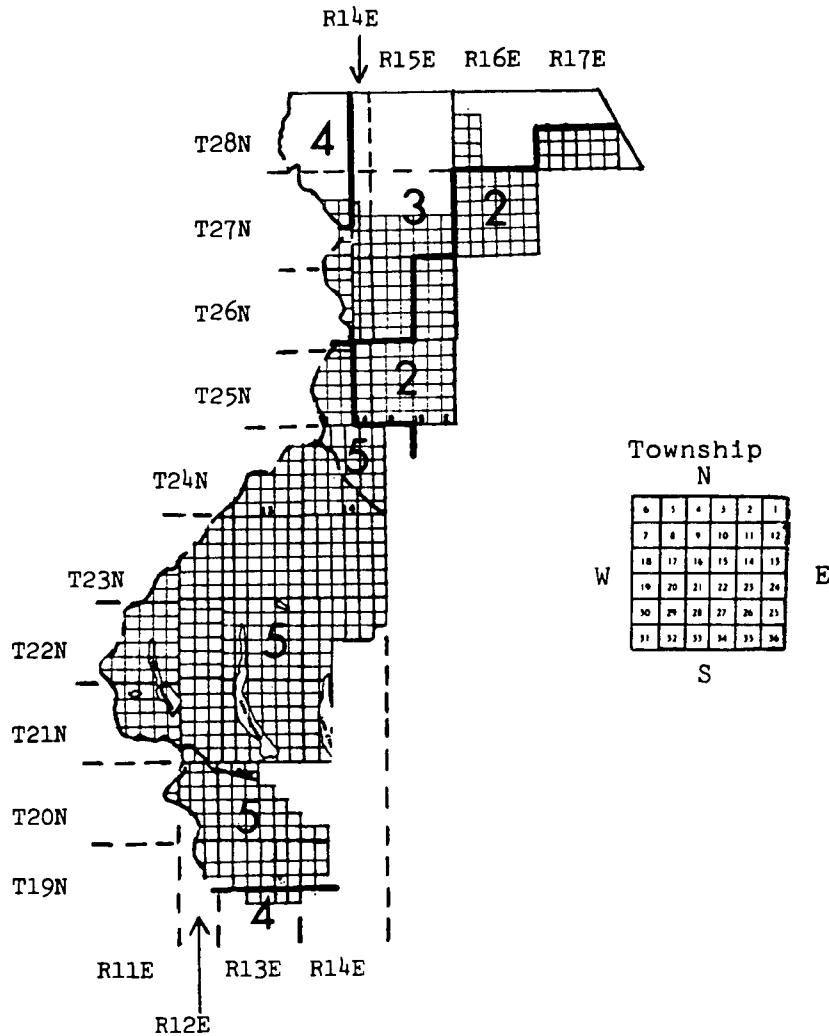
1, 2, 3, 4 and 5 : Hauling Distance Zone Numbers

	6	5	4	3	2	1
W	7	8	9	10	11	12
	13	14	15	16	17	18
	19	20	21	22	23	24
	25	26	27	28	29	30
	31	32	33	34	35	36
	S					

HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983
 WAC 458-40-18690

STUMPAGE VALUE AREA 10

Page 1 of 1



Legend:

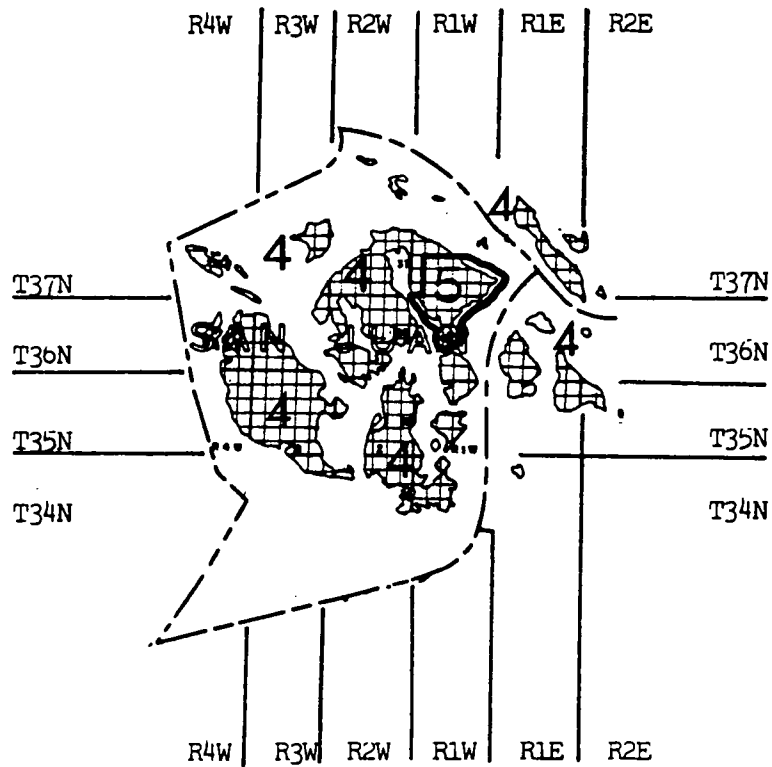
2, 3, 4 and 5: Hauling Distance Zone Numbers

HAULING DISTANCE ZONE MAP FOR July 1 through December 31, 1983

WAC 458-40-186 90

STUMPAGE VALUE AREA 11

Page 1 of 1



N						
	6	5	4	3	2	1
	7	8	9	10	11	12
W	18	17	16	15	14	13
	19	20	21	22	23	24
	30	29	28	27	26	25
	31	32	33	34	35	36
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Legend:

4 and 5: Hauling Distance Zone Numbers

NEW SECTION

WAC 458-40-18691 **TIMBER QUALITY CODE NUMBERS—TABLES FOR JULY 1 THROUGH DECEMBER 31, 1983.** In order to allow for differences in age, size, quality of timber and other relevant factors as required by RCW 84.33.071(3), the department has assigned timber quality code numbers for harvests of the various designated harvest types and species.

Scaling and grading information derived from an acceptable log scaling and grading rule for the particular harvest type and species shall be used to determine the proper quality code number.

For each timber quality code number in the following tables, there is a corresponding timber quality code number for that particular harvest type and species in the stumpage value tables of WAC 458-40-18692 which is to be used in computing timber harvest value.

The following timber quality code tables are hereby adopted for use during the period of July 1 through December 31, 1983:

**TABLE 1—TIMBER QUALITY CODE TABLE STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11 July 1 through December 31, 1983
OLD GROWTH FINAL HARVEST
(100 years of age or older)**

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Douglas-fir	Over 40% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% Special Mill, No. 1 Sawmill, Peeler & better log grade
1	Noble Fir & Spruce	Over 35% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 25% Special Mill, No. 1 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
	Douglas-fir	15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	10-20% inclusive Special Mill, No. 1 Sawmill, Peeler & better log grade
2	Noble Fir & Spruce	15-35% inclusive No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	5-25% inclusive Special Mill, No. 1 Sawmill & better log grade

TABLE 1—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Douglas-fir	Less than 15% Special Mill, No. 1 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 10% Special Mill, No. 1 Sawmill, Peeler & better log grade
3	Noble Fir & Spruce	Less than 15% No. 1 Sawmill, Peeler or Select & better log grade
	Western Hemlock, True Firs & Other Conifer	Less than 5% Special Mill, No. 1 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹ For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureau. To determine timber quality code number, see the example for Western Washington which follows Table 3.

**TABLE 2—TIMBER QUALITY CODE TABLE STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11 July 1 through December 31, 1983
YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)**

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Douglas-fir	Over 70% No. 2. Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% No. 2 Sawmill & better log grade
1	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades
	Douglas-fir	40-70% inclusive No. 2 Sawmill & better log grade
2	Western Redcedar & Alaska-cedar	5-20% inclusive No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade

TABLE 2—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
3	Douglas-fir	5% to but not including 40% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5% to but not including 40% No. 2 Sawmill & better log grade
4	Douglas-fir, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹ For detailed descriptions and definitions of log scaling and grading rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number, see the example for Western Washington which follows Table 3.

TABLE 3—TIMBER QUALITY CODE TABLE STUMPAGE VALUES AREAS 1, 2, 3, 4, 5, AND 11 July 1 through December 31, 1983

THINNING

See definition WAC 458-40-18688(9)(d)

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Douglas-fir	Over 70% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	Over 70% No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	Over 20% No. 2 Sawmill & better log grade
	Hardwoods	All No. 4 Sawmill logs with a diameter of 8 inches inside bark and larger (at the scaling end) & better log grades

TABLE 3—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Douglas-fir	40-70% inclusive No. 2 Sawmill & better log grade
	Western Redcedar & Alaska-cedar	5-20% inclusive No. 2 Sawmill & better log grade
2	Western Hemlock & Other Conifer	40-70% inclusive No. 2 Sawmill & better log grade
	Douglas-fir	5% to but not including 40% No. 2 Sawmill & better log grade
3	Western Redcedar & Alaska-cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	5% to but not including 40% No. 2 Sawmill & better log grade
4	Douglas-fir, Western Hemlock & Other Conifer	Less than 5% No. 2 Sawmill & better log grade
	Conifer Utility	All conifer logs graded as utility log grade
5	Hardwood Utility	All No. 4 Sawmill log grade with a diameter of less than 8 inches inside bark (at the scaling end) and all hardwood logs graded as utility

¹ For detailed descriptions and definitions of log scaling rules and procedures see the Official Log Scaling and Grading Rules revised January 1, 1980, published by the Puget Sound Log Scaling and Grading Bureau. These are also used by the Columbia River and Grays Harbor Scaling and Grading Bureaus. To determine timber quality code number for Western Washington, see the following example.

WESTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality number code for timber harvested in stumpage value areas 1, 2, 3, 4, 5, and 11 in Western Washington. The following method can be used to determine the quality code number for species in "old growth final harvest," "young growth final harvest," and "thinning harvest" types.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Douglas-fir, and the harvest type, young growth final harvest, with the following volumes at the indicated grades:

Log Grade	Net Volume, Scribner Scale
Special Mill	20 MBF
No. 1 sawmill	20 MBF
No. 2 sawmill	45 MBF
No. 3 sawmill	35 MBF
No. 4 sawmill	30 MBF

<u>Log Grade</u>	<u>Net Volume, Scribner Scale</u>
TOTAL	150 MBF

To determine the proper quality code number, add the scale volumes for the grades as established by the approved grading rule. Divide this volume by the total volume harvested for the species. In this example, the Special Mill and the No. 1 and 2 sawmill logs account for 85 MBF of the 150 MBF Douglas-fir harvested. Divide as follows:

$$\frac{20 + 20 + 45}{150} \text{ or } \frac{85}{150} = .567 \times 100 = 56.7\%$$

In this example, the Special Mill, No. 1 and 2 sawmill logs make up 56.7% of the Douglas-fir harvested. Since this is between 40 and 70% No. 2 sawmill and better, the entire Douglas-fir harvested would be reported as:

<u>Species</u>	<u>Timber Quality Code Number</u>	<u>Net Volume Harvested</u>
Douglas-fir	2	150 MBF

length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists less than 10 logs per 1 MBF for Ponderosa pine as timber quality code number 1, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

<u>Species</u>	<u>Timber Quality Code Number</u>	<u>Volume Harvested</u>
Ponderosa Pine (PP)	1	150 MBF

TABLE 4—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
July 1 through December 31, 1983
MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
	All Conifers Other than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
5	Utility	All logs graded as utility

¹To determine timber quality code number in Stumpage Value Areas 6, 7, 8 and 9 for Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value areas 6, 7, 8 and 9 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species, Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total

TABLE 5—TIMBER QUALITY CODE TABLE
STUMPAGE VALUE AREA 10
July 1 through December 31, 1983
MERCHANTABLE SAWTIMBER, ALL AGES

Timber Quality Code Number	Species	Log Grade Specifications ¹
1	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
	Hardwoods	All logs graded as sawlogs
2	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
3	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
5	Utility	All logs graded as utility

¹To determine timber quality code number in Stumpage Value Area 10 in Eastern Washington, see the following example.

EASTERN WASHINGTON EXAMPLE: The following example is for determining the timber quality code for timber harvested in stumpage value area 10 in Eastern Washington.

The example shown below is for a harvest of 150 thousand board feet (150 MBF) of the species,

Ponderosa Pine, and harvest type merchantable sawtimber, all ages with a sum total log length of 19,200 feet.

Step 1. The highest possible number of sawable sixteen foot logs which could be recovered is determined by dividing the sum total length of all sawable logs harvested (i.e. 19,200) by 16. Answer: 1200 logs.

Step 2. The average net volume per sixteen foot recoverable log is determined by dividing the total volume harvested (150 MBF) by the number of sixteen foot logs (1200). Answer: 125.

Step 3. The total number of logs per thousand board feet is determined by dividing 1000 by the average net volume per sixteen foot recoverable log (125). Answer: 8 logs per 1 MBF.

Step 4. Because the timber quality code table lists 5-9 logs per 1 MBF for Ponderosa pine as timber quality code number 2, the harvest was at 8 logs per 1 MBF the entire Ponderosa pine harvest would be reported as:

Species	Timber Quality Code Number	Volume Harvested
Ponderosa Pine (PP)	2	150 MBF

NEW SECTION

WAC 458-40-18692 **STUMPAGE VALUES—TABLES FOR JULY THROUGH DECEMBER 31, 1983.** As required by RCW 84.33.071 the department has prepared tables which assign stumpage value rates for the various harvest types, which rates vary depending upon the stumpage value area, species, timber quality code number and hauling distance zone involved. Where the timber harvested is used to produce harvest type "special forest products" the value tables of this section shall establish the values for such special forest products.

The following stumpage value and special forest product value tables are hereby adopted for use during the period of July 1 through December 31, 1983.

**TABLE 1—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1983**

**OLD GROWTH FINAL HARVEST
(100 years of age or older)**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$181	\$175	\$169	\$163	\$157
		2	132	126	120	114	108
		3	110	104	98	92	86

**TABLE 1—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ²	WH	1	138	132	126	120	114
		2	101	95	89	83	77
		3	85	79	73	67	61
True Fir ³	TF	1	138	132	126	120	114
		2	101	95	89	83	77
		3	85	79	73	67	61
Western Redcedar ⁴	RC	1	213	207	201	195	189
		2	154	148	142	136	130
		3	128	122	116	110	104
Sitka Spruce	SS	1	202	196	190	184	178
		2	147	141	135	129	123
		3	122	116	110	104	98
Other Conifer	OC	1	138	132	126	120	114
		2	101	95	89	83	77
		3	85	79	73	67	61
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	14	14	14	14	14

¹ Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴ Includes Alaska-cedar.

**TABLE 2—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1983**

**YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$165	\$158	\$151	\$144	\$137
		2	121	114	107	100	93
		3	101	94	87	80	73
		4	90	83	76	69	62
Western Hemlock ²	WH	1	112	105	98	91	84
		2	84	77	70	63	56
		3	71	64	57	50	43
		4	63	56	49	42	35
True Fir ³	TF	1	112	105	98	91	84
		2	84	77	70	63	56
		3	71	64	57	50	43
		4	63	56	49	42	35
Western Redcedar ⁴	RC	1	133	126	119	112	105
		2	98	91	84	77	70
		3	83	76	69	62	55
Other Conifer	OC	1	112	105	98	91	84
		2	84	77	70	63	56
		3	71	64	57	50	43
		4	63	56	49	42	35
Red Alder	RA	1	40	33	26	19	12

TABLE 2—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	14	14	14	14	14

¹ Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴ Includes Alaska-cedar.

TABLE 3—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1983

THINNING

See definition WAC 458-40-18688(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$140	\$133	\$126	\$119	\$112
		2	96	89	82	75	68
		3	76	69	62	55	48
		4	65	58	51	44	37
Western Hemlock ²	WH	1	87	80	73	66	59
		2	59	52	45	38	31
		3	46	39	32	25	18
		4	38	31	24	17	10
True Fir ³	TF	1	87	80	73	66	59
		2	59	52	45	38	31
		3	46	39	32	25	18
		4	38	31	24	17	10
Western Redcedar ⁴	RC	1	108	101	94	87	80
		2	73	66	59	52	45
		3	58	51	44	37	30
		4	44	37	30	23	16
Other Conifer	OC	1	87	80	73	66	59
		2	59	52	45	38	31
		3	46	39	32	25	18
		4	38	31	24	17	10
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	
Conifer Utility	CU	5	14	14	14	14	

¹ Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴ Includes Alaska-cedar.

TABLE 4—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 1
July 1 through December 31, 1983
SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$199	\$193	\$187	\$181	\$175
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	74	68	62	56	50
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.18	0.18	0.18	0.18	0.18
True Fir & Other Christmas Trees ³	TFX	1	0.40	0.40	0.40	0.40	0.40

¹ Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 5—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1983
OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$181	\$175	\$169	\$163	\$157
		2	132	126	120	114	108
		3	110	104	98	92	86
Western Hemlock ²	WH	1	117	111	105	99	93
		2	86	80	74	68	62
		3	72	66	60	54	48
True Fir ³	TF	1	117	111	105	99	93
		2	86	80	74	68	62
		3	72	66	60	54	48
Western Redcedar ⁴	RC	1	203	197	191	185	179
		2	147	141	135	129	123
		3	122	116	110	104	98
Sitka Spruce	SS	1	202	196	190	184	178
		2	147	141	135	129	123
		3	122	116	110	104	98
Other Conifer	OC	1	117	111	105	99	93
		2	86	80	74	68	62
		3	72	66	60	54	48
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	

TABLE 5—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	5	12	12	12	12	12

¹Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.
³Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴Includes Alaska-cedar.

TABLE 6—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1983

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$185	\$178	\$171	\$164	\$157
		2	135	128	121	114	107
		3	113	106	99	92	85
		4	100	93	86	79	72
Western Hemlock ²	WH	1	157	150	143	136	129
		2	115	108	101	94	87
		3	97	90	83	76	69
		4	86	79	72	65	58
True Fir ³	TF	1	157	150	143	136	129
		2	115	108	101	94	87
		3	97	90	83	76	69
		4	86	79	72	65	58
Western Redcedar ⁴	RC	1	133	126	119	112	105
		2	98	91	84	77	70
		3	83	76	69	62	55
Other Conifer	OC	1	157	150	143	136	129
		2	115	108	101	94	87
		3	97	90	83	76	69
		4	86	79	72	65	58
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	12	12	12	12	12

¹Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.
³Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴Includes Alaska-cedar.

TABLE 7—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1983

THINNING

See definition WAC 458-40-18688(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$160	\$153	\$146	\$139	\$132
		2	110	103	96	89	82
		3	88	81	74	67	60
		4	75	68	61	54	47
Western Hemlock ²	WH	1	132	125	118	111	104
		2	90	83	76	69	62
		3	72	65	58	51	44
		4	61	54	47	40	33
True Fir ³	TF	1	132	125	118	111	104
		2	90	83	76	69	62
		3	72	65	58	51	44
		4	61	54	47	40	33
Western Redcedar ⁴	RC	1	108	101	94	87	80
		2	73	66	59	52	45
		3	58	51	44	37	30
Other Conifer	OC	1	132	125	118	111	104
		2	90	83	76	69	62
		3	72	65	58	51	44
		4	61	54	47	40	33
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	12	12	12	12	12

¹Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.
³Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴Includes Alaska-cedar.

TABLE 8—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 2
July 1 through December 31, 1983

SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$199	\$193	\$187	\$181	\$175
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	74	68	62	56	50
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.18	0.18	0.18	0.18	0.18

TABLE 8—cont.
Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True Fir & Other Christmas Trees ³	TFX	1	0.40	0.40	0.40	0.40	0.40

¹Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 9—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
July 1 through December 31, 1983
OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$180	\$174	\$168	\$162	\$156
		2	129	123	117	111	105
		3	107	101	95	89	83
Western Hemlock ²	WH	1	136	130	124	118	112
		2	99	93	87	81	75
		3	83	77	71	65	59
True Fir ³	TF	1	136	130	124	118	112
		2	99	93	87	81	75
		3	83	77	71	65	59
Western Redcedar	RC	1	200	194	188	182	176
		2	145	139	133	127	121
		3	121	115	109	103	97
Sitka Spruce	SS	1	202	196	190	184	178
		2	147	141	135	129	123
		3	122	116	110	104	98
Alaska-cedar	YC	1	1285	1279	1273	1267	1261
		2	912	906	900	894	888
		3	747	741	735	729	723
Other Conifer	OC	1	136	130	124	118	112
		2	99	93	87	81	75
		3	83	77	71	65	59
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	11	11	11	11	11

¹Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.
³Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

TABLE 10—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
July 1 through December 31, 1983
YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$204	\$197	\$190	\$183	\$176
		2	148	141	134	127	120
		3	124	117	110	103	96
		4	109	102	95	88	81
Western Hemlock ²	WH	1	129	122	115	108	101
		2	95	88	81	74	67
		3	80	73	66	59	52
		4	71	64	57	50	43
True Fir ³	TF	1	129	122	115	108	101
		2	95	88	81	74	67
		3	80	73	66	59	52
		4	71	64	57	50	43
Western Redcedar ⁴	RC	1	133	126	119	112	105
		2	98	91	84	77	70
		3	83	76	69	62	55
Other Conifer	OC	1	129	122	115	108	101
		2	95	88	81	74	67
		3	80	73	66	59	52
		4	71	64	57	50	43
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	11	11	11	11	11

¹Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.
³Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴Includes Alaska-cedar.

TABLE 11—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
July 1 through December 31, 1983

THINNING

See definition WAC 458-40-18688(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$179	\$172	\$165	\$158	\$151
		2	123	116	109	102	95
		3	99	92	85	78	71
		4	84	77	70	63	56
Western Hemlock ²	WH	1	104	97	90	83	76
		2	70	63	56	49	42
		3	55	48	41	34	27
		4	46	39	32	25	18
True Fir ³	TF	1	104	97	90	83	76
		2	70	63	56	49	42
		3	55	48	41	34	27
		4	46	39	32	25	18

TABLE 11—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ⁴	RC	1	108	101	94	87	80
		2	73	66	59	52	45
		3	58	51	44	37	30
Other Conifer	OC	1	104	97	90	83	76
		2	70	63	56	49	42
		3	55	48	41	34	27
		4	46	39	32	25	18
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	11	11	11	11	11

¹ Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴ Includes Alaska-cedar.

TABLE 12—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 3
July 1 through December 31, 1983
SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar—Shake Blocks & Boards ¹	RCS	1	\$177	\$171	\$165	\$159	\$153
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	67	61	55	49	43
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.18	0.18	0.18	0.18	0.18
True Fir & Other Christmas Trees ³	TFX	1	0.40	0.40	0.40	0.40	0.40

¹ Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

TABLE 13—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1983
OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$199	\$193	\$187	\$181	\$175
		2	144	138	132	126	120
		3	120	114	108	102	96
Western Hemlock ²	WH	1	159	153	147	141	135
		2	116	110	104	98	92
		3	97	91	85	79	73
True Fir ³	TF	1	159	153	147	141	135
		2	116	110	104	98	92
		3	97	91	85	79	73
Western Redcedar	RC	1	161	155	149	143	137
		2	117	111	105	99	93
		3	98	92	86	80	74
Sitka Spruce	SS	1	202	196	190	184	178
		2	147	141	135	129	123
		3	122	116	110	104	98
Noble Fir	NF	1	224	218	212	206	200
		2	162	156	150	144	138
		3	135	129	123	117	111
Alaska-cedar	YC	1	1285	1279	1273	1267	1261
		2	912	906	900	894	888
		3	747	741	735	729	723
Other Conifer	OC	1	159	153	147	141	135
		2	116	110	104	98	92
		3	97	91	85	79	73
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	11	11	11	11	11

¹ Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

TABLE 14—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1983
YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$196	\$189	\$182	\$175	\$168
		2	142	135	128	121	114
		3	119	112	105	98	91
		4	105	98	91	84	77

TABLE 14—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ²	WH	1	190	183	176	169	162
		2	138	131	124	117	110
		3	115	108	101	94	87
		4	102	95	88	81	74
True Fir ³	TF	1	190	183	176	169	162
		2	138	131	124	117	110
		3	115	108	101	94	87
		4	102	95	88	81	74
Western Redcedar ⁴	RC	1	133	126	119	112	105
		2	98	91	84	77	70
		3	83	76	69	62	55
Other Conifer	OC	1	190	183	176	169	162
		2	138	131	124	117	110
		3	115	108	101	94	87
		4	102	95	88	81	74
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	11	11	11	11	11

¹Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.
³Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴Includes Alaska-cedar.

TABLE 15—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1983

THINNING

See definition WAC 458-40-18688(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$171	\$164	\$157	\$150	\$143
		2	117	110	103	96	89
		3	94	87	80	73	66
		4	80	73	66	59	52
Western Hemlock ²	WH	1	165	158	151	144	137
		2	113	106	99	92	85
		3	90	83	76	69	62
		4	77	70	63	56	49
True Fir ³	TF	1	165	158	151	144	137
		2	113	106	99	92	85
		3	90	83	76	69	62
		4	77	70	63	56	49
Western Redcedar ⁴	RC	1	108	101	94	87	80
		2	73	66	59	52	45
		3	58	51	44	37	30
Other Conifer	OC	1	165	158	151	144	137
		2	113	106	99	92	85
		3	90	83	76	69	62
		4	77	70	63	56	49
Red Alder	RA	1	40	33	26	19	12

TABLE 15—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	11	11	11	11	11

¹Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.
³Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴Includes Alaska-cedar.

TABLE 16—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 4
July 1 through December 31, 1983
SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar-Shake Blocks & Boards ¹	RCS	1	\$203	\$197	\$191	\$185	\$179
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	76	70	64	58	52
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.18	0.18	0.18	0.18	0.18
True Fir & Other Christmas Trees ³	TFX	1	0.40	0.40	0.40	0.40	0.40

¹Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.

TABLE 17—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1983
OLD GROWTH FINAL HARVEST
(100 years of age or older)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$221	\$215	\$209	\$203	\$197
		2	160	154	148	142	136
		3	133	127	121	115	109
Western Hemlock ²	WH	1	182	176	170	164	158
		2	132	126	120	114	108
		3	110	104	98	92	86

TABLE 17—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
True Fir ³	TF	1	182	176	170	164	158
		2	132	126	120	114	108
		3	110	104	98	92	86
Western Redcedar ⁴	RC	1	224	218	212	206	200
		2	162	156	150	144	138
		3	135	129	123	117	111
Sitka Spruce	SS	1	202	196	190	184	178
		2	147	141	135	129	123
		3	122	116	110	104	98
Noble Fir	NF	1	224	218	212	206	200
		2	162	156	150	144	138
		3	135	129	123	117	111
Other Conifer	OC	1	182	176	170	164	158
		2	132	126	120	114	108
		3	110	104	98	92	86
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	8	8	8	8	8

¹Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.
³Includes Pacific Silver Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴Includes Alaska-cedar.

TABLE 18—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1983

YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$204	\$197	\$190	\$183	\$176
		2	149	142	135	128	121
		3	124	117	110	103	96
		4	109	102	95	88	81
Western Hemlock ²	WH	1	132	125	118	111	104
		2	97	90	83	76	69
		3	82	75	68	61	54
		4	73	66	59	52	45
True Fir ³	TF	1	132	125	118	111	104
		2	97	90	83	76	69
		3	82	75	68	61	54
		4	73	66	59	52	45
Western Redcedar ⁴	RC	1	133	126	119	112	105
		2	98	91	84	77	70
		3	83	76	69	62	55

TABLE 18—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Other Conifer	OC	1	132	125	118	111	104
		2	97	90	83	76	69
		3	82	75	68	61	54
		4	73	66	59	52	45
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	8	8	8	8	8

¹Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.
³Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴Includes Alaska-cedar.

TABLE 19—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1983

THINNING

See definition WAC 458-40-18688(9)(d)

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$179	\$172	\$165	\$158	\$151
		2	124	117	110	103	96
		3	99	92	85	78	71
		4	84	77	70	63	56
Western Hemlock ²	WH	1	107	100	93	86	79
		2	72	65	58	51	44
		3	57	50	43	36	29
		4	48	41	34	27	20
True Fir ³	TF	1	107	100	93	86	79
		2	72	65	58	51	44
		3	57	50	43	36	29
		4	48	41	34	27	20
Western Redcedar ⁴	RC	1	108	101	94	87	80
		2	73	66	59	52	45
		3	58	51	44	37	30
Other Conifer	OC	1	107	100	93	86	79
		2	72	65	58	51	44
		3	57	50	43	36	29
		4	48	41	34	27	20
Red Alder	RA	1	40	33	26	19	12
Cottonwood	BC	1	34	27	20	13	6
Other Hardwoods	OH	1	38	31	24	17	10
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	8	8	8	8	8

¹Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
²Includes Western and Mountain Hemlock.
³Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴Includes Alaska-cedar.

**TABLE 20—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 5
July 1 through December 31, 1983
SPECIAL FOREST PRODUCTS**

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar—Shake Blocks & Boards ¹	RCS	1	\$207	\$201	\$195	\$189	\$183
Western Redcedar Flatsawn & Shingle Blocks ²	RCF	1	77	71	65	59	53
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.18	0.18	0.18	0.18	0.18
True fir & Other Christmas Trees ³	TFX	1	0.40	0.40	0.40	0.40	0.40

¹ Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

**TABLE 21—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
July 1 through December 31, 1983**

MERCHANTABLE SAWTIMBER, ALL AGES

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$118	\$112	\$106	\$100	\$ 94
		2	101	95	89	83	77
Douglas-fir	DF	1	76	70	64	58	52
Western Larch	WL	1	76	70	64	58	52
Western Hemlock ²	WH	1	63	57	51	45	39
True fir ³	TF	1	63	57	51	45	39
Engelmann Spruce	ES	1	61	55	49	43	37
Western White Pine	WP	1	125	119	113	107	101
Western Redcedar	RC	1	130	124	118	112	106
Lodgepole Pine	LP	1	39	33	27	21	15
Hardwoods	OH	1	18	12	6	1	1
Utility	CU	5	2	2	2	2	2

¹ Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".

**TABLE 22—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREAS 6, 7, 8, AND 9
July 1 through December 31, 1983
SPECIAL FOREST PRODUCTS**

Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$99	\$93	\$87	\$81	\$75
Lodgepole Pine & Other Posts ²	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees ³	PX	1	0.18	0.18	0.18	0.18	0.18
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.18	0.18	0.18	0.18	0.18

¹ Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

**TABLE 23—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
July 1 through December 31, 1983
MERCHANTABLE SAWTIMBER, ALL AGES**

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Ponderosa Pine	PP	1	\$93	\$87	\$81	\$75	\$69
		2	69	63	57	51	45
		3	59	53	47	41	35
Douglas-fir	DF	1	143	137	131	125	119
		2	105	99	93	87	81
		3	88	82	76	70	64
Western Larch	WL	1	143	137	131	125	119
		2	105	99	93	87	81
		3	88	82	76	70	64
Western Hemlock ²	WH	1	109	103	97	91	85
		2	81	75	69	63	57
		3	68	62	56	50	44
True Fir ³	TF	1	109	103	97	91	85
		2	81	75	69	63	57
		3	68	62	56	50	44
Other Conifer	OC	1	109	103	97	91	85
		2	81	75	69	63	57
		3	68	62	56	50	44
Hardwoods	OH	1	18	12	6	1	1
Utility	CU	5	9	9	9	9	9

¹ Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All these species are commonly referred to as "White Fir".

TABLE 24—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 10
 July 1 through December 31, 1983
SPECIAL FOREST PRODUCTS
 Stumpage Values per Product Unit

Species Name and Product	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$108	\$102	\$96	\$90	\$84
Lodgepole Pine & Other Posts ²	LPP	1	0.20	0.20	0.20	0.20	0.20
Pine Christmas Trees ³	PX	1	0.18	0.18	0.18	0.18	0.18
Douglas-fir & Other Christmas Trees ⁴	DFX	1	0.18	0.18	0.18	0.18	0.18

¹ Stumpage value per MBF Scribner Scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴ Stumpage value per lineal foot.

TABLE 25—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
 July 1 through December 31, 1983
OLD GROWTH FINAL HARVEST
 (100 years of age or older)
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$130	\$124	\$118	\$112	\$106
		2	79	73	67	61	55
		3	57	51	45	39	33
Western Hemlock ²	WH	1	86	80	74	68	62
		2	49	43	37	31	25
		3	33	27	21	15	10
True Fir ³	TF	1	86	80	74	68	62
		2	49	43	37	31	25
		3	33	27	21	15	10
Western Redcedar ⁴	RC	1	150	144	138	132	126
		2	95	89	83	77	71
		3	71	65	59	53	47
Other Conifer	OC	1	86	80	74	68	62
		2	49	43	37	31	25
		3	33	27	21	15	10
Red Alder	RA	1	35	28	21	14	7
Cottonwood	BC	1	29	22	15	8	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

¹ Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴ Includes Alaska-cedar.

TABLE 26—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
 July 1 through December 31, 1983
YOUNG GROWTH FINAL HARVEST
 (Less than 100 years of age, but not including thinning)
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$154	\$147	\$140	\$133	\$126
		2	98	91	84	77	70
		3	74	67	60	53	46
		4	59	52	45	38	31
Western Hemlock ²	WH	1	79	72	65	58	51
		2	45	38	31	24	17
		3	30	23	16	9	5
		4	21	14	7	5	5
True Fir ³	TF	1	79	72	65	58	51
		2	45	38	31	24	17
		3	30	23	16	9	5
		4	21	14	7	5	5
Western Redcedar ⁴	RC	1	83	76	69	62	55
		2	48	41	34	27	20
		3	33	26	19	12	5
Other Conifer	OC	1	79	72	65	58	51
		2	45	38	31	24	17
		3	30	23	16	9	5
		4	21	14	7	5	5
Red Alder	RA	1	35	28	21	14	7
Cottonwood	BC	1	29	22	15	8	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

¹ Short and long length log conversions Western and Eastern Washington. See conversion method tables 4 and 5 WAC 458-40-19004.
² Includes Western and Mountain Hemlock.
³ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁴ Includes Alaska-cedar.

TABLE 27—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
 July 1 through December 31, 1983
THINNING
 See definition WAC 458-40-18688(9)(d)
 Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-fir	DF	1	\$129	\$122	\$115	\$108	\$101
		2	73	66	59	52	45
		3	49	42	35	28	21
		4	34	27	20	13	6
Western Hemlock ²	WH	1	54	47	40	33	26
		2	20	13	6	1	1
		3	5	1	1	1	1
		4	1	1	1	1	1
True Fir ³	TF	1	54	47	40	33	26
		2	20	13	6	1	1
		3	5	1	1	1	1
		4	1	1	1	1	1

TABLE 27—cont.
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar ⁴	RC	1	58	51	44	37	30
		2	23	16	9	2	1
		3	8	1	1	1	1
Other Conifer	OC	1	54	47	40	33	26
		2	20	13	6	1	1
		3	5	1	1	1	1
		4	1	1	1	1	1
Red Alder	RA	1	35	28	21	14	7
Cottonwood	BC	1	29	22	15	8	1
Other Hardwoods	OH	1	33	26	19	12	5
Hardwood Utility	HU	5	5	5	5	5	5
Conifer Utility	CU	5	6	6	6	6	6

¹ Short and long length log conversions Western and Eastern Washington.
² See conversion method tables 4 and 5 WAC 458-40-19004.
³ Includes Western and Mountain Hemlock.
⁴ Includes Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. All of these species are commonly referred to as "White Fir".
⁵ Includes Alaska-cedar.

TABLE 28—STUMPAGE VALUE TABLE
STUMPAGE VALUE AREA 11
July 1 through December 31, 1983
SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar—Shake Blocks & Boards ¹	RCS	1	\$127	\$121	\$115	\$109	\$103
Western Redcedar Flatsawn & Shingle Blocks ²	RCF	1	50	44	38	32	26
Western Redcedar & Other Posts ²	RCP	1	0.20	0.20	0.20	0.20	0.20
Douglas-fir Christmas Trees ³	DFX	1	0.18	0.18	0.18	0.18	0.18
True Fir & Other Christmas Trees ³	TFX	1	0.40	0.40	0.40	0.40	0.40

¹ Stumpage value per MBF net Scribner Scale. See conversion method table 2 WAC 458-40-19004.
² Stumpage value per 8 lineal feet or portion thereof.
³ Stumpage value per lineal foot.

NEW SECTION

WAC 458-40-18693 HARVESTER ADJUSTMENTS—TABLES FOR JULY 1 THROUGH DECEMBER 31, 1983. In order to make reasonable and adequate allowances for costs of removal and size of

logging operation in computation of stumpage value rates as required by RCW 84.33.071(3), the department has prepared tables which allow for adjustments to the stumpage value rates derived from the stumpage value tables of WAC 458-40-18692.

Harvest adjustments relating to harvest volume per acre, logging conditions and average volume per log shall be allowed against the stumpage value rates for the designated harvest types and in the designated stumpage value areas as set forth in the following tables with the following limitations:

- (1) No harvest adjustment shall be allowed against "special forest products."
- (2) No harvest adjustment shall be allowed against "utility," "conifer utility," and "hardwood utility."
- (3) Rates for the harvest type "old growth final harvest," shall be adjusted to a value no lower than \$10 per thousand board feet.
- (4) Rates for the harvest type "young growth final harvest," conifers, shall be adjusted to a value no lower than \$5 per thousand board feet.
- (5) Stumpage value rates for conifers within the harvest type "merchantable sawtimber, all ages," shall be adjusted to a value no lower than \$5 per thousand board feet.
- (6) Stumpage value rates for "hardwood" and for "thinning harvest" shall be adjusted to a value no lower than \$1 per thousand board feet.

Timber harvesters planning to remove timber from areas having damaged timber may apply to the department of revenue for adjustment in stumpage value rates. Such applications should contain a map with the legal description of the area from which the timber will be removed, a description of the damage sustained by the timber, and a listing of additional costs incurred. Such applications should be sent to the Department of Revenue AX-02, Forest Tax Division, General Administration Building, Olympia, Washington 98504, before the harvest commences.

In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application when the necessary information is obtained, but in no event later than 90 days following completion of the harvest unit.

Upon application from any person who plans to harvest damaged timber the department will make a determination as to the amount of adjustment to be allowed. The harvester will be notified by the department of the amount of the adjustment. This amount can then be taken as a credit against tax liabilities or if the harvester is no longer harvesting, a refund will be authorized.

The following harvest adjustment tables are hereby adopted for use during the period of July 1 through December 31, 1983:

**TABLE 1—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1983
OLD GROWTH FINAL HARVEST
(100 years of age, or older)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	0
Class 2	Harvest of 15 thousand board feet to 40 thousand board feet per acre.	-\$4.00
Class 3	Harvest of less than 15 thousand board feet per acre.	-\$7.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+\$17.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$16.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products."	-\$90.00

**TABLE 2—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1983
YOUNG GROWTH FINAL HARVEST
(Less than 100 years of age, but not including thinning)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 30 thousand board feet per acre.	0
Class 2	Harvest of 10 thousand board feet to 30 thousand board feet per acre.	-\$2.00
Class 3	Harvest of less than 10 thousand board feet per acre.	-\$6.00
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%.	+\$17.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%.	-\$16.00

TABLE 2—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products."	-\$90.00

**TABLE 3—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 1, 2, 3, 4, 5, AND 11
July 1 through December 31, 1983**

**THINNING
See definition WAC 458-40-18688(9)(d)**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 10 thousand board feet per acre.	0
Class 2	Harvest of 5 thousand board feet to 10 thousand board feet per acre.	-\$3.00
Class 3	Harvest of less than 5 thousand board feet per acre.	-\$5.00
II. Logging Conditions		
Class 1	Favorable wheel tractor logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+\$17.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% and 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%. Normally a tower yarding operation.	-\$16.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products."	-\$90.00
III. Average Log Size		
Class 1	50 board feet or more.	0
Class 2	Less than 50 board feet.	-\$10.00

**TABLE 4—HARVEST ADJUSTMENT TABLE
STUMPAGE VALUE AREAS 6, 7, 8, 9 AND 10
July 1 through December 31, 1983**

MERCHANTABLE SAWTIMBER, ALL AGES

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume Per Acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	0
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	-\$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	-\$10.00

TABLE 4—cont.

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
II. Logging Conditions		
Class 1	Favorable logging conditions and easy road construction. No rock outcrops or swamp barriers. Generally flat to gentle slopes under 20%.	+\$11.00
Class 2	Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 20% to 40%.	0
Class 3	Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 40%.	-\$13.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include "Special Forest Products."	-\$90.00

DOMESTIC MARKET ADJUSTMENT:

Harvest of timber which is prohibited by state or federal law from foreign export shall be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to the type of sale, the adjustment may be applied only to the following species:

Federal Timber Sales: All species except Alaska yellow cedar. (Stat. Ref: - 36CFR223.10)

State Timber Sales: Western red cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private Timber: No adjustment permitted.

The adjustment amounts shall be as follows:

All eligible species in Western Washington (SVA's 1 through 5 & 11)	All eligible species in Eastern Washington (SVA's 6 through 10)
-\$15 per Mbf	-\$7 per Mbf

NOTE: The adjustment will not be allowed on conifer utility, hardwood utility or special forest products.

NEW SECTION

WAC 458-40-18694 SMALL HARVESTER OPTION FOR JULY 1 THROUGH DECEMBER 31, 1983. Harvesters of no more than 500 MBF per calendar quarter or a total of 1,000 MBF in a calendar year of combined public and private harvest (excluding conifer and hardwood utility) may elect to calculate the timber tax in the manner provided by RCW 84.33.073 and 84.33.074. A harvester who elects to use this option shall use the quarterly reporting forms provided for this option by the department of revenue.

NEW SECTION

WAC 458-40-18695 DEFINITIONS FOR SMALL HARVESTER OPTION FOR JULY 1 THROUGH DECEMBER 31, 1983. (1) Small harvester. Small harvester means every person who from his own land or from the 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 of combined public and private harvest (excluding conifer and hardwood utility). 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) 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.

(3) Stumpage value. Stumpage value shall be determined by the following methods, whichever is most appropriate to the circumstances of the harvest:

(a) Sale of logs - Timber which has been severed from the stump and cut into various lengths for further processing. A landowner who has sold logs for a percentage share of gross receipts should report the share received under WAC 458-40-18695 (3)(b). The taxable stumpage value is the actual gross receipts from the harvested timber less the costs of harvesting and marketing.

(b) Sale of stumpage - Standing or fallen trees which have not been severed from the stump, providing harvest occurs within 12 months of sale. If harvest occurs more than 12 months after sale report under WAC 458-40-18695 (3)(a). The taxable stumpage value is the actual gross receipts received for the timber from the most recent sale prior to harvest. No harvesting and marketing cost deduction is allowable.

(4) This rule shall not be construed to affect any public timber contracts in effect prior to August 1, 1982.

NEW SECTION

WAC 458-40-18696 TAXABLE STUMPAGE VALUE FOR JULY 1 THROUGH DECEMBER 31, 1983. Taxable stumpage value shall be the stumpage value as determined by WAC 458-40-18695(3) (a) or (b). Actual harvesting and marketing costs must be used in all instances where documented records are available. When the taxpayer is unable to provide documented proof of harvesting and marketing costs, the deduction shall be a percentage of the gross receipts from the sale of the harvested timber as determined by the department

of revenue. For the calendar period July 1 through December 31, 1983, the deduction shall be fifty percent of the gross receipts. The amount of tax due is determined by multiplying the total taxable stumpage value by the current rate of .065.

AMENDATORY SECTION (Amending Order FT-82-7, filed 12/30/82)

WAC 458-40-19000 **TIMBER POLE VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((JANUARY THROUGH JUNE 30)) JULY 1 THROUGH DECEMBER 31, 1983.** Harvesters of poles in stumpage value areas 1, 2, 3, 4, 5, and 11 shall use the following timber pole volume table to determine the Scribner board foot volume for each pole length and class:

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class
20'	1	50
	2	50
	3	40
	4	40
	5	30
	6	30
	7	20
	9	20
	10	20
	25'	1
2		60
3		50
4		50
5		40
6		40
7		30
9		30
10		30
30'		1
	2	70
	3	60
	4	60
	5	50
	6	50
	7	40
	9	40
	H2	160
	H2	160
35'	1	130
	2	100
	3	80
	4	80
	5	60
	6	60
	7	50

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class
40'	H4	240(240)
	H3	200(200)
	H2	180
	H1	180
	1	150
	2	120
	3	120
	4	90
	5	70
	6	60
45'	H6	380(380)
	H5	340(340)
	H4	340(340)
	H3	280(270)
	H2	230(130)
	H1	230(130)
	1	190(110)
	2	150
	3	120
	4	120
50'	5	90
	6	90
	H6	430(430)
	H5	370(370)
	H4	370(370)
	H3	300(300)
	H2	260(260)
	H1	260(150)
	1	210(120)
	2	160
55'	3	140
	4	140
	5	100
	H6	470(470)
	H5	410(410)
	H4	410(410)
	H3	330(330)
	H2	280(160)
	H1	280(160)
	1	230(130)
60'	2	180
	3	150
	4	150
	H6	540(540)
	H5	470(470)
	H4	470(470)
	H3	410(410)
	H2	340(210)
	H1	340(210)
	1	290(180)
60'	2	220(150)
	3	190
	4	190

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class	Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class	
65'	H6	610(610)	90'	H6	1080(1080)	
	H5	520(520)		H5	930(930)	
	H4	520(520)		H4	930(930)	
	H3	420(420)		H3	820(820)	
	H2	380(230)		H2	820(820)	
	H1	380(230)		H1	690(560)	
	1	320(190)		1	590(480)	
	2	260(160)		2	490(420)	
	3	210		3	400(210)	
	4	210				
70'	H6	650(650)	95'	H6	1170(1170)	
	H5	560(560)		H5	1000(1000)	
	H4	560(560)		H4	1000(1000)	
	H3	480(480)		H3	870(870)	
	H2	400(240)		H2	870(870)	
	H1	400(240)		H1	750(600)	
	1	350(210)		1	640(510)	
	2	270(170)		2	540(440)	
	3	230				
	4	230				
75'	H6	700(700)	100'	H6	1190(1190)	
	H5	600(600)		H5	1030(1030)	
	H4	600(600)		H4	1030(1030)	
	H3	520(520)		H3	900(900)	
	H2	520(520)		H2	900(900)	
	H1	520(330)		H1	760(610)	
	1	440(270)		1	660(530)	
	2	290(180)		2	550(450)	
	3	250				
80'	H6	820(820)	105'	H6	1310(1310)	
	H5	700(700)		H5	1160(1160)	
	H4	700(700)		H4	1160(1160)	
	H3	600(600)		H3	1000(1000)	
	H2	600(600)		H2	1000(1000)	
	H1	540(360)		H1	860(700)	
	1	440(290)		1	740(600)	
	2	360(240)		2	610(510)	
	3	290(200)				
85'	H6	910(910)	110'	H6	1370(1370)	
	H5	800(800)		H5	1220(1220)	
	H4	800(800)		H4	1220(1220)	
	H3	660(660)		H3	1050(1050)	
	H2	660(660)		H2	1050(1050)	
	H1	660(520)		H1	910(740)	
	1	570(450)		1	780(640)	
	2	490(340)		2	650(540)	
	3	360(200)				
			115'	H6	1440(1440)	
				H5	1280(1280)	
				H4	1280(1280)	
				H3	1100(1100)	
				H2	1100(1100)	
				H1	960(780)	
				1	860(670)	
				2	680(570)	

Pole Length	Pole Class ¹	Total Scribner Board Foot Volume as per Pole Length and Per Pole Class	Piling Length	Piling Class ¹	Total Scribner Board Foot Volume as per Piling Length and per Piling Class	
120'	H6	1660(1660)	20'	A	80	
	H5	1460(1460)		B	70	
	H4	1460(1460)	25'	A	100	
	H3	1300(1300)		B	90	
	H2	1300(1300)	30'	A	130	
	H1	1140(960)		B	110	
	1	970(820)	35'	A	130	
	2	820(700)		B	110	
125'	H6	1840(1840)	40'	A	150	
	H5	1600(1600)		B	120	
	H4	1600(1600)	45'	A	150	
	H3	1410(1410)		B	120	
	H2	1410(1410)	50'	A	160	
	H1	1250(1100)		B	140	
	1	1080(940)	55'	A	180	
	2	930(830)		B	150	
130'	H6	1920(1920)	60'	A	190	
	H5	1680(1680)		B	160	
	H4	1680(1680)	65'	A	210	
	H3	1490(1490)		B	180	
	H2	1490(1490)	70'	A	230	
	H1	1310(1160)		B	190	
	1	1120(990)	75'	A	230	
	2	970(870)		B	200	
AMENDATORY SECTION (Amending Order FT-82-7, filed 12/30/82) WAC 458-40-19001 TIMBER PILING VOLUME TABLE FOR WEST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((JANUARY 1 THROUGH JUNE 30) JULY 1 THROUGH DECEMBER 31, 1983. Harvesters of piling in stumpage value areas 1, 2, 3, 4, 5, and 11 shall use the following piling table to determine the Scribner board foot volume for each piling length and class:			80'	A	250	
				B	210	
				85'	A	260(140)
					B	210
				90'	A	260(150)
					B	220
				95'	A	290(150)
					B	240
				100'	A	310(160)
					B	250
			105'	A	330(170)	
				B	270	
			110'	A	380(220)	
				B	300(180)	
			115'	A	400(230)	
				B	310(190)	
			120'	A	500(290)	
				B	400(240)	

¹ Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American Nation Standard Institute, Inc. codified ANSI 05.1-1972.

² Long log volume calculations are based on Official Log Scaling and Grading Rules, revised January 1, 1980, published by The Puget Sound Log Scaling Bureau. These rules are also used by The Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

³ The number, enclosed in parenthesis after the total Scribner pole volume for each pole length and class, is the volume per pole for Number 2 sawmill and better log grade, where applicable.

¹ Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles." As the Designation: D-25-58 (Reapproved 1964).

² Long log volume calculations are based on Official Log Scaling and Grading Rules revised January 1, 1980, published by The Puget Sound Log Scaling Bureau. These rules are also used by the Columbia River and the Grays Harbor Log Scaling and Grading Bureau.

³ The number, enclosed in parenthesis after the total Scribner board foot volume for each piling length and class, is the volume per piling for Number 2 sawmill and better log grade, where applicable.

AMENDATORY SECTION (Amending Order FT-82-7, filed 12/30/82)

WAC 458-40-19002 **TIMBER POLE VOLUME TABLE FOR EAST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((JANUARY 1 THROUGH JUNE 30)) JULY 1 THROUGH DECEMBER 31, 1983.** Harvesters of poles in stumpage value areas 6, 7, 8, 9 and 10 shall use the following timber pole volume table to determine the Scribner board foot volume. The timber quality code number shall be determined by the procedure contained herein under the tables titled "Timber Quality Code Table, Stumpage Value Areas 6, 7, 8 and 9 Merchantable Sawtimber, All Ages," and "Timber Quality Code Table, Stumpage Value Area 10, Merchantable Sawtimber, All Ages."

Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class
20'	1	70
	2	60
	3	50
	4	50
	5	30
	6	30
	7	20
	9	20
	10	20
	25'	1
2		70
3		50
4		50
5		40
6		40
7		30
9		30
10		20
30'		1
	2	90
	3	60
	4	60
	5	50
	6	50
	7	50
	9	40
	35'	H2
H1		160
1		140
2		100
3		100
4		70
5		60
6		60
7		50
40'		H3
	H2	240
	H1	200
	1	170
	2	120
	3	110
	4	100
	5	70
	6	70
	45'	H6
H5		330
H4		330
H3		270
H2		270
H1		220
1		180
2		150
3		110
4		110
5	80	
6	70	
50'	H6	460
	H5	390
	H4	390
	H3	340
	H2	340
	H1	280
	1	240
	2	190
	3	150
	4	150
5	120	
55'	H6	510
	H5	430
	H4	430
	H3	370
	H2	360
	H1	300
	1	250
	2	190
	3	150
	4	150

Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class	Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class
60'	H6	610	85'	H6	1020
	H5	530		H5	870
	H4	530		H4	870
	H3	440		H3	760
	H2	440		H2	760
	H1	380		H1	640
	1	310		1	550
	2	240		2	450
	3	200		3	360
	4	200			
65'	H6	650	90'	H6	1110
	H5	570		H5	970
	H4	570		H4	970
	H3	490		H3	840
	H2	480		H2	840
	H1	410		H1	720
	1	350		1	620
	2	280		2	500
	3	220		3	420
	4	220			
70'	H6	750	95'	H6	1160
	H5	650		H5	1010
	H4	650		H4	1010
	H3	550		H3	870
	H2	470		H2	870
	H1	470		H1	740
	1	410		1	640
	2	320		2	510
	3	260			
	4	260			
75'	H6	810	100'	H6	1380
	H5	700		H5	1210
	H4	700		H4	1210
	H3	600		H3	1060
	H2	600		H2	1060
	H1	500		H1	910
	1	440		1	780
	2	340		2	650
	3	270			
80'	H6	960	105'	H6	1430
	H5	830		H5	1250
	H4	830		H4	1250
	H3	710		H3	1100
	H2	710		H2	1100
	H1	610		H1	940
	1	510		1	820
	2	420		2	690
	3	340			
80'			110'	H6	1580
				H5	1390
				H4	1390
				H3	1220
				H2	1220
				H1	1070
		1	920		
		2	770		

Length	Class ¹	Total Scribner Board Foot Volume as per Pole Length and Pole Class
115'	H6	1660
	H5	1470
	H4	1470
	H3	1280
	H2	1280
	H1	970
	1	810
120'	2	680
	H6	1880
	H5	1680
	H4	1680
	H3	1480
	H2	1480
	H1	1290
125'	1	1130
	2	950
	H6	1910
	H5	1690
	H4	1690
	H3	1490
	H2	1490
130'	H1	1140
	1	970
	2	810
	H6	2170
	H5	1920
	H4	1920
	H3	1710
130'	H2	1710
	H1	1510
	1	1320
	2	1140

contained herein under the tables titled "Timber Quality Code Table, Stumpage Value Areas 6, 7, 8 and 9 Merchantable Sawtimber, All Ages" and "Timber Quality Code Table, Stumpage Value Area 10, Merchantable Sawtimber, All Ages."

Length	Class ¹	Total Scribner Board Foot Volume per Piling Length and per Piling Class
20'	A	90
	B	70
25'	A	100
	B	80
30'	A	130
	B	110
35'	A	140
	B	100
40'	A	140
	B	100
45'	A	150
	B	110
50'	A	190
	B	150
55'	A	190
	B	150
60'	A	240
	B	200
65'	A	240
	B	200
70'	A	260
	B	210
75'	A	270
	B	220
80'	A	220
	B	220
85'	A	300
	B	240
90'	A	280
	B	280
95'	A	360
	B	280
100'	A	360
	B	280
105'	A	400
	B	300
110'	A	460
	B	340
115'	A	470
	B	360

¹Pole class definitions as per American National Standard specifications and dimensions for wood poles as approved August 7, 1976 under American National Standard Institute, Inc. codified ANSI 05.1-1972.

²Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

AMENDATORY SECTION (Amending Order FT-82-7, filed 12/30/82)

WAC 458-40-19003 **TIMBER PILING VOLUME TABLE FOR EAST OF CASCADE SUMMIT FOR THE CALENDAR PERIOD ((~~JANUARY 1 THROUGH JUNE 30~~)) JULY 1 THROUGH DECEMBER 31, 1983.** Harvesters of piling in stumpage value areas 6, 7, 8, 9 and 10 shall use the following piling table to determine the Scribner board foot of volume. The timber quality code number for each piling length and class shall be determined by the procedure

Length	Class ¹	Total Scribner Board Foot Volume per Piling Length and per Piling Class
120'	A	560
	B	450

¹ Piling class definitions as per American Society for Testing and Materials for "Round Timber Piles." As the Designation: D 25-56 (Reapproved 1964).

² Volumes are based on the Scribner Decimal C log rule in the U.S.F.S. Log Scaling Handbook. Poles over 16 feet long were segment scaled in accordance with the rules set forth in the U.S.F.S. Log Scaling Handbook, using the average top diameter by size and class and assuming a 1" in 10' taper.

AMENDATORY SECTION (Amending Order FT-82-7, filed 12/30/82)

WAC 458-40-19004 **CONVERSION DEFINITIONS AND FACTORS FOR THE CALENDAR PERIOD ((JANUARY 1 THROUGH JUNE 30)) JULY 1 THROUGH DECEMBER 31, 1983.** (1) The following standard conversion definitions and factors shall be used in determining Scribner board foot volume scale for timber harvested that was not originally scaled in Scribner board foot volume scale:

P/C ok 1/5

Table No. Conversion Method

- 1 **Standard Cord**
For logs on the average of 8 inches and larger on the small end of the log the conversion factor is 400 Scribner board feet per cord and for logs on the average of less than 8 inch on the small end of the log the conversion factor is 330 Scribner board feet per cord.
- 2 **Shake Blocks and Boards**
A cord consisting of western redcedar shingle or shake blocks based on stacked dimensions of 4 feet by 4 feet by 8 feet is equivalent to 600 Scribner board feet.
- 3 **Cants or Lumber from Portable Mills**
Payment for cants is generally based on the board foot volume (lumber tally) cut from them. Payment for lumber cut from a portable mill is also generally based on the lumber tally from the log. To convert from lumber tally to Scribner log volume, multiply the lumber tally for the individual species by 75% and round to the nearest one thousand board feet Scribner scale.

Table No. Conversion Method

- 4 **Log Length Conversion Western Washington Only** (Stumpage Value Areas 1, 2, 3, 4, 5, and 11). Operations that cut and scale logs in short lengths (16 feet to 20 feet) shall adjust the volume downward to correspond to the long log scale basis used in the Stumpage Value Tables. To convert to long log scale, multiply the short log scale for each species by 82% and round to the nearest thousand board feet.
- 5 **Log Length Conversion Eastern Washington Only** (Stumpage Value Areas 6, 7, 8, 9 and 10). Operations that cut and scale logs in long lengths (32 feet to 40 feet) shall adjust the volume upward to correspond to the short log scale basis used in the Stumpage Value Tables. To convert to short log scale, multiply the long log scale for each species by 118% and round to the nearest thousand board feet.
- 6 **Some standard converting factors and equivalents:**
 - (a) 1 standard cord equals 128 cubic feet, gross
 - (b) 1 standard cord equals 85 cubic feet, solid wood
 - (c) 1 standard cord equals 2.4069 cubic meters of solid wood
 - (d) 1 cunit equals 100 cubic feet, log scale
 - (e) 1 meter equals 39.37 inches
 - (f) 1 cubic meter equals 35.315 cubic feet log scale
 - (g) 1 cunit equals 2.832 cubic meters, log scale
 - (h) 1 pound equals 0.454 kilograms
 - (i) 1 kilogram equals 2.2046 pounds
 - (j) 1 short ton equals 2000 pounds
 - (k) 1 short ton equals 907.18 kilograms
 - (l) 1 long ton equals 2240.0 pounds
 - (m) 1 long ton equals 1016.05 kilograms
 - (n) 1 metric ton (or tonne) equals 1000 kilograms or approximately 2204.62 pounds.

(2) If the harvester chooses not to use the designated conversion definitions and/or factors, the harvester shall obtain approval of the procedure from the department before harvesting.

EXAMPLE:

Weight or Cubic Measurement. If the original unit of measure was by weight (pounds or tons) or cubic feet (cunits or units), the harvester shall convert to Scribner Board Foot volume, but may use only such conversion procedures and factors as have been given prior approval by the department.

WSR 83-14-041

ADOPTED RULES
COUNCIL FOR

POSTSECONDARY EDUCATION

[Order 3/83, Resolution No. 83-66—Filed June 30, 1983]

Be it resolved by the Council for Postsecondary Education, acting at the Sea-Tac Holiday Inn, Room 747, on June 14, 1983, that it does adopt the annexed rules relating to the displaced homemaker program, chapter 250-44 WAC.

This action is taken pursuant to Notice No. WSR 83-10-064 filed with the code reviser on May 4, 1983. 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 28B.04 RCW, as amended, 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 29, 1983.

By Carl A. Trendler
Executive Coordinator

AMENDATORY SECTION (Amending Order 11/82, filed 11/8/82)

WAC 250-44-050 UTILIZATION OF AVAILABLE CONTRACT FUNDS. (1) Each biennium the executive coordinator shall issue contract reapplication guidelines which shall establish criteria for specific utilization of available contract funds. The guidelines shall set forth:

(a) The maximum ((initial)) contract amount for a multipurpose service center to be provided from funds available under the act ((for)) during the ((1982 fiscal year)) 1983-85 biennium shall be (((\$40,000)) \$3,900 per month.

(b) The maximum ((initial)) contract amount for a contract for a program or programs of service from funds available under the act ((for)) during the ((1982 fiscal year)) 1983-85 biennium shall be \$2,600 per month.

(c) A ((initial)) reservation of funds for contracts to provide statewide outreach and information services and/or training for service providers.

(2) At least two multipurpose service centers in major population centers will be supported under the displaced homemaker program, provided adequate funds have been appropriated.

(3) Remaining funds will be used for contracts selected to provide geographic dispersion of displaced homemaker multipurpose service centers and programs of service.

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

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 11/82, filed 11/8/82)

WAC 250-44-110 LENGTH OF CONTRACT PERIODS. Contract periods for contracts awarded under the act shall be in accordance with each reapplication proposal, subject to contract reapplication guidelines issued by the executive coordinator.

(1) Contracts for operation of multipurpose service centers ((for)) during the ((1982 fiscal year)) 1983-85 biennium may cover operations beginning as early as ((August 1, 1982)) July 1, 1983 and ending ((June 30, 1983)) August 31, 1984.

(2) Contracts for operation of programs of services ((for)) during the ((1982 fiscal year)) 1983-85 biennium may cover operations beginning as early as ((September 1, 1982)) July 1, 1983 and ending ((June 30, 1983)) August 31, 1984.

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

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 11/82, filed 11/8/82)

WAC 250-44-130 CALENDAR AND CLOSING DATES FOR LETTERS OF INTENT, REAPPLICATIONS AND AWARDS. (1) Sponsoring organizations wishing to reapply for contracts to continue operation of multipurpose service centers, shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic reapplications, by ((Friday, June 11, 1982)) Monday, May 9, 1983 as specified in the contract reapplication guidelines.

(2) The executive coordinator or his designee will screen the letters of intent for multipurpose service centers, prepare a list of all eligible sponsoring organizations which filed letters of intent and distribute the list to all organizations on the list, by ((Thursday, June 17, 1982)) Monday, May 16, 1983 or seven days from the filing date for letters of intent as specified in the contract reapplication guidelines.

(3) Reapplications for contracts for multipurpose service centers may be submitted by sponsoring organizations on the list pursuant to subsection 2 of this section by ((9:00 A.M., Monday, June 28, 1982)) Tuesday, May 31, 1983 as specified in the contract reapplication guidelines.

(4) Sponsoring organizations wishing to reapply for contracts to operate programs of service and a statewide outreach and information services program shall submit to the executive coordinator a letter of intent, accompanied by appropriate documentation of nonprofit status in the case of nonpublic applicants, by ((Tuesday, July 6, 1982)) Monday, May 9, 1983.

(5) The executive coordinator or his designee will screen the letters of intent for programs of service and a statewide outreach and information services program, prepare a list of all eligible sponsoring organizations which filed letters of intent, and distribute the list to all organizations on the list, by ~~((Friday, July 16, 1982))~~ Monday, May 6, 1983, or seven days from the filing date for letters of intent as specified in the contract reapplication guidelines.

(6) Reapplications for contracts for programs of service and a statewide outreach and information services program may be submitted by sponsoring organizations on the list pursuant to subsection 5 of this section by ~~((9:00 A.M., Monday, July 26, 1982))~~ Tuesday, May 31, 1983 as specified in the contract reapplication guidelines.

(7) The executive committee of the council will approve awards of contracts provided qualifying reapplications were received by the closing dates specified in this section and in the guidelines.

(8) In the event that available funds for contracts under the act are not fully utilized after approval of contracts the executive coordinator may either establish a new calendar for further consideration of applications and award of contracts or award supplemental funds to existing center and programs by amendment of contracts in effect.

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

WSR 83-14-042
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 83-58—Filed July 1, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, 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 provides for state law consistent with the U.S. Department of Commerce Fisheries Conservation Zone salmon regulations which meet various spawning escapement and treaty allocation requirements.

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 June 30, 1983.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-56-19000V SALTWATER SEASONS AND BAG LIMITS Notwithstanding the provisions of WAC 220-56-190, effective July 1, 1983 through July 29, 1983, it is unlawful to take, fish for or possess salmon taken for personal use in the waters of the Pacific Ocean, except as provided in this section.

(1) It is lawful to fish under bag limit F in those waters south of a line projected due west from the mouth of the Queets River, north of a line projected due west from North Head at the mouth of the Columbia River and east of a line three miles offshore of the territorial limits of the state.

(2) It is lawful to fish under bag limit F in those waters north of a line due west from the mouth of the Queets River and within the territorial limits of the state.

REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-56-19000U SALTWATER
SEASONS AND
BAG LIMITS (83-
55)**

WSR 83-14-043
PROPOSED RULES
**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**
(Public Assistance)
[Filed July 1, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Payment—Hospital care, amending WAC 388-87-070.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1983;

that the agency will at 10:00 a.m., Tuesday, August 9, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, 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 August 17, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

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

David A. Hogan, Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 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 July 26, 1983. The meeting site is in a location which is barrier free.

Dated: June 30, 1983

By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-87-070.

Purpose of the Rule or Rule Change: To comply with federal regulations.

The Reason(s) These Rules are Necessary: To implement section 1861(v)(1)(G) of the Social Security Act.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Sets forth the method of determining the reimbursable level for administrative days in the hospital.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Phone: 3-7316, Mailstop: LK-11.

These rules are necessary as a result of federal law, section 1861(v)(1)(G) of the Social Security Act.

AMENDATORY SECTION (Amending Order 1951, filed 3/30/83)

WAC 388-87-070 PAYMENT—HOSPITAL CARE. The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020.

(1) Recipients must have been approved as financially and medically eligible for hospitalization. They are:

- (a) Categorically needy recipients;
- (b) Limited casualty program recipients;
- (i) Medically needy recipients;
- (ii) Medically indigent recipients;
- (c) Recipients of continuing general assistance.

(2) Except for nonallowable revenue codes, reimbursable cost will be determined by the application of the ratio of hospital commission approved operating expense and total rate setting revenue. For all administrative days, days of hospitalization in which medical necessity is below that appropriate for acute hospital care, the departments maximum reimbursement level will be the adjusted state-wide average per diem rate for skilled nursing facilities.

(3) However, for the period February 15, 1983, through June 30, 1983, reductions in the payment rate will be applied to services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Point Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
1	40.33 or less	4.4	0.30
2	40.34 - 45.98	17.9	0.36
3	45.99 - 57.28	18.7	0.42
4	57.29 - 68.59	28.0	0.48
5	68.60 or more	20.1	0.54

WSR 83-14-044
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
 [Filed July 1, 1983]

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 IMR program and reimbursement system, amending chapter 275-38 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1983;

that the agency will at 10:00 a.m., Tuesday, August 9, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, 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 August 17, 1983.

The authority under which these rules are proposed is RCW 74.09.120.

The specific statute these rules are intended to implement is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

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

David A. Hogan, Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 Olympia, WA 98504

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Dated: June 30, 1983

By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Repealing WAC 275-38-630, 275-38-635, 275-38-640, 275-38-642, 275-38-830, new 275-38-831, amending 275-38-845, new 275-38-846, repealing 275-38-855, amending 275-38-860, 275-38-865, 275-38-870, 275-38-875, 275-38-880 and new 275-38-886.

The Purpose of These Rules Changes: To provide authority to implement the department's FY 1984 IMR (Institutions for the Mentally Retarded) reimbursement system, effective July 1, 1983.

The Reason this Rule is Necessary: To implement the July 1983 rate system pursuant to the general provision of RCW 74.09.120, as amended by Engrossed Senate Substitute Bill 3780 and Engrossed House Bill 1079.

Statutory Authority: RCW 74.09.120.

Summary of the Rule Changes: WAC 275-38-630, Settlement is repealed. The settlement provisions are incorporated into WAC 275-38-886 to consolidate and simplify settlement regulations; WAC 275-38-635, Shifting is repealed. The shifting language used in settlement determinations is incorporated into WAC 275-38-886 to consolidate and simplify settlement regulations; WAC 275-38-640, Date settlement becomes final is repealed. The provisions of this regulation are incorporated into WAC 275-38-886 to consolidate and simplify settlement regulations; WAC 275-38-642, Interest on settlements is repealed. The provisions of the regulation are incorporated into WAC 275-38-886 to consolidate and simplify settlement regulations; WAC 275-38-830, Prospective reimbursement rates is repealed. The provisions of the regulation are incorporated into WAC 275-38-831 to consolidate and simplify the system's reimbursement principles; WAC 275-38-831, Reimbursement principles is a new regulation incorporating the provisions of WAC 275-38-830. The regulation specifies the licensure and certification requirements for Medicaid program reimbursement. The regulation also includes rate compliance requirements pursuant to 42 CFR, Section 447.252; WAC 275-38-845, Rate determination is amended to incorporate WAC 275-38-855, Method of rate determination. The revised regulation specifies that the 2.5 percent inflation factor for establishing July 1983 rates and the circumstances upon which a rate adjustment may be made, including inflation, staff and consultant changes for program compliance, and approved capital expenses as a condition of licensure or certification; WAC 275-38-846, Desk review for rate determination is a new regulation. The regulation defines the desk review process for rate setting and department notification requirements to contractors regarding desk review adjustments. Language regarding desk reviews are referenced in current regulations; WAC 275-38-860, Resident care and habilitative services cost center rate is amended. The revised language deletes references to the July 1982 rate setting procedures for this cost center and incorporates language for July 1983 rate setting. The new system is cost based and is not a change in method from the prior system; WAC 275-38-865, Food cost center rate is amended. The revised language deletes references to the July 1982 rate setting procedures for this cost center and incorporates language for July 1983 rate setting. The new method is based upon prior period rates and is not a change in method from the prior system; WAC 275-38-870, Administration and operations cost center rate is amended. The revised language deletes references to the July 1982 rate setting procedure for this cost center and incorporates language for July 1983 rate setting. The new method is based upon the

prior system, except that the restrictions on shifting into the administration and operations nonwage component have been eliminated; WAC 275-38-875, Property cost center rate is amended to reference that the July 1982 rate system for this cost center will be used for July 1983 rate setting; WAC 275-38-880, Return on equity is amended. The revised language specifies the method for determining equity payments for July 1983 rate setting. The amended system changes the rate of return from the Medicare rate (20 percent) to 12 percent and sets a maximum payment rate of \$2.00 per resident day; and WAC 275-38-886, Settlement is a new regulation incorporating existing language in WAC 275-38-630, 275-38-635, 275-38-640 and 275-38-642. The incorporation is to clarify and simplify existing regulations. The regulation amends existing regulation whereby refunds of overpayments shall be due within 30 days.

Person Responsible for Drafting, Implementing and Enforcing the Rule: Roger Gantz, Manager, Reimbursement Section, Program Support and Administration, Division of Developmental Disabilities, OB-42C, (206) 753-4449, scan 234-4449.

These rules are proposed by DSHS.

These rules are not as a result of federal laws, federal court decisions or state court decisions.

Economic Impact on Small Businesses: The proposed rule changes to be added to the Washington Administrative Code are estimated to increase total IMR rates by \$2.0 million for FY 1984. Nonstate operated IMR facilities, whether or not classified as small businesses, will receive an estimated \$350,000 rate increase for FY 1984. The proposed rule changes will not alter existing compliance or reporting requirements.

Emergency Adoption Justification: The rule change is sought to be adopted on an emergency and permanent basis. Emergency adoption is needed pursuant to Engrossed Substitute Senate Bill 3780, Section 44, so that the department can implement its IMR July 1, 1983, rate setting system.

NEW SECTION

WAC 275-38-831 REIMBURSEMENT PRINCIPLES. The following principles are inherent in chapter 275-38 WAC:

(1) Medicaid program reimbursement rates established under the provisions of this chapter shall be only for facilities holding appropriate state licenses and certified to provide IMR services in accordance with applicable state and federal laws and regulations. The department may utilize chapter 275-38 WAC to reimburse state-funded contractors providing services in accordance with applicable state and federal definitions of IMR services.

(2) Rates established shall be set prospectively on a per resident day basis.

(3) Rates established shall be reasonable and adequate to meet the costs that must be incurred by economically and efficiently operated facilities to provide services in conformity with applicable state and federal laws and regulations.

(4) Rates established shall be the contractor's maximum compensation within each cost center for each resident day for each medical care recipient.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-845 RATE DETERMINATION. (1) Each contractor's reimbursement rate will be determined prospectively at least once each calendar year to be effective July 1 (~~and will be adjusted for inflation January 1, using factors specified in WAC 275-38-~~

855(3). Rates may be adjusted more frequently to take into account program changes, as specified in WAC 275-38-855(4)).

(2) ((Where the contractor participated in the program during all or part of the prior fiscal period, the property and return on equity rates, and the nonwage component of administration and operations rate, will be determined based on the contractor's allowable costs in the prior period)) Prospective reimbursement rates shall be determined utilizing the prior year's desk-reviewed cost reports, and/or other documents submitted by each contractor.

(3) Rates may be adjusted for:

(a) Inflation in accordance with appropriations made by the state legislature as consistent with federal requirements for the period to be covered by such rates;

For rates effective July 1, 1983, the resident care and habilitative services cost center rate, food cost center rate, and administration and operations cost center rate shall be adjusted for inflation. The inflation adjustment shall be based on a 2.5 percent factor. For rates based on a twelve-month calendar year cost report, 2.5 percent shall be applied to allowable costs. For rates based on a twelve-month fiscal year cost report, 2.92 percent shall be applied to allowable costs. For rates based on rates in effect as of January 1, 1983, 2.5 percent shall be applied to the January 1, 1983, rate. July 1, 1983, rates based on cost reports or rates covering a period other than specified in this subsection shall be adjusted to reflect the period covered by that report or rate.

(b) Changes approved by the department in staffing and/or consultant services at a facility in order to be in compliance with applicable state and federal laws, regulations, and quality and safety standards;

(c) Capital additions, improvements, or replacements made at a facility which are approved by the department as a condition of licensure or certification; or

(d) Administrative review conducted pursuant to WAC 275-38-900 or WAC 275-38-960.

(4) Adjustments for economic conditions or trends shall be provided by means of an inflation adjustment pursuant to subsection (3)(a) of this section.

NEW SECTION

WAC 275-38-846 DESK REVIEW FOR RATE DETERMINATION. (1) The department shall analyze the submitted cost report and financial statements of each contractor to determine if the information is correct, complete, and reported in conformity with generally accepted accounting principles, the requirements of this chapter, and such rules and regulations as the secretary may adopt.

(2) If the analysis finds the cost report or financial statements are incorrect or incomplete, the department may make adjustments to the reported information for purposes of establishing reimbursement rates. A schedule of such adjustments shall be provided to contractors and shall include an explanation for the adjustment and the dollar amount of the adjustment. Adjustments shall be subject to review and appeal as provided in this chapter.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-860 RESIDENT CARE AND HABILITATIVE SERVICES COST CENTER RATE. (1) The resident care and habilitative services cost center ((reimbursement)) rate will reimburse for ((the necessary and ordinary)) costs ((of providing routine nursing, residential and habilitative services to residents in accordance with WAC 275-38-040 and 275-38-045, accordingly, the department has established five levels of care. These levels are: Level A, level B, level C, level D, and level E.

(2) Effective July 1, 1982, through June 30, 1983, the residential care and habilitative services cost center rate will be computed according to this section:

(a) As used in this section, "desk-reviewed residential care and habilitative services cost" shall be allowable residential care and habilitative services costs as determined by desk reviews conducted in accordance with WAC 275-38-595.

(b) If a contractor's weighted residential care and habilitative services rate for 1981 as computed in accordance with department regulations and instructions is equal to or greater than the contractor's desk-reviewed 1981 residential care and habilitative services costs, the department shall reimburse the residential care and habilitative services cost center at the desk-reviewed 1981 residential care and habilitative services costs plus any residential care and habilitative services funds shifted to other cost centers pursuant to WAC 275-38-635, as adjusted for inflation:

(c) If a contractor's residential care and habilitative services rate for 1981 is less than the contractor's desk-reviewed 1981 residential care and habilitative services costs, the department shall reimburse the contractor's residential care and habilitative services cost at the contractor's January 1, 1982 residential care and habilitative services reimbursement rate, less one and one-half percent, as adjusted for inflation, plus an allowance from the redistribution pool. The total reimbursement paid to a contractor for residential care and habilitative services, including any allowance from the redistribution pool, shall not exceed the contractor's 1981 desk-reviewed residential care and habilitative services costs, as adjusted for inflation. The total of allowances distributed pursuant to subsection (2)(c) of this section shall not exceed the total amount in the redistribution pool. If the total of funds in the redistribution pool is equal to or exceeds the total amount of underfunding for residential care and habilitative services for all contractors, each contractor's allowance shall be the amount the contractor was underfunded for residential care and habilitative services, if any, where underfunding is defined as any excess of 1981 desk-reviewed cost over the 1981 rate in this cost center, as adjusted for inflation. If the total of funds in the redistribution pool is less than the total residential care and habilitative services underfunding for all contractors, the allowance distributed to each contractor shall be a percentage of the amount a contractor was underfunded, as defined in subsection (2)(c) of this section, for residential care and habilitative services, if any was experienced by the contractor. The percentage shall be computed by dividing the total of funds in the pool by the total amount of underfunding for all contractors.

(3) To residential care and habilitative services cost center rates determined in accordance with subsections (2)(b) and (c) of this section, a residential care and habilitative services enhancement shall be added. The enhancement shall be distributed among facilities proportionately based upon residential care and habilitative services cost center rates and shall not be adjusted for inflation. The total of enhancements distributed to contractors shall be six hundred thousand dollars.

(4) In addition to the reimbursement rate, each contractor may be assigned a range of residential care and habilitative services hours representing the maximum and minimum number of hours the department will purchase. The range will depend on the assigned level of care in each facility. For purposes of establishing an hourly range of service hours the calculation of hours will include resident life direct care staff, licensed nursing personnel, qualified mental retardation professionals, staff training, and staff responsible for activities. The range by level is:

3.1-6.1 for IMR level A residents, 2.7-5.4 for IMR level B residents, 2.1-3.6 for IMR level C residents, 1.2-2.4 for IMR level D residents, and a maximum of 5.0 for level E residents. Standard hours for each facility will be calculated based upon staffing data annual cost reports or other certified documents as required in the above ranges. The standard hours for each level will not fall below the minimum staffing levels as established in WAC 275-38-045. When the department requires new standards or makes program changes requiring more or less residential care and habilitative services, the range will be adjusted as of the effective date of the new standard or program change)) related to staff, consultation, and purchased services used in the provision of services in accordance with state and federal IMR laws and regulations, which may include the following:

- (a) Training and habilitation services;
- (b) Nursing and pharmacy services;
- (c) Dental consultation;
- (d) Physical and occupational therapy consultation;
- (e) Psychological consultation;
- (f) Recreation services;
- (g) Social services;
- (h) Speech pathology and audiology consultation;
- (i) Resident records; and
- (j) Staff training.

(2) The resident care and habilitative services cost center rate for residential habilitation centers may also reimburse for the following services:

- (a) Physician services;
- (b) Dental services;
- (c) Physical and occupational therapy;
- (d) Psychological services; and
- (e) Speech pathology and audiology.

(3) For determining the resident care and habilitative services rate, a facility shall be reimbursed for staff in accordance with the following staffing standard:

(a) Level A as required in WAC 275-38-045(2)(a) and shall provide between 3.1 and 6.1 staffing hours per resident day;

(b) Level B as required in WAC 275-38-045(2)(b) and shall provide between 2.7 and 5.4 staffing hours per resident day;

(c) Level C as required in WAC 275-38-045(2)(c) and shall provide between 2.1 and 3.6 staffing hours per resident day;

(d) Level D as required in WAC 275-38-045(2)(d) and shall provide between 1.2 and 2.4 staffing hours per resident day;

(e) Level E as required in WAC 275-38-045(2)(e) and shall provide a maximum of 5.0 staffing hours per resident day; and

(f) For purposes of establishing the hourly staffing standard, the calculation of hours shall include resident care and training (RCT) staff, licensed nursing staff, qualified mental retardation professionals (QMRP), social work staff, and recreational services staff.

(4) Effective July 1, 1983, a facility's rate shall be the facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-865 FOOD COST CENTER RATE. (1) The food cost center rate will reimburse for the necessary and ordinary costs of ((procuring)) bulk and raw food, dietary supplements, and beverages for meals and between-meal nourishment for residents.

(2) Effective ((July 1, 1982)) July 1, 1983, ((through June 30, 1983, food reimbursement will be at the January 1, 1982 rate)) a facility's food cost center rate shall be set at the January 1, 1983, IMR food cost center rate, adjusted for inflation as specified in WAC 275-38-845.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-870 ADMINISTRATION AND OPERATIONS COST CENTER RATE. (1) The administration and operations cost center ((reimbursement)) rate will include reimbursement for the necessary and ordinary costs as determined by the department of overall administration and management of the facility, operation and maintenance of the physical plant, resident transportation, dietary service (other than the cost of food and beverages), laundry service, medical and habilitative supplies, taxes, and insurance.

(2) ((For rates effective July 1, 1982, through June 30, 1983, a contractor's administration and operations wage component reimbursement rate will be set pursuant to subsection (2) of this section:

(a) If a contractor's administration and operations wage component rate for 1981, is greater than or equal to the contractor's desk-reviewed 1981 wage component costs, the department shall reimburse the contractor's wage component at the desk-reviewed 1981 administration and operations wage component costs, as adjusted for inflation:

(b) If a contractor's administration and operations wage component rate for 1981 is less than the contractor's desk-reviewed 1981 wage component costs, the department shall reimburse the contractor's wage component costs at the January 1, 1982, reimbursement rate, as adjusted for inflation:

(c) It is further provided, if any funds remain in the redistribution pool established pursuant to WAC 275-38-855(5) after distribution to contractors pursuant to WAC 275-38-860, the department shall distribute the funds to contractors underfunded in the wage component area, as determined by subsection (2)(b) of this section, according to the following rules:

(i) If the amount remaining in the redistribution pool exceeds or is equal to the total amount the contractors were underfunded in the wage component center, each contractor's allowance shall be the amount the contractor was underfunded for costs in this component, if any, where underfunding is defined as any excess of 1981 desk-reviewed cost over the 1981 rate in this component, as adjusted for inflation:

(ii) If the amount remaining in the redistribution pool is less than the total amount the contractors were underfunded in the wage component area, each contractor shall receive an allowance which shall be a percentage of the amount the contractor was underfunded as defined in subsection (2)(c)(i) of this section. The percentage shall be computed by dividing the amount remaining in the redistribution pool by the total amount of underfunding in the wage component center for all contractors:

(iii) The distribution shall not exceed the total amount of underfunded wage component costs for all contractors nor the amount remaining in the redistribution pool, if any:

(3) For rates effective July 1, 1982, through June 30, 1983, a contractor's administration and operations nonwage component reimbursement rate will be calculated as follows:

(a) Allowable administration and operations costs, including wages of administrators, assistant administrators, and administrators-in-training, but excluding wages of other support staff, will be taken from the most recent desk-reviewed annual cost report:

(b) Effective July 1, 1982, through June 30, 1983, if any amounts were shifted into the administration and operations cost area during the period covered by the most recent annual cost report, an annualized amount will be subtracted from administration and operations nonwage costs determined by the following formula:

$$AS = SS \times DR$$

(i) "AS" is the amount to be subtracted from administration and operations nonwage costs;

(ii) "SS" is the amount of the savings shifted into the administration and operations cost area; and

(iii) "DR" is the deficiency ratio, defined as the ratio of:

(A) Administration and operations nonwage costs minus the nonwage component of the administration and operations prospective rate; to

(B) Total administration and operations costs minus the total administration and operations prospective rate;

(C) This ratio may not be less than zero nor more than one:

(c) Adjusted costs will be updated using factors specified in WAC 275-38-855(3):

(d) Reimbursement for this portion of administration and operations will be limited to the eighty-fifth percentile of costs, adjusted as described in subsection (3)(b) of this section, of all reporting facilities; except facilities may be grouped by factors other than ownership or legal organization characteristics, which could reasonably influence cost requirements for administration and operations)) The administration and operations cost center rate is comprised of two rate components: Wage and nonwage. The wage component rate will reimburse for staff, excluding the administrator, QMRP, assistant administrator, and/or administrator-in-training, providing administrative and operations services prescribed in subsection (1) of this section. The nonwage component rate will reimburse for administrative and operations related costs not otherwise reimbursed in the wage component rate.

(3) Effective July 1, 1983, a facility's wage component rate shall be the facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845.

(4) Effective July 1, 1983, a facility's nonwage component rate shall be the lesser of:

(a) The facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845; or

(b) The eighty-fifth percentile ranking of IMR facilities' costs from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845. The ranking shall be based on cost reports used for rate determination for facilities having an occupancy level of at least eighty-five percent for the cost report period.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-875 PROPERTY COST CENTER RATE. Effective July 1, 1983, property reimbursement for both leased and owner-operated facilities will not exceed the predicted cost plus ((one)) 1.75 standard deviations of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the bureau of nursing home affairs pursuant to WAC 388-96-743. ((Effective July 1, 1982, through June 30, 1983,)) Depreciation and interest costs of owner-operated facilities, for mortgages entered into prior to July 1, 1979, will be reimbursed to the extent the depreciation and interest costs do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, or July 1, 1979, whichever is higher, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state Medicaid plan, and adjusted for any approved capitalized additions or replacements. Any leased facility operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, will be reimbursed to the extent that the property cost exceed the upper limit of the multiple regression formula.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-880 RETURN ON ((~~INVESTMENT~~)) EQUITY. (1) Effective ((~~July 1, 1982~~)) July 1, 1983, ((~~through June 30, 1983~~)) the department will pay a return on equity to proprietary contractors ((utilizing applicable medicare rules and regulations as of July 1, 1979, with the following modifications:

(a) Monthly equity calculations will not be used. A desk review of reported equity will be conducted pursuant to WAC 275-38-595. The average ratio among proprietary contractors of current assets to expenses will be computed by the bureau of nursing home affairs pursuant to WAC 388-96-750. The standard deviation of the ratio and the average ratio plus one standard deviation will also be computed. Current assets in excess of the average ratio plus one standard deviation will not be allowed unless the contractor can document the excess is ordinary, necessary, and related to resident care and training. No adjustments will be made to reported equity insofar as changes reflect additions to fixed assets which are ordinary, necessary, and related to resident care and training.

(b) Goodwill is not includable in the determination of net equity.

(c) Net equity and the payment for net equity shall be calculated as described in subsections (2) and (3) of this section).

(2) A contractor's net equity will be calculated using the appropriate items from the contractor's most recent desk-reviewed cost report utilizing the definition of equity capital in WAC 275-38-001 and applying relevant Medicare rules and regulations ((as of July 1, 1979, with the modifications described in subsection (1) of this section)), except that goodwill is not includable in the determination of net equity and monthly equity calculations will not be used.

(3) The contractor's net equity will be multiplied by ((the medicare rate of return on equity capital)) twelve percent for the twelve-month period ending on the date of the closing date of the contractor's cost report. The amount will be divided by the contractor's annual resident days for the cost report period to determine a rate per resident day. Where a contractor's cost report covers less than a twelve-month period, annual resident days will be estimated using the contractor's reported resident days. The contractor shall be paid a prospective rate which is the lesser of the amount calculated pursuant to this section or two dollars per resident day.

(4) The information on which the return on equity is calculated is subject to field audit. If a field audit determines the desk-reviewed reported equity exceeds the equity documented and calculated in conformance with Medicare rules and regulations as modified by this section, the contractor's return on equity rate for the rate period ((a return on equity rate calculated on the basis of the cost report was in effect)) using the report shall be recalculated using the determinations of the field audit. Any payments in excess of the rate shall be refunded to the department as part of the settlement procedure established by WAC ((275-38-630)) 275-38-886. ((In particular, WAC 275-38-630 (4), (5), and (6) shall apply.))

NEW SECTION

WAC 275-38-886 SETTLEMENT. (1) For the resident care and habilitation services cost center, food cost center, administration and operations cost center, and property cost center, payment to contractors shall not exceed the lower of the prospective rate or audited allowable cost. For each cost center specified in this subsection, a settlement shall be calculated at the lower of the prospective rate or audited allowable costs, except as otherwise provided in this section.

(2) For calendar year 1981 and subsequent years, in determining a contractor's settlement, if allowable costs were less than the rate in any cost center, savings will be shifted (or "transferred") to cover any deficit in another cost center.

(a) The amount shifted may not exceed twenty percent of the rate in the cost center into which the shift is made.

(b) No saving may be shifted in the property or return on equity cost centers.

(3) The settlement process shall consist of a preliminary settlement and a final settlement.

(4) The preliminary settlement process will be as follows:

(a) Providers are required to submit a proposed settlement report with the cost report.

(b) Within one hundred twenty days after receipt of the proposed settlement, the department shall verify the accuracy of the proposal

and shall issue a preliminary settlement substantiating refunds, underpayments, and overpayments.

(5) The final settlement process will be as follows:

(a) After completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a final settlement report to the contractor fully substantiating disallowed costs, refunds, underpayments, or adjustments to the contractor's financial statements, cost report, and final settlement.

(b) Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

(c) A preliminary settlement as issued by the department will become the final settlement if no audit has been scheduled within twelve calendar months following the department's issuance of a preliminary settlement report to the contractor.

(6) Repayment of amounts owed the department shall be as follows:

(a) The contractor shall have thirty days after the date the preliminary or final settlement report is submitted to the contractor to contest a settlement determination under WAC 275-38-960. After the thirty-day period has expired, a preliminary or final settlement will not be subject to review.

(b) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date of the preliminary or final settlement report is submitted to the contractor.

(c) In the event the contractor fails to make repayment in the time provided in subsection (6)(b) of this section, the department shall either:

(i) Deduct the amount of refund due plus assessment of interest, at the rate of one percent per month on the unpaid balance, from payment amounts due the contractor; or

(ii) In the instance the contract has been terminated:

(A) Deduct the amount of refund due plus an assessment of interest, at the rate of one percent per month on the unpaid balance, from any payments due; or

(B) Assess the amount due plus interest, at the rate of one percent per month on the unpaid balance, on the amount due.

(iii) Interest on the unpaid balance owed the department shall begin to accrue on the thirty-first day following receipt of written notification to the contractor of the amount owed the department.

(d) Where the facility is pursuing timely filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

(7) Payment of amounts owed the contractor shall be as follows: The department shall make payment of any underpayments within thirty days after the date of the settlement report is submitted to the contractor.

REPEALER

(1) <u>WAC 275-38-630</u>	SETTLEMENT.
(2) <u>WAC 275-38-635</u>	SHIFTING.
(3) <u>WAC 275-38-640</u>	DATE SETTLEMENT BECOMES FINAL.
(4) <u>WAC 275-38-642</u>	INTEREST ON SETTLEMENTS.
(5) <u>WAC 275-38-830</u>	PROSPECTIVE REIMBURSEMENT RATES.
(6) <u>WAC 275-38-855</u>	METHOD OF RATE DETERMINATION.

WSR 83-14-045
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed July 1, 1983]

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 Eligibility determination—Medically needy in own home, amending WAC 388-99-020.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1983;

that the agency will at 10:00 a.m., Tuesday, August 9, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, 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 August 17, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

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

David A. Hogan, Director
 Division of Administration and Personnel
 Department of Social and Health Services
 Mailstop OB 14
 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 July 26, 1983. The meeting site is in a location which is barrier free.

Dated: June 30, 1983

By: David A. Hogan, Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-99-020.

Purpose of the Rule or Rule Change: To comply with HB 1079 and federal regulations.

The Reason(s) These Rules are Necessary: HB 1079, section 57 provides for a 2 1/2 percent increase in AFDC grants.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Changes the medically needy income level (MNIL) to reflect the changes in the AFDC payment level.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Phone: 3-7316, Mailstop: LK-11.

These rules are necessary as a result of federal law, 42 CFR 435.812(1).

AMENDATORY SECTION (Amending Order 1925, filed 12/15/82)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$	((323))	343
(b) Two persons	\$	((463))	493
(c) Three persons	\$	((497))	519
(d) Four persons	\$	((531))	544
(e) Five persons	\$	((612))	627
(f) Six persons	\$	((693))	710
(g) Seven persons	\$	((802))	822
(h) Eight persons	\$	((887))	909
(i) Nine persons	\$	((974))	998
(j) Ten persons and above	\$	((1,058))	1,084

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households (~~((AFDC and SSI related members) eligibility shall be determined as for families and children)), where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsection (2) of this section, and for the SSI related assistance unit according to subsection (3) of this section.~~

WSR 83-14-046
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed July 1, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1983;

that the agency will at 2:00 p.m., Wednesday, September 7, 1983, in the H-19, Third Floor Conference Room, Office Building #2, 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 14, 1983.

The authority under which these rules are proposed is RCW 74.09.120.

The specific statute these rules are intended to implement is RCW 74.09.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 7, 1983.

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

David A. Hogan, Director
Division of Administration and Personnel
Department of Social and Health Services
Mailstop OB 14
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 24, 1983. The meeting site is in a location which is barrier free.

Dated: June 30, 1983

By: David A. Hogan, Director

Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending chapter 388-96 WAC, (Emergency and Permanent Adoption).

The Purpose of this Amendment: To provide regulatory authority to set July 1, 1983, prospective Medicaid reimbursement rates in conformity with Substitute Senate Bill 3780, Laws of 1983 1st ex. sess.

The Amendment is Necessary: To conform existing rate setting procedures to the new legislation.

Statutory Authority: RCW 74.09.120.

Summary of Specific Rule Changes: WAC 388-96-010 (amended), definitions of new terms provided in order to clarify new rate setting procedures; WAC 388-96-020 (amended), provides that prospective cost-related reimbursement must conform to provisions of chapter 74.46 RCW; WAC 388-96-023 (amended), deletes obsolete references to federal regulations and provides that a condition of participation by contractors in prospective cost reimbursement is compliance with chapter 74.46 RCW; WAC 388-96-026 (amended), requires new contractors to submit information concerning purchase or lease of their facilities and the identity of beneficial owners at least sixty days prior to the effective date of the contract; WAC 388-96-029 (amended), deletes obsolete references to federal rules; WAC 388-96-032 (amended), establishes due date for filing cost reports when contracts are terminated; authorizes departments to withhold final thirty days payment under a terminated contract until completion of an audit; and requires final settlement to be issued within ninety days after audit; WAC 388-96-101 (amended), deletes requirement that contractors submit quarterly cost reports;

requires contractors to submit annual reports corresponding to calendar years; and defines cost report; WAC 388-96-104 (amended), establishes due dates for annual cost reports, final cost reports and cost reports for new contractors; WAC 388-96-107 (amended), provides for two rather than one thirty day extension to submit an annual cost report; and establishes conditions which must be met before an extension can be granted; WAC 388-96-108 (amended), updates cross reference; and extends due date for final cost report from ninety to one hundred twenty days after contract is terminated; WAC 388-96-110 (amended), obsolete references to repealed settlement provisions and redistribution pool removed; WAC 388-96-113 (amended), obsolete reference removed; and provides that a contractor must correlate any different chart of accounts used by the contractor to the chart of accounts established by the department; WAC 388-96-117 (amended), establishes who must sign the certification which accompanies a cost report; WAC 388-96-125 (repealed), obsolete provisions for filing abbreviated-period cost reports removed; WAC 388-96-128 (amended), extends from three to four years after date of filing a cost report the period during which supporting documentation must be retained by a contractor; and provides that all payments due under a contract shall be withheld until preservation of and access to records is assured; WAC 388-96-131 (amended), extends from three to four years after a cost report is submitted the period during which the department must retain such cost report; WAC 388-96-134 (amended), clarifies that cost reports and final audit reports are available for public disclosure but exempts financial statements, schedules and evaluations; and provides that documents normally exempt from public disclosure shall be made available to the legislature, other state agencies and law enforcement officials; WAC 388-96-201 (repealed), removes superseded desk-review provisions; WAC 388-96-204 (amended), provides that all cost reports for 1982 will be audited; and provides that the department may but need not audit all cost reports for 1983 and years following; WAC 388-96-207 (amended), requires the department to give ten working days' notice of commencement of an audit; requires the contractor to provide access to patient trust fund records and other financial statements, reports and schedules; and requires a contractor to provide a contact person to respond to inquiries from the auditor; WAC 388-96-210 (amended), clarifies responsibilities of department in reporting audit results to the contractor; and clarifies typical items which must be verified by the auditor; WAC 388-96-213 (amended), clarifies that assets, liabilities and revenues, as well as expenses, must be documented and related to provision of patient care; WAC 388-96-216 (amended), provides due dates and conditions for completion of audits; and gives priority to audit of final cost reports; WAC 388-96-219 (repealed), removes superseded public disclosure provision; WAC 388-96-220 (new), establishes general principles of preliminary and final settlement; WAC 388-96-221 (new), establishes specific responsibilities of the department and contractors relating to preliminary settlement; and establishes time frames for completion of preliminary settlement;

WAC 388-96-222 (repealed), removes superseded settlement provisions; WAC 388-96-223 (repealed), removes superseded shifting provisions; WAC 388-96-224 (new), establishes specific responsibilities of the department and contractors relating to final settlement; WAC 388-96-225 (repealed), removes superseded final settlement provisions; WAC 388-96-226 (new), establishes rules for shifting funds among cost centers; WAC 388-96-227 (repealed), removes superseded provisions relating to payment of interest on settlements; WAC 388-96-228 (new), establishes principles relating to retention by contractors of cost savings (excess of rate over audited allowable costs); WAC 388-96-229 (new), establishes responsibilities of department and contractors relating to overpayments and underpayments of amounts due under Medicaid reimbursement contracts; WAC 388-96-310 (new), provides that interest of one percent per month will be assessed for overpayments received by contractors; and provides that such interest or interest on loans incurred to refund overpayments shall not be an allowable expense for reimbursement; WAC 388-96-369 (amended), provides that each recipient trust account be maintained for audit and inspection for a minimum of three rather than four years; WAC 388-96-372 (amended), provides that documents relating to recipient trust fund petty cash expenditures be retained for audit and inspection for three rather than four years; WAC 388-96-521 (amended), clarifies that start-up costs will be allowable in the administration and operations cost area; WAC 388-96-523 (amended), clarifies that organization costs will be allowable in the administration and operations cost area; WAC 388-96-529 (amended), clarifies what is meant by total compensation for the purpose of determining maximum allowable for owners, relatives and certain administrative personnel; WAC 388-96-531 (amended), provides that time records maintained for owners and relatives must document that time was spent in the actual performance of necessary services; WAC 388-96-533 (amended), increases maximum allowable compensation for licensed administrators of facilities; provides that time records which are customary for employees shall also be maintained for administrators, assistant administrators and administrators-in-training; and provides method for reimbursement of administrators-in-training; WAC 388-96-534 (amended), provides that allocation of joint facility costs must be for necessary and nonduplicative services and that such costs must be allocated in accordance with benefits received; WAC 388-96-535 (amended), provides that management agreements must be submitted to the department sixty rather than ninety days prior to the effective date; provides that compensation for an administrator-in-training shall be included in maximum allowable costs for general management services; and provides that owner's compensation shall be subject to management fee limits; WAC 388-96-539 (amended), provides that interest paid to a related party is reimbursable to the extent of actual interest cost to the related party in an arm's-length transaction with a third party; WAC 388-96-543 (amended), provides that loan interest and origination fees must be amortized over

the life of the facility; and provides that periods of construction cannot exceed the project certificate of need time period; WAC 388-96-553 (amended), increases the minimum cost of items which must be capitalized from one hundred fifty to seven hundred fifty dollars beginning January 1, 1983, for settlement purposes and July 1, 1984, for rate setting purposes; WAC 388-96-554 (amended), provides that the undepreciated cost of assets retired and not replaced only will be expensed and establishes conditions for expensing such undepreciated costs; WAC 388-96-557 (amended), minor language clarifications provided, including what is meant by land for purpose of depreciation; WAC 388-96-561 (amended), minor language clarification made; WAC 388-96-565 (amended), provides that lines for depreciation must reflect the estimated actual useful life of the asset in question and must be extended to reflect periods during which assets are not used for patient care; WAC 388-96-572 (amended), provides that gain on assets retired and not replaced shall be offset against property expense; WAC 388-96-585 (amended), clarifies when bad debts may be allowable costs; and provides that dues to be paid to national trade associations are unallowable costs; WAC 388-96-710 (amended), provides that prospective reimbursement rates for new contractors shall be subject to applicable lids and maximums; and minor language clarification; WAC 388-96-713 (amended), clarifies how prospective rates are to be set if a contractor did not participate in the program for the entire preceding calendar year; and establishes deadline for informing contractors of rates; WAC 388-96-716 (amended), replaces patient care cost area with nursing services cost area; WAC 388-96-717 (new), establishes desk review adjustment procedures; WAC 388-96-719 (amended), obsolete reference to quarterly cost reports removed; provides for an inflation factor adjustment for July 1983 nursing services and administration and operations cost area rates; and clarifies how rates will be calculated for facilities with less than eighty-five percent occupancy; WAC 388-96-720 (repealed), obsolete provisions relating to redistribution pool removed; WAC 388-96-722 (amended), provides that the nursing services cost area rate shall be based upon necessary and ordinary costs of providing routine care; and establishes two reasonableness tests of nursing services costs; WAC 388-96-727 (amended), provides that the food cost center rate shall be the January 1, 1983, rate adjusted for inflation; WAC 388-96-735 (amended), provides that the administration and operations cost area rate shall be the lower of allowable cost or the eighty-fifth percentile of costs taken from correct and complete cost reports; WAC 388-96-743 (amended), provides that the property cost area rate shall be based upon information in the most recent cost report relating to depreciation, interest and/or lease expense; establishes a lid for property reimbursement; and definitions of property terms provided; WAC 388-96-750 (amended), provides for a return on investment of twelve percent for proprietary contractors utilizing Medicare rule and regulations subject to modifications contained in the section; WAC 388-96-760 (amended), obsolete reference to Code of Federal Regulations deleted; WAC 388-96-772 (repealed), removes

superseded provisions relating to requests for revision of a prospective rate; WAC 388-96-773 (new), establishes provisions for revisions of prospective rates; and establishes conditions for granting revisions of prospective rates; WAC 388-96-807 (amended), provides that the reimbursement rate is intended to compensate for all services provided to recipients, including those required by Title XIX certification and licensure pursuant to state law; WAC 388-96-813 (amended), provides that payments to a contractor may be withheld when a refund pursuant to a settlement is not forthcoming, whether a result of preliminary or final settlement; and WAC 388-96-816 (amended), extends from thirty to sixty days the time in which all payments to a contractor must end if a contract is revoked or a facility is decertified.

Person Responsible for Drafting, Implementing and Enforcing the Above Changes: Taylor Dennen, Manager, Rates and Settlements Program, Bureau of Nursing Home Affairs, Mailstop OB-31, Telephone: 753-3477, scan 234-3477.

These changes are proposed by DSHS.

This rule is not necessary as a result of federal laws, federal court decisions or state court decisions.

Economic Impact: The proposed changes are mandated by legislation. It is neither legal nor feasible to: Establish differing compliance requirements for small businesses; clarify, consolidate or simplify compliance requirements for small businesses; or exempt small business from any or all requirements of the rule. There are no costs of compliance for business covered by this regulation change, including costs of equipment, supplies, labor or administrative costs. The effect of the change is to increase payments to nursing home service contractors by \$7 million from July 1, 1983, through June 30, 1984.

Emergency Justification: The above proposed changes are made in response to new state laws, namely, Substitute Senate Bill 3780, Laws of 1983 1st ex. sess. The changes must be adopted prior to July 1, 1983. Therefore, emergency adoption is necessary in addition to regular adoption.

Reviser's note: The material contained in this filing will appear in the 83-15 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 83-14-047
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1968—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical assistance, amending chapters 388-80, 388-82, 388-83, 388-84, 388-86 and 388-87 WAC.

I, David A. Hogan, 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 necessary to implement chapter 43, Laws of 1983 1st ex. sess.

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 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 1, 1983.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1801, filed 5/5/82)

WAC 388-80-005 DEFINITIONS. (1) "Application" shall mean a written request for medical assistance or limited casualty program from the applicant, an authorized representative, or if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant to the department of social and health services the application shall be on a form prescribed by the department.

(2) "Assignment" is the method by which the provider receives payment for services under Part B of medicare.

(3) "Assistance unit" means a person or members of a family unit who are eligible for cash or medical assistance under a federally matched program including state supplement.

(4) "Authorization" means an official approval of a departmental action.

(5) "Beneficiary" is an eligible individual who receives a federal cash benefit and/or state supplement under Title XVI.

(6) "Benefit period" is the time period used in determining whether medicare can pay for covered Part A services. A benefit period begins the first day a beneficiary is furnished inpatient hospital or extended care services by a qualified provider. It ends when the beneficiary has not been an inpatient of a hospital or other facility primarily providing skilled nursing or rehabilitation services for sixty consecutive days. There is no limit to the number of benefit periods a beneficiary can have.

(7) "Cabulance" means a vehicle designed and used for the purpose of transporting persons confined to a wheelchair or persons otherwise physically restricted.

(8) "Carrier" is an organization who has a contract with the federal government to process claims under Part B of medicare.

(9) "Categorically needy" refers to a resident of the state of Washington whose income and resources are evaluated for cash assistance and who is:

(a) Receiving or eligible to receive cash assistance.

(i) Aid to Families of Dependent Children (AFDC).

(ii) Supplemental Security Income (SSI), including grandfathered individuals and individuals with essential spouses.

(iii) State supplement.

(iv) Special categories.

(b) A financially eligible person under twenty-one who would be eligible for AFDC but does not qualify as a dependent child and who is in:

(i) Foster care, or

(ii) Subsidized adoption, or

(iii) A skilled nursing home, intermediate care facility, or intermediate care facility for mentally retarded, or

(iv) An approved inpatient psychiatric facility.

(c) Individuals who would be eligible for cash assistance except for their institutional status.

(d) An individual who is SSI categorically related and would not be eligible for cash assistance if they were not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap. This includes only aged, blind, and disabled groups.

(10) "Central disbursements" is a state office section which audits nonmedicaid medical claims for payment.

(11) "Certification date" means the date the worker certifies changes in a recipient's circumstances and authorizes an action.

(12) "CFR" means the code of federal regulations and is a codification of the general and permanent rules published in the federal register by the executive departments and agencies of the federal government.

(13) "Child" or "minor child" means a person under eighteen years of age.

(14) "Client" means an applicant for or recipient of financial and/or social services provided by the department of social and health services.

(15) "Coinsurance" means the portion of reimbursable hospital and medical expenses, after subtraction of any deductible, which medicare does not pay. Under Part A, coinsurance is a per day dollar amount, and under Part B, is twenty percent of reasonable charges.

(16) "CSO" (community service office) is an office of the department which administers the various social and health services at the community level.

(17) "Continuing assistance" means payments to persons who presumably will be eligible for and receive, from the date of authorization, regular monthly grants on a prepayment basis. Continuing assistance includes federal aid and continuing general assistance grants to unemployable persons.

(18) "Copayment" means a fixed dollar amount that is the responsibility of the recipient of specified services.

(19) "Deductible" means an initial specified amount that is the responsibility of the applicant and/or recipient.

(a) Part A of medicare - Inpatient hospital deductible - an initial amount in each benefit period which medicare does not pay.

(b) Part B of medicare - The first sixty dollars in expenses which must be incurred before medicare starts to pay.

(c) ~~(Limited casualty program=medically needy inpatient hospital deductible=an initial amount as specified in chapter 388-99 WAC, the department does not pay.~~

~~(d)) Limited casualty program=medically indigent=means incurring a dollar amount as specified in chapter 388-100 WAC, the department does not pay.~~

(20) "Delayed certification" shall mean the date of certification for medicaid and date of application for SSI are the same for an SSI beneficiary whose eligibility decision was delayed due to administrative action.

(21) "Department" shall mean the state department of social and health services.

(22) "Division of medical assistance" shall mean the single state agency authorized to administer the Title XIX medical assistance program.

(23) "Eligible couple" means an eligible individual and eligible spouse.

(24) "Eligible individual" means an aged, blind or disabled person as defined in Title XVI of the Social Security Act. If two such persons are husband and wife (and have not been living apart for more than six months), only one of them may be considered an eligible individual.

(25) "EPSDT" shall mean a program providing early and periodic screening, diagnosis and treatment to persons under twenty-one years of age who are eligible under Title XIX of the Social Security Act.

(26) "Essential spouse" means a spouse whose needs were taken into account in determining the need of OAA, AB, or DA recipient for December, 1973, who continues to live in the home of such recipient, and continues to be an essential spouse.

(27) "Extended care patient" is a recently hospitalized medicare patient who needs relatively short-term skilled nursing and rehabilitative care in a skilled nursing facility.

(28) "Fair hearing" means an administrative proceeding by which the department hears and decides the appeal of an applicant/recipient from an action or decision of the department.

(29) "Federal aid" means the assistance programs for which the state receives matching funds from the federal government.

(30) "Fraud" shall mean a deliberate, intentional, and wilful act, with the specific purpose of deceiving the department with respect to any material, fact, condition, or circumstances affecting eligibility or need.

(31) "General assistance - continuing" (GAU) means assistance to unemployable persons who are not eligible for or not receiving federal aid assistance and whose medical care is defined in chapter 388-86 WAC.

(32) "Grandfathering" refers to:

(a) A noninstitutionalized individual who meets all current requirements for medicaid eligibility except the criteria for blindness or disability; and

(i) As eligible for medicaid in December, 1973, as blind or disabled, whether or not he/she was receiving cash assistance in December, 1973; and

(ii) For each consecutive month after December, 1973, continue to meet the criteria for blindness and disability and other conditions of eligibility used under the medicaid plan in December, 1973; and

(iii) The needs of the "essential person" shall only be considered when he/she is living with such person in the same household.

(b) An institutionalized individual who was eligible for medicaid in December, 1973, or any part of that month, as an inpatient of a medical institution or resident of intermediate care facility that was participating in the medicaid program and for each consecutive month after December, 1973:

- (i) Continued to meet the requirements for medicaid eligibility that were in effect under the state's plan in December, 1973, for institutionalized individuals; and
- (ii) Remained institutionalized.

(33) "Home health agency" is an agency or organization certified under medicare to provide skilled nursing and other therapeutic services to the patient in his/her place of residence.

(34) "Hospital" shall mean any institution licensed as a hospital by the official state licensing authority.

(35) "Institution" shall mean an establishment which furnishes food and shelter to four or more persons unrelated to the proprietor and, in addition provides medically related services and medical care. This would include hospitals, skilled nursing facilities, intermediate care facilities, and institutions for the mentally retarded, but does not include correctional institutions.

(36) "Intermediary" is an organization who has an agreement with the federal government to process medicare claims under Part A.

(37) "Intermediate care facility" shall mean a licensed facility certified to provide intermediate care for which an agreement has been executed.

(38) "Intermediate care facility/IMR" shall mean a state institution or a licensed nursing home either of which has been certified by state office (SO) as meeting the CFR regulations to provide twenty-four hour health-related care and services to mentally retarded persons or persons with related conditions.

(39) "Legal dependents" are persons whom an individual is required by law to support.

(40) "Limited casualty program" means a medical care program for medically needy as defined in chapter 388-99 WAC, and for medically indigent as defined in chapter 388-100 WAC.

(41) "Medicaid" or "Medical assistance" (MA) shall mean the federal aid Title XIX program under which medical care is provided to:

(a) Categorically needy as defined in chapter 388-82 WAC.

(b) Medically needy as defined in chapters 388-92 and 388-99 WAC.

(42) "Medical care services" means the limited scope of care financed by state funds and provided to general assistance recipients.

(43) "Medical consultant" shall mean a physician employed by the department at the CSO level.

((43)) (44) "Medical facility". See "Institution".

((44)) (45) "Medically necessary" is a term for describing requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other

equally effective more conservative or substantially less costly course of treatment available or suitable for the recipient requesting the service. For the purpose of this section "course of treatment" may include mere observation or, where appropriate, no treatment at all.

((45)) (46) "Medicare" is a commonly used term for the federal government health insurance program for certain aged or disabled recipients under Titles II and XVII of the Social Security Act.

((46)) (47) "Month of application" shall mean the calendar month in which the application is filed unless it is filed in the last ten days of that month; then the month of application may be the following month.

((47)) (48) "Nursing care consultant" shall mean a qualified and licensed registered nurse employed by the bureau of nursing home affairs who is centrally supervised, but stationed in CSO's.

((48)) (49) "Outpatient" is a nonhospitalized patient receiving care in an outpatient or emergency department of a hospital, or away from a hospital such as in a physician's office or the patient's own home or a nursing home.

((49)) (50) "Part A" is the hospital insurance portion of medicare.

((50)) (51) "Part B" is the supplementary medical insurance benefit (SMIB) or the "doctor's portion" of medicare.

((51)) (52) "PAS" - professional activity study is a compilation of inpatient hospital data by diagnosis and age, conducted by the commission of professional and hospital activities, which resulted in the determination of an average length of stay for patients. These data were published in a book entitled "Length of Stay in PAS Hospitals, Western". The department has adopted this book as the basis for authorizing payment for the maximum number of inpatient hospital days for recipients of state-funded programs, or where no memorandum of understanding with a PSRO exists.

((52)) (53) "Patient transportation" means the transportation of recipients to and from medical services covered under the medical assistance program.

((53)) (54) "Physician" is a doctor of medicine, osteopathy, or podiatrist who is legally authorized to perform the functions of his profession by the state in which he performs them.

((54)) (55) "Professional standards review organization" (PSRO). See "Washington state professional standards review organization".

((55)) (56) "Provider" or "provider of service" means an institution, agency, or individual who has a signed agreement to furnish medical care and goods and/or services to recipients and who is eligible to receive payment from the department.

((56)) (57) "Provider services" shall mean the office of the division of medical assistance which processes claims for payment under Title XIX and state-funded programs.

((57)) (58) Residence, state of means:

(a) The state where the applicant/recipient is living with the intent to remain there permanently or for an indefinite period;

(b) The state which he/she entered with a job commitment or to seek employment, whether or not currently employed;

(c) The state making a state supplementary payment;

(d) The state making placement in an out-of-state institution;

(e) The state of the parents or legal guardian, if one has been appointed, of an institutionalized individual who is under age twenty-one or is age twenty-one or over and who became incapable of determining residential intent before age twenty-one;

(f) The state where the person over age twenty-one judged to be legally incompetent is living.

~~((58))~~ (59) "Retroactivity" means:

~~((a) Under medical assistance;))~~ The period of no more than three months prior to month of application to an otherwise eligible individual under the Federal aid Title XIX medical assistance program.

~~((b) Under state-funded, the period of no more than seven days prior to date of application, to an otherwise eligible continuing general assistance recipient. The seven days shall not include Saturday, Sunday or legal holidays. The department may on an exception to policy basis waive the seven-day rule if the person failed to apply because of medical reasons or other good cause.~~

~~((59))~~ (60) "Skilled nursing facility", unless otherwise described, shall mean any institution or facility licensed by the department as a nursing home, or is a nursing home unit of a hospital licensed by the state department of social and health services and is certified, and has an agreement to provide skilled nursing home care.

~~((60))~~ (61) "Spell of illness". See "Benefit period".

~~((61))~~ (62) "Spend down" means the individual incurs medical expenses to reduce income to the financial standards established by the department.

~~((62))~~ (63) "Spouse"

(a) "Eligible spouse" means an aged, blind or disabled individual who is the husband or wife of an eligible individual and who has not been living apart from such eligible individual for more than six months.

(b) "Ineligible spouse" means the husband or wife of an eligible individual who is not aged, blind or disabled; or who although aged, blind or disabled has not applied for such assistance.

(c) "Nonapplying spouse" means the husband or wife of an eligible individual who although aged, blind or disabled has not applied for such assistance.

~~((63) "State-funded medical care" shall mean medical care, as defined by DSHS, provided to eligible persons on continuing general assistance.))~~

(64) "State office" or "SO" shall mean the division of medical assistance of the department.

(65) "Supplementary payment" means the state money payment to individuals receiving benefits under Title XVI (or who would, but for their income, be eligible for such benefits) as assistance based on need in supplementation of SSI benefits. This payment includes:

(a) "Mandatory state supplement" means the state money payment with respect to individuals who, for December, 1973, were recipients of money payments under the department's former programs of old age assistance, aid to the blind and disability assistance.

(b) "Optional state supplement" means the elected state money payment to individuals eligible for SSI benefits or who except for the level of their income would be eligible for such benefits.

(66) "Supplemental security income (SSI) program, Title XVI," means the federal program of supplemental security income for the aged, blind, and disabled established by section 301 of the social security amendments of 1972, and subsequent amendments, and administered by the Social Security Administration (SSA).

(67) "Third party" means any entity that is or may be liable to pay all or part of the medical cost of injury, disease, or disability of an applicant or recipient of medicaid.

(68) "Washington State Professional Standards Review Organization" (WSPSRO) is the state level organization responsible for determining whether health care activities are medically necessary, meet professionally acceptable standards of health care, and are appropriately provided in an outpatient or institutional setting for beneficiaries of medicare and recipients of medicaid and maternal and child health.

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

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

(2) Continuing general assistance recipients in skilled nursing homes, intermediate care facilities or intermediate care facilities for mentally retarded shall be provided medical care services to the same extent as a recipient of medical assistance.

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-83-006 ~~((STATE-FUNDED))~~ MEDICAL CARE SERVICES. The department shall provide state-funded medical care services within the limitations set forth under these rules and regulations to any individual who has been certified as eligible to receive ~~((such services as a))~~ continuing general assistance ~~((recipient))~~. The recipient shall be responsible for furnishing the provider with a medical identification coupon or other adequate verification of eligibility provided by the department. ~~((Eligibility for medically indigent is described in chapter 388-100 WAC.))~~

AMENDATORY SECTION (Amending Order 1868, filed 8/18/82)

WAC 388-84-120 APPLICATION FOR ~~((STATE-FUNDED))~~ MEDICAL CARE SERVICES (GAU). (1) ~~((Individuals ineligible for a categorical cash assistance program may be provided medical care under the state-funded))~~ Continuing general assistance ~~((program))~~ recipients are eligible for medical care services.

(2) ~~((The effective date of eligibility for state-funded (GAU) medical care is concurrent with certification for~~

~~cash assistance, except that medical care may be provided for no more than seven days prior to date of application for financial assistance to an otherwise eligible individual. The seven days shall not include Saturday, Sunday or legal holidays. The department may waive the seven-day rule if a person fails to apply for medical reasons or other good cause.) Eligibility for medical care services shall commence with the date of certification for general assistance. There shall not be retroactive certification for medical care received prior to the initial date of eligibility for the general assistance program.~~

~~(3) Termination of ((state-funded)) medical care services occurs with termination of the continuing general assistance grant.~~

~~((4) Individuals ineligible under subsections (1) or (3) of this section may be eligible under the limited casualty program—medically indigent program. See chapter 388-100 WAC.)~~

AMENDATORY SECTION (Amending Order 1869, filed 9/1/82)

WAC 388-86-120 ((STATE FINANCED)) **MEDICAL CARE SERVICES (GAU)**. A recipient of a continuing general assistance grant (~~who cannot be related to a federal aid category~~) is eligible to receive the same scope of care (WAC 388-86-005) as a recipient of medicaid, except that no care will be provided outside the state of Washington other than in designated bordering cities as specified in chapter 388-82 WAC, and shall be subject to the following ((medical program)) additional limitations. ((Continuing general assistance medical coupons bear the imprint "GAU".

~~(1) Elective hospital admissions and elective surgery requests require prior medical consultant approval.~~

~~(2) Criteria used to determine that the proposed surgery is elective are:~~

~~(a) Medical necessity must be established. Definition in chapter 388-80 WAC applies.~~

~~(b) Procedure cannot reasonably be delayed.~~

~~((3)) (1) Prescribed drugs are limited to specific therapeutic classifications. Lists are published through the Drug Formulary and/or official memoranda.~~

~~((4)) (2) Mental health services will be provided only in community mental health centers.~~

~~((5)) (3) Hearing aids are not provided.~~

~~((6) Covered medical care services may be provided for no more than seven days prior to the date of application. The department may waive the seven-day rule if a person fails to apply for medical reasons or other good cause.) (4) Eligibility for medical care services shall commence with the date of certification for general assistance. There shall not be retroactive certification for medical care received prior to the initial date of eligibility for the general assistance program.~~

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-87-010 **CONDITIONS OF PAYMENT—GENERAL**. (1) The department shall be responsible for payment of service rendered to a recipient only when the services are within the scope of care,

properly authorized and the recipient certified as eligible.

(2) The fees and rates established by the department shall constitute the maximum allowable payment for approved medical care and services provided to recipients by the providers, except as specified in chapter 388-86 WAC.

(3) When a provider of service furnishes services to an eligible recipient and does not bill the department for services for which the department is responsible for payment, or fails to satisfy department conditions of payment such as prior approval and timely billing, the recipient is under no obligation to pay the provider.

(4) Payment for any service furnished to a recipient by a provider may not be made to or through a factor who advances money to that provider for accounts receivable.

(5) The department will not be responsible for payment for medical care and goods and/or services provided to a recipient enrolled in a department-contracted, prepaid medical plan who fails to use the provider under contract unless emergency conditions exist or the department has approved payment to another provider for provision of a service not covered by the prepaid plan.

(6) The department will not be responsible for payment of that portion of medical care or services reimbursable within a reasonable time by a third-party resource available to the recipient such as health insurance coverage, casualty insurance or when medical needs result from accident or injury caused by another party. See chapter 388-83 WAC.

(7) Payment for care under the medical assistance or limited casualty-medically needy programs will be retroactive for three months prior to the month of application provided the applicant would have been eligible when the care was received. The applicant need not be eligible at the time of actual application. Medical services that require approval must be approved by the CSO medical consultant for the retroactive period.

(8) Payment for care under the limited casualty program—medically indigent ((and GAU)) may be retroactive for seven days prior to the date of application if applicant is otherwise eligible. Medical services that require approval must be approved by the CSO medical consultant for the retroactive period.

(9) A claim by a provider for payment for services rendered to a person who subsequently is determined to be ineligible at the time service was rendered may be paid under the following conditions only:

(a) The ineligible person must have been certified as both financially and medically eligible,

(b) Payment has not been made from sources outside the department,

(c) A request for such payment must be submitted and approved by the division of medical assistance.

(10) Payment for medically necessary services shall be made on the basis of usual and customary charges or the rates established by the department, whichever is lower.

(11) Payment for well-baby care is not authorized except as provided under the EPSDT program. See WAC 388-86-027.

~~((12) The department will not reimburse a hospital for the deductible amount the limited casualty program—medically needy recipient is required to pay for each hospital admission.~~

~~((13) The department will not reimburse a hospital for emergency room copayment amounts that the limited casualty program—medically needy recipient is required to pay.)~~

WSR 83-14-048
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Commission for Vocational Rehabilitation)

[Order 1974—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 490-500-060 Criteria for the severely handicapped.
 Amd WAC 490-500-190 Economic need—Standards for determining.

I, David A. Hogan, 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 the provisions of section 61 of EHB 1079 (the biennial budget) certain general assistance (GAU) recipients will be receiving maintenance from the Division of Vocational Rehabilitation (DVR). This change will increase DVR maintenance standards to the GAU level.

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

This rule is promulgated pursuant to RCW 28A.10-.025 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 28A.10 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 July 1, 1983.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1050, filed 8/29/75)

WAC 490-500-060 CRITERIA FOR THE ((SEVERELY)) SEVERELY HANDICAPPED. A severely handicapped individual is a handicapped individual((-));

(1) Who has a severe physical or mental disability ((which)) seriously ((limits)) limiting his or her 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 disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, and other spinal cord conditions, sickle cell anemia and end-stage renal disease, or another disability or combination of disabilities determined on the basis of an evaluation of rehabilitation potential to cause comparable substantial functional limitation.

AMENDATORY SECTION (Amending Order 1761, filed 2/3/82)

WAC 490-500-190 ECONOMIC NEED—STANDARDS FOR DETERMINING. (1) A client shall be eligible to receive vocational rehabilitation services or extended evaluation services from the division when total obligations, debts, and expenses equals or exceeds income and nonexempt assets and resources. When income and nonexempt assets are greater than the value of obligations, debts, and expenses, the excess is to be made available by the client to pay for rehabilitation services unless the service is exempted by law and/or WAC 490-500-180.

(2) Determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of his or her entire family unit, including his or her dependents or, if the client is an unemancipated minor, his or 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 or 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 or 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 or 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 or her dependents by the (~~veteran's administration~~) Veterans' 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 the equipment and/or machinery is being used to provide part or all of the living expenses of the client and his or her dependents or if the equipment and/or machinery may be so used after completion of the vocational rehabilitation plan;

(e) Livestock is an exempt asset to the extent (~~that~~) the livestock 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 the nonexempt assets 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.

(7) When maintenance is to be paid by the division of vocational rehabilitation to a client, the maintenance paid shall be in the amount the division has determined to be necessary to maintain the client (~~and dependents~~) up to a maximum of (:

(a)) two hundred (~~thirty~~) ninety-five dollars (~~and twenty-five cents for self~~;

(b) Sixty-four dollars additional for each dependent consistent with DVR policies and criteria).

WSR 83-14-049
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1975—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd WAC 388-28-530 Net cash income—Room and board.
Amd ch. 388-29 WAC Public assistance grant standards.

I, David A. Hogan, 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 necessary to implement the biennial budget and comply with federal requirements (memorandum #SI-16-0-1).

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 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 1, 1983.

By David A. Hogan, Director
Division of Administration and Personnel

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

WAC 388-28-530 NET CASH INCOME—BOARD, ROOM RENTAL, BOARD AND ROOM.

(1) The net income from operating a rooming, boarding, or boarding and rooming home shall be computed as follows effective (~~November 1, 1980~~) July 1, 1983.

(a) Boarder - The board payment received minus \$((~~63~~)) 75,

(b) Roomer - The room rental received minus \$((~~6.05~~)) 7.25,

(c) Boarder and roomer - The board and room payment received minus \$((~~69.05~~)) 82.25.

(2) If a recipient is engaged in the management and operation of a rooming, boarding, or boarding and rooming home, the net income as computed in accordance with subsection (1) is considered earned income to that recipient.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-100 MONTHLY STANDARDS—AFDC AND CONTINUING GENERAL ASSISTANCE. (1) Effective July 1, 1982, the state-wide monthly need standards for food, clothing, personal maintenance, and necessary incidentals, household

maintenance, shelter, and transportation for those owning (including life estate), buying, or renting an apartment or house are:

(a) Recipients in Household	State Standard
1	\$ ((442)) 465
2	((560)) 588
3	((692)) 728
4	((814)) 856
5	((939)) 986
6	((1,064)) 1,119
7	((1,230)) 1,293
8	((1,362)) 1,430
9	((1,494)) 1,571
10 or more	((1,624)) 1,707

(b) Household with supplied shelter.

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

Recipients in Household	All Counties
1	\$ ((172)) 176
2	((249)) 255
3	((330)) 338
4	((411)) 421
5	((492)) 504
6	((572)) 586
7	((653)) 669
8	((734)) 752
9	((815)) 835
10 or more	((896)) 918

(2) Effective ((July 1, 1982)) July 1, 1983, the state-wide monthly payment levels reflecting ((65.2)) 63.6 percent of the need standards shall be:

(a) Recipients in Household	State Payment Levels
1	\$ ((288)) 295
2	((365)) 374
3	((451)) 462
4	((531)) 544
5	((612)) 627
6	((693)) 710
7	((802)) 822
8	((887)) 909
9	((974)) 998
10 or more	((1,058)) 1,084

(b) Household with supplied shelter.

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

Recipients in Household	All Counties
1	\$ ((172)) 176
2	((249)) 255
3	((330)) 338
4	((411)) 421
5	((492)) 504
6	((572)) 586
7	((653)) 669
8	((734)) 752
9	((815)) 835
10 or more	((887)) 918

(3) In computing the grant amount, nonexempt income and resources available to meet need shall be deducted from the monthly payment levels specified in subsection (2) of this section.

AMENDATORY SECTION (Amending Order 1804, filed 5/6/82)

WAC 388-29-110 MAXIMUMS TO MONTHLY STANDARDS. (1) Grants to families of eight or more shall not exceed the following maximums. In computing the grant amount, nonexempt income and resources available to meet need shall be deducted from the monthly payment levels specified in WAC 388-29-100.

	Number of recipients in household		
	8	9	10 or more
Maximums	\$ ((887)) 909	\$ 887 909	\$ 887)) 909

(2) This rule is effective ((April 1, 1982)) July 1, 1983.

AMENDATORY SECTION (Amending Order 1961, filed 5/9/83)

WAC 388-29-112 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP)—STANDARDS OF ASSISTANCE. The state-wide standards for the consolidated emergency assistance program shall be paid in the amount necessary to meet allowable emergent needs with the issuance of not more than one hundred percent of the payment ((standard)) level. Following are payment maximums:

(1) Number in household	
	(One-month Maximum)
1	\$ ((288)) 295
2	((365)) 374
3	((451)) 462
4	((531)) 544
5	((612)) 627
6	((693)) 710
7	((802)) 822
8	((887)) 909
9	((887)) 909

(1) Number in household

(One-month Maximum)

10 or more ~~((887))~~ 909

(2) The following are payment maximums for individual emergent need items payable under consolidated emergency assistance program (CEAP).

	1	2	3	4	5	6	7	8 (or more)
Food	((150 <u>190</u>	236 <u>245</u>	277 <u>288</u>	320 <u>333</u>	362 <u>376</u>	419 <u>435</u>	463 <u>482</u>	
Shelter	((159 <u>202</u>	249 <u>293</u>	338 <u>383</u>	443 <u>491</u>	555			
Basic Clothing	((21 <u>26</u>	33 <u>38</u>	44 <u>50</u>	58 <u>64</u>	64 <u>66</u>			
Minor Medical	((54 <u>67</u>	80 <u>100</u>	120 <u>139</u>	157 <u>174</u>	178			
Utilities	((32 <u>40</u>	50 <u>59</u>	68 <u>77</u>	88 <u>98</u>				
Household Maint.	((27 <u>34</u>	42 <u>49</u>	56 <u>64</u>	74 <u>82</u>	82 <u>92</u>			

Job-related clothing & transportation - as needed not to exceed the grant maximum. Transportation of a child to home - as needed not to exceed the grant maximum.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-125 COST STANDARDS FOR REQUIREMENTS—PERSONS IN MEDICAL INSTITUTION. (1) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person eligible for AFDC, supplemental security income, or the "H" medical care program who is in a skilled nursing home, a public nursing home, a general or tuberculosis hospital, or an intermediate care facility shall be ~~thirty-three~~ thirty-four dollars and fifty cents.

(2) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person eligible for continuing general assistance who is in an institution specified in subsection (1) of this section shall be ~~((thirty-three))~~ thirty-four dollars and fifty cents.

(3) These standards are effective ~~((July 1, 1981))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-130 COST STANDARDS FOR REQUIREMENTS—PERSON IN CONGREGATE CARE FACILITY. (1) The cost standard for congregate care shall be the rate established by the department for payment to specific congregate care facilities.

(2) Congregate care facility residents ~~((who receive))~~ receiving SSI or GAU benefits are entitled to the earned and unearned income exemptions applicable to those programs. Any remaining nonexempt income shall be applied first toward the monthly cost standard for clothing, personal maintenance, and necessary incidentals,

and then toward the cost of care. SSI grant deductions for overpayments shall first reduce the money available for clothing, personal maintenance, and necessary incidentals, and then reduce the money available to meet the cost of CCF care. The department shall not pay the difference toward cost of care caused by the SSI reduction.

(3) The monthly cost standard for clothing, personal maintenance, and necessary incidentals for a person in a congregate care facility shall be ~~((thirty-three))~~ thirty-four dollars and fifty cents.

(4) These standards are effective ~~((July 1, 1981))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-135 COST STANDARDS FOR REQUIREMENTS—MATERNITY HOME CARE.

(1) The payment standard for a recipient of AFDC residing in a maternity home shall be five hundred ~~((forty-one))~~ fifty-four dollars and ~~((ten))~~ sixty-five cents per month, which includes forty-one dollars and sixty-five cents for clothing and personal incidentals.

(2) The standard for maternity home care for an unmarried child eligible for foster care payment shall be the rate established in the agreement between the department and the maternity home agency.

(3) These standards are effective ~~((July 1, 1982))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1701, filed 9/23/81)

WAC 388-29-145 MONTHLY STANDARDS FOR BASIC REQUIREMENTS—AFDC—CHILD IN NEED OF SPECIALIZED EDUCATION OR TRAINING.

(1) A child attending school under temporary absence provisions according to WAC 388-24-125(3)(b) is eligible for clothing, personal maintenance, and necessary incidentals only. The monthly standard shall be ~~((thirty-three))~~ thirty-four dollars and fifty cents. The child shall not be included as a member of the household in computing the requirements for the household.

(2) These standards are effective ~~((July 1, 1981))~~ July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-160 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIC CIRCUMSTANCES—RESTAURANT MEALS. (1) Restaurant meals shall be an additional requirement only when:

(a) The individual is physically or mentally unable to prepare any of his or her meals, and

(b) Board, or board and room, is not available or the use of such facilities is not feasible for an individual.

(2) The monthly additional requirement for restaurant meals shall be ~~((ninety-three))~~ ninety-six dollars and ~~((seventy-five))~~ ten cents, or five dollars and twenty cents per day.

(3) These standards are effective ((~~July 1, 1982~~)) July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-200 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—FOOD FOR GUIDE DOG. (1) The cost of food for a guide dog shall be an additional requirement when an applicant for SSI or an assistance grant has a guide dog assigned to him or her by an accredited guide dog organization. The cost standard for food for a guide dog shall be thirty dollars and ((~~fifteen~~)) ninety cents.

(2) These standards are effective ((~~July 1, 1982~~)) July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-220 STANDARDS FOR ADDITIONAL REQUIREMENTS UNDER SPECIFIED CIRCUMSTANCES—LAUNDRY. (1) Laundry is an additional requirement when:

(a) The applicant or recipient is physically unable to do his or her laundry, and

(b) He or she has no one able to perform this service for him or her.

(2) The monthly cost standard for laundry shall be eight dollars and ((~~thirty~~)) fifty-five cents.

(3) These standards are effective ((~~July 1, 1982~~)) July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-260 REQUIREMENTS OF PERSON IN BOARDING HOME—CONTINUING GENERAL ASSISTANCE. (1) The standard for board and room shall be two hundred ((~~seven~~)) twelve dollars and ((~~fifteen~~)) thirty-five cents per month or ((~~six~~)) seven dollars ((~~and eighty-five cents~~)) per day.

(2) The monthly standard for clothing and personal maintenance and necessary incidentals shall be ((~~thirty-three~~)) thirty-four dollars and fifty cents.

(3) These standards are effective ((~~July 1, 1982~~)) July 1, 1983.

AMENDATORY SECTION (Amending Order 1862, filed 8/18/82)

WAC 388-29-280 ADULT FAMILY HOME CARE—COST STANDARDS. (1) The cost standard for adult family home care shall be the rate established by the department for payment to the adult family home sponsor.

((~~(a) Basic rate three hundred twenty-one dollars and nineteen cents.~~

(b) Service additions

Health services (each)	\$23.09
1—3	34.64
4—7	51.95
8—12	75.04)

(2) The monthly cost standard for clothing and personal maintenance and necessary incidentals for a person in an adult family home shall be ((~~thirty-three~~)) thirty-four dollars and fifty cents.

(3) These standards are effective ((~~January 1, 1982~~)) July 1, 1983.

AMENDATORY SECTION (Amending Order 1855, filed 8/5/82)

WAC 388-29-295 STANDARDS OF ASSISTANCE FOR THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM. (1) Standards of SSI assistance paid to eligible individuals and couples by SSA are:

	Standard	Federal SSI Benefit	State Supplement
Area I			
Living alone			
Individuals	\$(322.60) <u>342.60</u>	(284.30) <u>304.30</u>	\$ 38.30
Couples			
Both eligible	((462.80 <u>492.80</u>	426.40)) <u>456.40</u>	36.40
With essential person	((462.80 <u>492.80</u>	426.80)) <u>456.80</u>	36.00
With ineligible spouse	((462.80 <u>492.80</u>	284.30 <u>304.30</u>	+78.50)) <u>188.50</u>
Area II			
Living alone			
Individuals	((302.15 <u>322.15</u>	284.30)) <u>304.30</u>	17.85
Couples			
Both eligible	((432.85 <u>462.85</u>	426.40)) <u>456.40</u>	6.45
With essential person	((432.85 <u>462.85</u>	426.80)) <u>456.80</u>	6.05
With ineligible spouse	((432.85 <u>462.85</u>	284.30 <u>304.30</u>	+48.55)) <u>158.55</u>
Shared Living			
Individuals	((202.22 <u>215.55</u>	+89.54)) <u>202.87</u>	12.68
Couples			
Both eligible	((300.17 <u>320.17</u>	284.27)) <u>304.27</u>	15.90
With essential person	((300.17 <u>320.17</u>	284.54)) <u>304.54</u>	15.63
With ineligible spouse	((300.17 <u>320.17</u>	+89.54 <u>202.87</u>	+10.63)) <u>117.30</u>

(2) These standards are effective ((~~July 1, 1982~~)) July 1, 1983.

WSR 83-14-050
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 1978—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Food stamps—Eligibility—Standards, amending WAC 388-54-730.

I, David A. Hogan, 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 necessary to implement federal requirements as published in the Federal Register (page 22765) on May 20, 1983.

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

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

The undersigned hereby declares that 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 1, 1983.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1956, filed 4/6/83)

WAC 388-54-730 **INCOME—ELIGIBILITY STANDARDS.** Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting ~~(them)~~ the household to obtain a more nutritious diet.

(1) Eligibility shall be determined on the basis of gross income and net food stamp income(;;), except those households ~~((which contain))~~ containing a member ~~((who is))~~ sixty years of age or over, or a member ((who receives)) receiving Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV or XVI of the Social Security Act, or is a veteran or a surviving disabled spouse or a surviving disabled child as defined by WAC 388-54-665(2)(b).

The gross income eligibility standards shall be one hundred thirty percent of the Office of Management and Budget's (OMB) nonfarm income poverty guidelines.

Effective ~~((July 1, 1982))~~ July 1, 1983,
 Gross Monthly Income Eligibility Standards Table

Household Size	Monthly Standards
1	\$ ((507)) <u>527</u>
2	((674)) <u>709</u>
3	((841)) <u>891</u>
4	((1,008)) <u>1,073</u>
5	((1,175)) <u>1,255</u>
6	((1,342)) <u>1,437</u>
7	((1,508)) <u>1,619</u>
8	((1,675)) <u>1,801</u>
9	<u>1,983</u>
10	<u>2,165</u>
Each additional person	+ ((167)) <u>182</u>

Effective ~~((July 1, 1982))~~ July 1, 1983,
 Net Monthly Income Eligibility Standards Table

Household Size	Maximum Allowable Net Income
1	\$ ((390)) <u>405</u>
2	((519)) <u>545</u>
3	((647)) <u>685</u>
4	((775)) <u>825</u>
5	((904)) <u>965</u>
6	((1,032)) <u>1,105</u>
7	((1,160)) <u>1,245</u>
8	((1,289)) <u>1,385</u>
9	((1,418)) <u>1,525</u>
10	((1,547)) <u>1,665</u>
Each additional member	+ ((129)) <u>140</u>

(2) Disabled individuals, sixty years of age or older, residing with others, must have the other members meet the following monthly income eligibility standard table. For definition of elderly disabled refer to WAC 388-54-665(1)(d).

Effective ~~((February 1, 1983))~~ July 1, 1983,
 Elderly/Disabled Separate Household Income Eligibility Standards Table

Household Size	Maximum Gross Monthly Income Elderly/Disabled Separate Household
1	\$ ((644)) <u>669</u>
2	((856)) <u>900</u>
3	((1,067)) <u>1,131</u>
4	((1,279)) <u>1,362</u>
5	((1,491)) <u>1,593</u>
6	((1,702)) <u>1,824</u>
7	((1,914)) <u>2,055</u>
8	((2,126)) <u>2,286</u>
9	((2,338)) <u>2,517</u>
10	((2,550)) <u>2,748</u>
Each additional member	+ ((212)) <u>231</u>

**WSR 83-14-051
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 1979—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Limited casualty program—Medically indigent, amending chapter 388-100 WAC.

I, David A. Hogan, 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 necessary to implement chapter 43, Laws of 1983 1st ex. sess., which becomes effective this date.

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 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 1, 1983.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1880, filed 10/1/82)

WAC 388-100-030 DEDUCTIBLE. A deductible of ~~((fifteen))~~ five hundred dollars per family over a twelve-month period is required.

(1) Only family members that meet the eligibility requirements in WAC 388-100-010(1) through (4) can accumulate expenses against the deductible.

(2) The accumulation of the deductible may begin up to seven working days prior to the date of application. The department may waive the seven-day rule if a person fails to apply for medical reasons or other good cause.

(3) Only medical services as specified in WAC 388-100-035 are countable toward meeting the deductible requirement.

(4) The expenses incurred against the deductible are the liability of the applicant/recipient.

(5) If the deductible has not been satisfied during the three-month base period beginning with the month of application, the remaining amount is applied to any subsequent applications within twelve months of the initial application.

AMENDATORY SECTION (Amending Order 1868, filed 8/18/82)

WAC 388-100-035 SCOPE OF CARE FOR MEDICALLY INDIGENT. (1) The medical coverage under the limited casualty program—medically indigent shall be available to an eligible individual for treatment of acute and emergent conditions only. This may include: Inpatient hospital services; outpatient hospital and rural health clinic services; physician and clinic services; prescribed drugs; dentures; prosthetic devices; eyeglasses, SNF, ICF, ICF/MR; home health services; laboratory and x-ray services; and medically necessary transportation.

(2) Payment by the department will not be made until expenses are incurred by the recipient equal to the deductible amount.

(3) All services require the approval of the medical consultant.

(4) The deductible in WAC 388-100-030 does not apply for treatment under the Involuntary Treatment Act (ITA). When any other medical need is identified for recipients undergoing treatment under the Involuntary Treatment Act ~~((ITA) or detoxification for an acute alcohol condition as defined in chapter 388-40 WAC;))~~ the requirements for ~~((acute and emergent need and))~~ the deductible shall apply to the services other than ITA.

(5) When an applicant indicates that an urgent undefined medical illness exists, the condition will be regarded as acute and emergent and one office visit for diagnosis may be allowed, provided all financial eligibility criteria have been met. Treatment will be contingent upon the criteria for acute and emergent having also been met.

(6) For other conditions and limitations under which these services may be provided refer to appropriate service in chapter 388-86 WAC.

(7) No out-of-state care is provided except in the designated bordering cities.

**WSR 83-14-052
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 1981—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 388-86 WAC Medical care—Services provided.

Amd ch. 388-87 WAC Medical care—Payment.

I, David A. Hogan, 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 necessary to implement section 50, chapter 76, Laws of 1983 1st ex. sess.

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 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 1, 1983.

By David A. Hogan, Director
Division of Administration and Personnel

NEW SECTION

WAC 388-86-02301 CHIROPRACTIC SERVICES. (1) Services of a chiropractor, licensed by the state of Washington to perform within the scope of his license, shall be authorized when medically necessary.

(2) Services shall be subject to the following:

(a) Treatment shall be restricted to adjustment by hand of subluxation of the spine.

(b) X-rays shall be limited only to the following spinal areas:

(i) Cervical, anterior-posterior, and lateral.

(ii) Thoracic (dorsal), anterior-posterior, and lateral.

(iii) Lumbar and/or lumbo-sacral, anterior-posterior, and lateral.

(c) Chiropractic treatment received out of state, limited to three treatments for acute and emergent conditions, may be provided without prior approval for categorically needy recipients.

(d) Payment is restricted to a maximum of twenty treatments per calendar year per recipient subsequent to an initial visit payable only the first time a new patient is seen.

AMENDATORY SECTION (Amending Order 1923, filed 12/15/82)

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF MEDICAL ASSISTANCE. (1) For recipients of medical assistance (MA) categorically needy only, the department shall authorize early and periodic screening diagnosis and treatment services including dental, vision, and hearing services, to eligible individuals under twenty-one years of age, family planning services, home health agency services, inpatient and outpatient hospital care, other laboratory and x-ray services, skilled nursing home care, and physicians' services in the office or away from the office as needed for necessary and essential medical care. The department may authorize medically justified ambulance service and other approved transportation.

(2) The following additional services shall also be authorized when medically necessary: Anesthetization services; blood; chiropractic services; dental services to EPSDT recipients; drugs and pharmaceutical supplies; eyeglasses and examination; hearing aids and examinations; nurse midwife services; oxygen; physical therapy

services; private duty nursing services; rural health clinic services; surgical appliances, prosthetic devices, and certain other aids to mobility.

(3) Treatment, transplants, dialysis, equipment and supplies for acute and chronic nonfunctioning kidneys are provided in the home, hospital and kidney center. See WAC 388-86-050(5).

(4) Organ transplants, other than kidney transplants are not provided as a part of physician services or hospital care authorized under the medical assistance program.

(5) Treatment to detoxify narcotic addiction cases in a hospital or on an outpatient basis is not provided as a part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(6) Detoxification of an acute alcoholic condition will be provided only in a certified detoxification center or in a general hospital with certified detoxification facilities.

(7) ~~((The following medical services are not provided: (a))~~ Adult dental services ~~((, and))~~ are not provided.

~~((b))~~ Chiropractic services;

~~((c))~~ Treatment of tuberculosis. See WAC 388-86-050(5).))

(8) Treatment for obesity is not provided as part of the medical care program. The department will provide treatment for concurrent diseases and complications.

(9) Where evidence is obtainable to establish medical necessity, as defined in WAC 388-80-005, the department shall approve the request if the recipient or provider submits sufficient objective clinical information (including, but not limited to, a physiological description of the disease, injury, impairment or other ailment; pertinent laboratory findings; x-ray reports; and patient profiles).

(10) A request for medical services may be denied by the department if the requested service is not medically necessary as defined by WAC 388-80-005, is generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient can demonstrate through sufficient objective clinical evidence the existence of particular circumstances which render the requested service medically necessary.

(11) The department shall approve or deny all requests for medical services within fifteen days of the receipt of the request, except that if additional justifying information is necessary before a decision can be made, the request shall be neither approved nor denied but shall be returned to the provider within five working days of the original receipt. If additional justifying information is not returned within thirty days of the date it was returned to the provider, then the original request shall be approved or denied. However, if such information is returned to the department, the request shall be acted upon within five working days of the receipt of the additional justifying information.

(12) Whenever the department denies a request for medical services the department shall, within five working days of the decision, give written notice of the denial to the recipient and the provider. In order to fully inform the recipient, the notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service.

(b) If a fair hearing is requested, a medical assessment other than that of the person or persons involved in making the original decision may be obtained at the expense of the department of social and health services, and instructions on how to obtain such assessment.

(c) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing.

(d) The recipient may be represented at the hearing by legal counsel or other representative.

(e) That upon request, the CSO shall furnish the recipient the name and address of the nearest legal services office.

(13) The limited casualty program—medically needy is defined in chapter 388-99 WAC, and the limited casualty program—medically indigent is defined in chapter 388-100 WAC.

(14) The department has the authority to require a second opinion prior to the approval of any elective surgical procedure.

(15) The department may designate those surgical procedures which can be performed in other than a hospital in-patient setting. Where the patient has a medical condition which necessitates a hospital admission, prior approval by the local medical consultant must be obtained.

AMENDATORY SECTION (Amending Order 1949, filed 2/16/83)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted Medicare benefits. With exceptions and limitations the recipient will have free choice of hospitalization.

(2) Certain hospitalization services covered by the program require approval of the medical consultant.

(a) Prior approval for nonemergent hospital admissions,

(b) Retroactive certification and out-of-state care including bordering cities.

(3) The division of medical assistance will certify hospital admission, length of stay and/or services for all recipients.

(4) Department authorization for inpatient hospital care for eligible individuals shall be limited to the number of days established at the 50th percentile in the 1981 edition of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region," unless prior contractual arrangements are made by the department for a specified length of stay (as defined in WAC 388-80-005 and 388-87-013). A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. When hospitalization of a recipient exceeds the number of days as limited by this subsection, the hospital shall submit to the local medical consultant a request with adequate justification and signed by the attending physician within sixty days of final service for approval of the extension.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for AFDC recipients or SSI beneficiaries under age twenty-one and for all categorically needy recipients age sixty-five and older. Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs.

~~(5) ((The department is prohibited from paying for hospitalization of any individual for the treatment of tuberculosis in a general hospital after such a diagnosis has been established.~~

~~(6))~~ Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a Medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

~~((7))~~ (6) Except for an emergency no hospital admission shall be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

~~((8))~~ (7) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

AMENDATORY SECTION (Amending Order 1801, filed 5/5/82)

WAC 388-87-005 PAYMENT—ELIGIBLE PROVIDERS DEFINED. (1) Eligible providers are:

(a) Persons currently licensed by the state of Washington to practice medicine, osteopathy, dentistry, optometry, podiatry, nursing, chiropractic, or physical therapy,

(b) A hospital currently licensed by the department,

(c) A nursing home currently licensed and classified by the department as a skilled nursing or intermediate care facility,

(d) A licensed pharmacy,

(e) A home health services agency certified by the department,

(f) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the requirements for such participation,

(g) A company or individual (not excluded in subsection (3) of this section) supplying items such as ambulance service, oxygen, eyeglasses, other appliances, or approved services,

(h) A provider of screening services that has signed an agreement with the department to provide such services to eligible individuals in the EPSDT program,

(i) A certified center for the detoxification of acute alcoholic conditions,

(j) A certified outpatient clinical community mental health center, an approved inpatient psychiatric facility, drug treatment center, or Indian health service clinic,

(k) A Medicare certified rural health clinic,

(l) Approved prepaid health maintenance, prepaid health plans and/or health insuring organizations,

(m) An out-of-state provider of services listed in subsection (1) (a) through (f) of this section, with comparable qualifications in state of residence or location of practice.

(2) Under the mandatory and discretionary provision of RCW 74.09.530, the services of the following practitioners will not be furnished to applicants or recipients:

((Chiropractors))

Sanipractors

Naturopaths

Homopathists

Herbalists

Masseurs or manipulators

Christian Science practitioners or theological healers

Any other licensed or unlicensed practitioners not otherwise specifically provided for in these rules.

NEW SECTION

WAC 388-87-04701 PAYMENT—CHIROPRACTIC SERVICES. (1) Payment shall be made by the department for medically necessary services rendered by a licensed chiropractor as described in WAC 388-86-02301.

(2) Payment shall be subject to the following limitations:

(a) Payment is restricted to a maximum of twenty treatments per calendar year per recipient subsequent to an initial visit payable only the first time a new patient is seen.

(b) Payment for x-rays is limited to single area films when the treatment area can be isolated. Maximum allowance is for two areas.

(c) Payment will not be made for modalities such as light, heat, hydrotherapy, and physiotherapy.

(d) Payment shall not be made for any food supplement, medication, or drug.

(e) Payment for chiropractic services received out of state is limited to three treatments for acute and emergent conditions for categorically needy recipients.

WSR 83-14-053
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1982—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Eligibility determination—Medically needy in own home, amending WAC 388-99-020.

I, David A. Hogan, 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 necessary to implement the biennial operating budget and conform to federal regulations.

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 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 1, 1983.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1925, filed 12/15/82)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$ ((323)) 343
(b) Two persons	\$ ((463)) 493
(c) Three persons	\$ ((497)) 519
(d) Four persons	\$ ((531)) 544
(e) Five persons	\$ ((612)) 627
(f) Six persons	\$ ((693)) 710
(g) Seven persons	\$ ((802)) 822
(h) Eight persons	\$ ((887)) 909
(i) Nine persons	\$ ((974)) 998
(j) Ten persons and above	\$ ((1,058)) 1,084

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households ((AFDC and SSI related members) eligibility shall be determined as for families and children)), where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsection (2) of this section, and for the SSI related assistance unit according to subsection (3) of this section.

WSR 83-14-054
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1983—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Payment—Hospital care, amending WAC 388-87-070.

I, David A. Hogan, 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 necessary to conform to Section 1861(v)(1)(G) of the Social Security Act.

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 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 1, 1983.

By David A. Hogan, Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1951, filed 3/30/83)

WAC 388-87-070 PAYMENT—HOSPITAL CARE. The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020.

(1) Recipients must have been approved as financially and medically eligible for hospitalization. They are:

(a) Categorically needy recipients;

(b) Limited casualty program recipients;

(i) Medically needy recipients;

(ii) Medically indigent recipients;

(c) Recipients of continuing general assistance.

(2) Except for nonallowable revenue codes, reimbursable cost will be determined by the application of the ratio of hospital commission approved operating expense and total rate setting revenue. For all administrative days, days of hospitalization in which medical necessity is below that appropriate for acute hospital care, the departments maximum reimbursement level will be the adjusted state-wide average per diem rate for skilled nursing facilities.

(3) However, for the period February 15, 1983, through June 30, 1983, reductions in the payment rate will be applied to services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Point Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
1	40.33 or less	4.4	0.30
2	40.34 - 45.98	17.9	0.36
3	45.99 - 57.28	18.7	0.42
4	57.29 - 68.59	28.0	0.48
5	68.60 or more	20.1	0.54

WSR 83-14-055
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1984—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home rate setting procedures, new WAC 388-96-202.

I, David A. Hogan, 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 is a temporary rule intended to test

new rate setting procedures which will result in substantial improvements to Medicaid providers and recipients.

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

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 July 1, 1983.

By David A. Hogan, Director
Division of Administration and Personnel

NEW SECTION

WAC 388-96-202 RATE SETTING PROCEDURES. For purposes of establishing July 1, 1983, reimbursement rates, the following procedures shall be followed on a trial basis for a test group of facilities.

(1) Contractors submitting 1982 annual cost reports by March 31, 1983, which are correct and complete as originally submitted shall be identified. For purposes of this section, correct and complete is defined as:

(a) All schedules are in mathematical balance and items have been transferred or reconciled between schedules appropriately;

(b) All cost report schedules have been completed in required detail as described in the state of Washington nursing home accounting and reporting manual (revision 2), sufficiently to allow a rate to be set without requesting additional information or explanation from the contractor;

(c) All footnotes, disclosures, and other procedures required by generally accepted accounting principles have been complied with sufficiently to allow a rate to be set without requesting additional information or explanation from the contractor;

(d) No amendments nor revisions have been submitted by or have been requested from the contractor;

(e) No items disallowed by desk review or field audit in prior years which were either not appealed or were unsuccessfully appealed appear as allowable costs on the 1982 cost report.

(2) Contractors meeting the requirements of subsection (1) of this section shall be notified of any proposed desk review adjustments to balance sheet or itemized list of revenues and expenses accounts by June 1, 1983.

(3) If a contractor files a valid and complete desk adjustment review request by June 15, 1983, the adjustments described in subsection (2) of this section for which a review is requested shall not be implemented in the initial July 1, 1983, rate issued to the contractor. A valid and complete desk adjustment review request shall consist of a written identification of specific adjustments challenged, as specific a statement as practicable of the grounds for a contention that the adjustment is erroneous, and any available documentation demonstrating the adjustment is erroneous. If a contractor fails to file a

timely, specific, and documented desk adjustment review request, the adjustments shall be implemented in the contractor's initial July 1, 1983, reimbursement rate.

(4) The department shall review the contractor's request and supporting documentation, if valid, complete and timely as set forth in subsection (3) of this section. If in the department's determination, the documentation submitted does not verify a desk review adjustment is erroneous, it shall so notify the contractor by August 1, 1983.

(5) The contractor shall, by August 26, 1983, submit any further documentation either requested or necessary to substantiate the desk review adjustment is in error.

(6) If it is the determination of the department any further documentation submitted by the contractor does not verify the contractor's position that a desk review adjustment is erroneous, the department shall reduce the contractor's July 1, 1983, rate to a level reflecting the implementation of any desk review adjustments in contention and shall recover any overpayments arising from the reduction from the contractor's next scheduled payment. Neither the rate reduction nor the recovery of the overpayment shall, in themselves, be appealable actions but the contractor can continue to challenge a desk review adjustment through the procedures established by WAC 388-96-769, 388-96-901 and 388-96-904.

(7) The department shall charge interest on overpayments recovered pursuant to subsection (6) of this section at the rate of one percent per month for any months in which overpayments were made. This interest charge shall also be deducted from scheduled payments.

WSR 83-14-056
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1985—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing home accounting and reimbursement system, amending chapter 388-96 WAC.

I, David A. Hogan, 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 necessary to implement chapter 67, Laws of 1983 1st ex. sess., which becomes effective on this date.

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

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 July 1, 1983.

By David A. Hogan, Director
Division of Administration and Personnel

Reviser's note: The material contained in this filing will appear in the 83-15 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 83-14-057
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Order 1986—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to IMR program and reimbursement system, amending chapter 275-38 WAC.

I, David A. Hogan, 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 necessary to implement chapters 67 and 76, Laws of 1983 1st ex. sess.

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

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 July 1, 1983.

By David A. Hogan, Director
Division of Administration and Personnel

NEW SECTION

WAC 275-38-831 REIMBURSEMENT PRINCIPLES. The following principles are inherent in chapter 275-38 WAC:

(1) *Medicaid program reimbursement rates established under the provisions of this chapter shall be only for facilities holding appropriate state licenses and certified to provide IMR services in accordance with applicable state and federal laws and regulations. The department may utilize chapter 275-38 WAC to reimburse state-funded contractors providing services in accordance with applicable state and federal definitions of IMR services.*

(2) *Rates established shall be set prospectively on a per resident day basis.*

(3) *Rates established shall be reasonable and adequate to meet the costs that must be incurred by economically and efficiently operated facilities to provide services in conformity with applicable state and federal laws and regulations.*

(4) *Rates established shall be the contractor's maximum compensation within each cost center for each resident day for each medical care recipient.*

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-845 RATE DETERMINATION.

(1) *Each contractor's reimbursement rate will be determined prospectively at least once each calendar year to be effective July 1 (~~, and will be adjusted for inflation January 1, using factors specified in WAC 275-38-855(3).~~ Rates may be adjusted more frequently to take into account program changes, as specified in WAC 275-38-855(4)).*

(2) *(~~Where the contractor participated in the program during all or part of the prior fiscal period, the property and return on equity rates, and the nonwage component of administration and operations rate, will be determined based on the contractor's allowable costs in the prior period~~) Prospective reimbursement rates shall be determined utilizing the prior year's desk-reviewed cost reports, and/or other documents submitted by each contractor.*

(3) *Rates may be adjusted for:*

(a) *Inflation in accordance with appropriations made by the state legislature as consistent with federal requirements for the period to be covered by such rates;*

For rates effective July 1, 1983, the resident care and habilitative services cost center rate, food cost center rate, and administration and operations cost center rate shall be adjusted for inflation. The inflation adjustment shall be based on a 2.5 percent factor. For rates based on a twelve-month calendar year cost report, 2.5 percent shall be applied to allowable costs. For rates based on a twelve-month fiscal year cost report, 2.92 percent shall be applied to allowable costs. For rates based on rates in effect as of January 1, 1983, 2.5 percent shall be applied to the January 1, 1983, rate. July 1, 1983, rates based on cost reports or rates covering a period other than specified in this subsection shall be adjusted to reflect the period covered by that report or rate.

(b) *Changes approved by the department in staffing and/or consultant services at a facility in order to be in compliance with applicable state and federal laws, regulations, and quality and safety standards;*

(c) *Capital additions, improvements, or replacements made at a facility which are approved by the department as a condition of licensure or certification; or*

(d) *Administrative review conducted pursuant to WAC 275-38-900 or WAC 275-38-960.*

(4) *Adjustments for economic conditions or trends shall be provided by means of an inflation adjustment pursuant to subsection (3)(a) of this section.*

NEW SECTION

WAC 275-38-846 DESK REVIEW FOR RATE DETERMINATION. (1) The department shall analyze the submitted cost report and financial statements of each contractor to determine if the information is correct, complete, and reported in conformity with generally accepted accounting principles, the requirements of this chapter, and such rules and regulations as the secretary may adopt.

(2) If the analysis finds the cost report or financial statements are incorrect or incomplete, the department may make adjustments to the reported information for purposes of establishing reimbursement rates. A schedule of such adjustments shall be provided to contractors and shall include an explanation for the adjustment and the dollar amount of the adjustment. Adjustments shall be subject to review and appeal as provided in this chapter.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)**WAC 275-38-860 RESIDENT CARE AND HABILITATIVE SERVICES COST CENTER RATE.**

(1) The resident care and habilitative services cost center ((reimbursement)) rate will reimburse for ((the necessary and ordinary)) costs ((of providing routine nursing, residential and habilitative services to residents in accordance with WAC 275-38-040 and 275-38-045, accordingly, the department has established five levels of care. These levels are: Level A, level B, level C, level D, and level E:

(2) Effective July 1, 1982, through June 30, 1983, the residential care and habilitative services cost center rate will be computed according to this section.

(a) As used in this section, "~~desk-reviewed residential care and habilitative services cost~~" shall be allowable residential care and habilitative services costs as determined by desk reviews conducted in accordance with ~~WAC 275-38-595~~.

(b) If a contractor's weighted residential care and habilitative services rate for 1981 as computed in accordance with department regulations and instructions is equal to or greater than the contractor's ~~desk-reviewed 1981 residential care and habilitative services costs~~, the department shall reimburse the residential care and habilitative services cost center at the ~~desk-reviewed 1981 residential care and habilitative services costs plus any residential care and habilitative services funds shifted to other cost centers pursuant to WAC 275-38-635, as adjusted for inflation~~.

(c) If a contractor's residential care and habilitative services rate for 1981 is less than the contractor's ~~desk-reviewed 1981 residential care and habilitative services costs~~, the department shall reimburse the contractor's residential care and habilitative services cost at the contractor's January 1, 1982 residential care and habilitative services reimbursement rate, less one and one-half percent, as adjusted for inflation, plus an allowance from the redistribution pool. The total reimbursement paid to a contractor for residential care and habilitative services, including any allowance from the redistribution pool,

~~shall not exceed the contractor's 1981 desk-reviewed residential care and habilitative services costs, as adjusted for inflation. The total of allowances distributed pursuant to subsection (2)(c) of this section shall not exceed the total amount in the redistribution pool. If the total of funds in the redistribution pool is equal to or exceeds the total amount of underfunding for residential care and habilitative services for all contractors, each contractor's allowance shall be the amount the contractor was underfunded for residential care and habilitative services, if any, where underfunding is defined as any excess of 1981 desk-reviewed cost over the 1981 rate in this cost center, as adjusted for inflation. If the total of funds in the redistribution pool is less than the total residential care and habilitative services underfunding for all contractors, the allowance distributed to each contractor shall be a percentage of the amount a contractor was underfunded, as defined in subsection (2)(c) of this section, for residential care and habilitative services, if any was experienced by the contractor. The percentage shall be computed by dividing the total of funds in the pool by the total amount of underfunding for all contractors.~~

(3) ~~To residential care and habilitative services cost center rates determined in accordance with subsections (2)(b) and (c) of this section, a residential care and habilitative services enhancement shall be added. The enhancement shall be distributed among facilities proportionately based upon residential care and habilitative services cost center rates and shall not be adjusted for inflation. The total of enhancements distributed to contractors shall be six hundred thousand dollars.~~

(4) ~~In addition to the reimbursement rate, each contractor may be assigned a range of residential care and habilitative services hours representing the maximum and minimum number of hours the department will purchase. The range will depend on the assigned level of care in each facility. For purposes of establishing an hourly range of service hours the calculation of hours will include resident life direct care staff, licensed nursing personnel, qualified mental retardation professionals, staff training, and staff responsible for activities. The range by level is:~~

~~3.1-6.1 for IMR level A residents, 2.7-5.4 for IMR level B residents, 2.1-3.6 for IMR level C residents, 1.2-2.4 for IMR level D residents, and a maximum of 5.0 for level E residents. Standard hours for each facility will be calculated based upon staffing data annual cost reports or other certified documents as required in the above ranges. The standard hours for each level will not fall below the minimum staffing levels as established in WAC 275-38-045. When the department requires new standards or makes program changes requiring more or less residential care and habilitative services, the range will be adjusted as of the effective date of the new standard or program change)) related to staff, consultation, and purchased services used in the provision of services in accordance with state and federal IMR laws and regulations, which may include the following:~~

- (a) Training and habilitation services;
- (b) Nursing and pharmacy services;
- (c) Dental consultation;

- (d) Physical and occupational therapy consultation;
- (e) Psychological consultation;
- (f) Recreation services;
- (g) Social services;
- (h) Speech pathology and audiology consultation;
- (i) Resident records; and
- (j) Staff training.

(2) The resident care and habilitative services cost center rate for residential habilitation centers may also reimburse for the following services:

- (a) Physician services;
- (b) Dental services;
- (c) Physical and occupational therapy;
- (d) Psychological services; and
- (e) Speech pathology and audiology.

(3) For determining the resident care and habilitative services rate, a facility shall be reimbursed for staff in accordance with the following staffing standard:

(a) Level A as required in WAC 275-38-045(2)(a) and shall provide between 3.1 and 6.1 staffing hours per resident day;

(b) Level B as required in WAC 275-38-045(2)(b) and shall provide between 2.7 and 5.4 staffing hours per resident day;

(c) Level C as required in WAC 275-38-045(2)(c) and shall provide between 2.1 and 3.6 staffing hours per resident day;

(d) Level D as required in WAC 275-38-045(2)(d) and shall provide between 1.2 and 2.4 staffing hours per resident day;

(e) Level E as required in WAC 275-38-045(2)(e) and shall provide a maximum of 5.0 staffing hours per resident day; and

(f) For purposes of establishing the hourly staffing standard, the calculation of hours shall include resident care and training (RCT) staff, licensed nursing staff, qualified mental retardation professionals (QMRP), social work staff, and recreational services staff.

(4) Effective July 1, 1983, a facility's rate shall be the facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-865 FOOD COST CENTER RATE. (1) The food cost center rate will reimburse for the necessary and ordinary costs of ((procuring)) bulk and raw food, dietary supplements, and beverages for meals and between-meal nourishment for residents.

(2) Effective ((July 1, 1982)) July 1, 1983, ((through June 30, 1983, food reimbursement will be at the January 1, 1982 rate)) a facility's food cost center rate shall be set at the January 1, 1983, IMR food cost center rate, adjusted for inflation as specified in WAC 275-38-845.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-870 ADMINISTRATION AND OPERATIONS COST CENTER RATE. (1) The administration and operations cost center ((reimbursement)) rate will include reimbursement for the necessary and ordinary costs as determined by the department of overall administration and management of the facility, operation and maintenance of the physical plant, resident transportation, dietary service (other than the cost of food and beverages), laundry service, medical and habilitative supplies, taxes, and insurance.

(2) ((For rates effective July 1, 1982, through June 30, 1983, a contractor's administration and operations wage component reimbursement rate will be set pursuant to subsection (2) of this section:

(a) If a contractor's administration and operations wage component rate for 1981, is greater than or equal to the contractor's desk-reviewed 1981 wage component costs, the department shall reimburse the contractor's wage component at the desk-reviewed 1981 administration and operations wage component costs, as adjusted for inflation:

(b) If a contractor's administration and operations wage component rate for 1981 is less than the contractor's desk-reviewed 1981 wage component costs, the department shall reimburse the contractor's wage component costs at the January 1, 1982, reimbursement rate, as adjusted for inflation:

(c) It is further provided, if any funds remain in the redistribution pool established pursuant to WAC 275-38-855(5) after distribution to contractors pursuant to WAC 275-38-860, the department shall distribute the funds to contractors underfunded in the wage component area, as determined by subsection (2)(b) of this section, according to the following rules:

(i) If the amount remaining in the redistribution pool exceeds or is equal to the total amount the contractors were underfunded in the wage component center, each contractor's allowance shall be the amount the contractor was underfunded for costs in this component, if any, where underfunding is defined as any excess of 1981 desk-reviewed cost over the 1981 rate in this component, as adjusted for inflation:

(ii) If the amount remaining in the redistribution pool is less than the total amount the contractors were underfunded in the wage component area, each contractor shall receive an allowance which shall be a percentage of the amount the contractor was underfunded as defined in subsection (2)(c)(i) of this section. The percentage shall be computed by dividing the amount remaining in the redistribution pool by the total amount of underfunding in the wage component center for all contractors:

(iii) The distribution shall not exceed the total amount of underfunded wage component costs for all contractors nor the amount remaining in the redistribution pool, if any:

~~(3) For rates effective July 1, 1982, through June 30, 1983, a contractor's administration and operations nonwage component reimbursement rate will be calculated as follows:~~

~~(a) Allowable administration and operations costs, including wages of administrators, assistant administrators, and administrators-in-training, but excluding wages of other support staff, will be taken from the most recent desk-reviewed annual cost report.~~

~~(b) Effective July 1, 1982, through June 30, 1983, if any amounts were shifted into the administration and operations cost area during the period covered by the most recent annual cost report, an annualized amount will be subtracted from administration and operations nonwage costs determined by the following formula:~~

$$AS = SS \times DR$$

~~(i) "AS" is the amount to be subtracted from administration and operations nonwage costs;~~

~~(ii) "SS" is the amount of the savings shifted into the administration and operations cost area; and~~

~~(iii) "DR" is the deficiency ratio, defined as the ratio of:~~

~~(A) Administration and operations nonwage costs minus the nonwage component of the administration and operations prospective rate; to~~

~~(B) Total administration and operations costs minus the total administration and operations prospective rate;~~

~~(C) This ratio may not be less than zero nor more than one.~~

~~(c) Adjusted costs will be updated using factors specified in WAC 275-38-855(3).~~

~~(d) Reimbursement for this portion of administration and operations will be limited to the eighty-fifth percentile of costs, adjusted as described in subsection (3)(b) of this section, of all reporting facilities, except facilities may be grouped by factors other than ownership or legal organization characteristics, which could reasonably influence cost requirements for administration and operations.) The administration and operations cost center rate is comprised of two rate components: Wage and nonwage. The wage component rate will reimburse for staff, excluding the administrator, QMRP, assistant administrator, and/or administrator-in-training, providing administrative and operations services prescribed in subsection (1) of this section. The nonwage component rate will reimburse for administrative and operations related costs not otherwise reimbursed in the wage component rate.~~

~~(3) Effective July 1, 1983, a facility's wage component rate shall be the facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845.~~

~~(4) Effective July 1, 1983, a facility's nonwage component rate shall be the lesser of:~~

~~(a) The facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845; or~~

(b) The eighty-fifth percentile ranking of IMR facilities' costs from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845. The ranking shall be based on cost reports used for rate determination for facilities having an occupancy level of at least eighty-five percent for the cost report period.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-875 PROPERTY COST CENTER RATE. Effective July 1, 1983, property reimbursement for both leased and owner-operated facilities will not exceed the predicted cost plus ((one)) 1.75 standard deviations of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the bureau of nursing home affairs pursuant to WAC 388-96-743. ((Effective July 1, 1982, through June 30, 1983,)) Depreciation and interest costs of owner-operated facilities, for mortgages entered into prior to July 1, 1979, will be reimbursed to the extent the depreciation and interest costs do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, or July 1, 1979, whichever is higher, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state Medicaid plan, and adjusted for any approved capitalized additions or replacements. Any leased facility operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, will be reimbursed to the extent that the property cost exceed the upper limit of the multiple regression formula.

AMENDATORY SECTION (Amending Order 1853, filed 8/3/82)

WAC 275-38-880 RETURN ON ((INVESTMENT)) EQUITY. (1) Effective ((July 1, 1982)) July 1, 1983, ((through June 30, 1983,)) the department will pay a return on equity to proprietary contractors ((utilizing applicable medicare rules and regulations as of July 1, 1979, with the following modifications:

(a) Monthly equity calculations will not be used. A desk review of reported equity will be conducted pursuant to WAC 275-38-595. The average ratio among proprietary contractors of current assets to expenses will be computed by the bureau of nursing home affairs pursuant to WAC 388-96-750. The standard deviation of the ratio and the average ratio plus one standard deviation will also be computed. Current assets in excess of the average ratio plus one standard deviation will not be allowed unless the contractor can document the excess is ordinary, necessary, and related to resident care and training. No adjustments will be made to reported equity insofar as changes reflect additions to fixed assets which are ordinary, necessary, and related to resident care and training.

(b) Goodwill is not includable in the determination of net equity.

~~(c) Net equity and the payment for net equity shall be calculated as described in subsections (2) and (3) of this section).~~

(2) A contractor's net equity will be calculated using the appropriate items from the contractor's most recent desk-reviewed cost report utilizing the definition of equity capital in WAC 275-38-001 and applying relevant Medicare rules and regulations ~~((as of July 1, 1979, with the modifications described in subsection (1) of this section)), except that goodwill is not includable in the determination of net equity and monthly equity calculations will not be used.~~

(3) The contractor's net equity will be multiplied by ~~((the medicare rate of return on equity capital))~~ twelve percent for the twelve-month period ending on the date of the closing date of the contractor's cost report. The amount will be divided by the contractor's annual resident days for the cost report period to determine a rate per resident day. Where a contractor's cost report covers less than a twelve-month period, annual resident days will be estimated using the contractor's reported resident days. The contractor shall be paid a prospective rate which is the lesser of the amount calculated pursuant to this section or two dollars per resident day.

(4) The information on which the return on equity is calculated is subject to field audit. If a field audit determines the desk-reviewed reported equity exceeds the equity documented and calculated in conformance with Medicare rules and regulations as modified by this section, the contractor's return on equity rate for the rate period ~~((a return on equity rate calculated on the basis of the cost report was in effect))~~ using the report shall be recalculated using the determinations of the field audit. Any payments in excess of the rate shall be refunded to the department as part of the settlement procedure established by WAC ~~((275-38-630))~~ 275-38-886. ~~((In particular, WAC 275-38-630 (4), (5), and (6) shall apply.))~~

NEW SECTION

WAC 275-38-886 SETTLEMENT. (1) For the resident care and habilitation services cost center, food cost center, administration and operations cost center, and property cost center, payment to contractors shall not exceed the lower of the prospective rate or audited allowable cost. For each cost center specified in this subsection, a settlement shall be calculated at the lower of the prospective rate or audited allowable costs, except as otherwise provided in this section.

(2) For calendar year 1981 and subsequent years, in determining a contractor's settlement, if allowable costs were less than the rate in any cost center, savings will be shifted (or "transferred") to cover any deficit in another cost center.

(a) The amount shifted may not exceed twenty percent of the rate in the cost center into which the shift is made.

(b) No saving may be shifted in the property or return on equity cost centers.

(3) The settlement process shall consist of a preliminary settlement and a final settlement.

(4) The preliminary settlement process will be as follows:

(a) Providers are required to submit a proposed settlement report with the cost report.

(b) Within one hundred twenty days after receipt of the proposed settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement substantiating refunds, underpayments, and overpayments.

(5) The final settlement process will be as follows:

(a) After completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a final settlement report to the contractor fully substantiating disallowed costs, refunds, underpayments, or adjustments to the contractor's financial statements, cost report, and final settlement.

(b) Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

(c) A preliminary settlement as issued by the department will become the final settlement if no audit has been scheduled within twelve calendar months following the department's issuance of a preliminary settlement report to the contractor.

(6) Repayment of amounts owed the department shall be as follows:

(a) The contractor shall have thirty days after the date the preliminary or final settlement report is submitted to the contractor to contest a settlement determination under WAC 275-38-960. After the thirty-day period has expired, a preliminary or final settlement will not be subject to review.

(b) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date of the preliminary or final settlement report is submitted to the contractor.

(c) In the event the contractor fails to make repayment in the time provided in subsection (6)(b) of this section, the department shall either:

(i) Deduct the amount of refund due plus assessment of interest, at the rate of one percent per month on the unpaid balance, from payment amounts due the contractor, or

(ii) In the instance the contract has been terminated:

(A) Deduct the amount of refund due plus an assessment of interest, at the rate of one percent per month on the unpaid balance, from any payments due, or

(B) Assess the amount due plus interest, at the rate of one percent per month on the unpaid balance, on the amount due.

(iii) Interest on the unpaid balance owed the department shall begin to accrue on the thirty-first day following receipt of written notification to the contractor of the amount owed the department.

(d) Where the facility is pursuing timely filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall

the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

(7) Payment of amounts owed the contractor shall be as follows: The department shall make payment of any underpayments within thirty days after the date of the settlement report is submitted to the contractor.

REPEALER

- (1) WAC 275-38-630 SETTLEMENT.
 (2) WAC 275-38-635 SHIFTING.
 (3) WAC 275-38-640 DATE SETTLEMENT BECOMES FINAL.
 (4) WAC 275-38-642 INTEREST ON SETTLEMENTS.
 (5) WAC 275-38-830 PROSPECTIVE REIMBURSEMENT RATES.
 (6) WAC 275-38-855 METHOD OF RATE DETERMINATION.

WSR 83-14-058
EMERGENCY RULES
HIGHER EDUCATION
PERSONNEL BOARD
 [Order 106—Filed July 1, 1983]

Be it resolved by the Higher Education Personnel Board, acting at Central Washington University, Ellensburg, Washington, that it does adopt the annexed rules relating to work period designations, WAC 251-09-020.

We, the Higher Education Personnel Board, 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 implementation of the rule at the beginning of the new biennium (7/1/83) will ensure more flexibility in the scheduling of fire officers. This will result in a substantial reduction of overtime costs required under current 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 Higher Education Personnel Board as authorized in RCW 28B.16.100.

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 17, 1983.

By John A. Spitz
Director

AMENDATORY SECTION (Amending Order 81, filed 12/3/79)

WAC 251-09-020 WORK PERIOD DESIGNATIONS. Each position will be assigned by the personnel officer to one of the work period designations identified below, and employees will be informed of their eligibility for overtime compensation.

(1) Scheduled work periods, within which there are ~~((two))~~ three work schedules:

(a) Regular work schedule. The regular work schedule for full time classified employees shall consist of five consecutive and uniformly scheduled eight hour days in a seven day period. Uniformly scheduled means a daily repetition of the same working hours and a weekly repetition of the same working days.

(b) Alternate work schedule. Operational necessity or employee convenience may require positions that are normally designated regular work schedule to work an alternate forty hour work schedule (other than five uniform and consecutive eight hour days in a seven day period), or as provided by the Washington State Minimum Wage Law in conjunction with the federal law which provides for an eighty hour workweek in a fourteen day period for hospital personnel. Alternate work schedules shall be made available upon request of the director.

(c) Emergency response fire officer work schedule. Institutions which operate an emergency response fire department may establish work week schedules for emergency response personnel which provide for a daily work shift of twenty-four hours. The weekly schedule shall provide for at least forty-eight hours, but not more than fifty-six hours, as required to meet operational requirements. Emergency response personnel assigned to twenty-four hour schedules shall be subject to the following conditions:

(i) All rules in chapter 251-22 WAC shall apply.
(ii) Changes to the established work schedule shall be made as provided in WAC 251-09-025.

(iii) Shift differential shall not be paid.

(iv) Overtime shall be paid for work performed in excess of the scheduled daily work shift or the scheduled work week. The overtime compensation shall be as provided in WAC 251-09-030 (2) and (3).

(v) Holidays shall be as provided in WAC 251-22-040 and 251-22-045. When assigned to work on a designated holiday, emergency response personnel shall receive their regular daily pay plus eight hours of holiday pay. Compensation for the eight hours of holiday time shall be at the rate of time and one-half.

(2) Nonscheduled work period. The nonscheduled work period designation applies to those positions for which the hours cannot be scheduled but which work a forty hour week and do not meet any of the other work period designations. The personnel officer shall designate positions as nonscheduled in accordance with the institution's procedure approved by the director.

(3) Excepted work period. The excepted work period designation applies to classes and positions which meet

the HEPB definitions of executive, administrative, or professional employees and are assigned to salary ranges twenty-three and above. Qualifying classes will be approved by the director. Each personnel officer will be responsible for determining the positions designated "excepted" at his/her institution. The personnel officer will develop a procedure for verifying "excepted" positions which will be available for review by the director.

WSR 83-14-059
PROPOSED RULES
DEPARTMENT OF REVENUE

[Filed July 1, 1983]

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 458-20-126	Sales of motor vehicle fuel and special fuels.
Amd	WAC 458-20-164	Insurance agents, brokers and solicitors.
Amd	WAC 458-20-224	Service and other business activities.
Amd	WAC 458-20-244	Food products.
New	WAC 458-20-245	Telephone business, telephone service;

that the agency will at 9:00 a.m., Tuesday, August 16, 1983, 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 August 23, 1983.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is RCW 82.08.0255, 82.04.290, 82.08.0293, 82.12.0293, also 2nd Reengrossed SB No. 3909, chapter 3, Laws of 1983 2nd ex. sess., chapter 108, Laws of 1983, chapter 35, Laws of 1983 1st ex. sess. and RCW 82.04.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 16, 1983.

Dated: July 1, 1983
By: Matthew J. Coyle
Deputy Director

STATEMENT OF PURPOSE

Title: WAC 458-20-126 Sales of motor vehicle fuel and special fuels.

Description of Purpose: To implement the specific retail sales tax and use tax exemptions provided in chapter 108, Laws of 1983 and chapter 35, Laws of 1983 1st ex. sess., for sales and uses of motor vehicle fuel and special fuel by interstate highway carriers and nonprofit providers of transportation for elderly and handicapped persons.

Statutory Authority: RCW 82.32.300.

Specific Statute Rule is Intended to Implement: Chapter 108, Laws of 1983 and chapter 35, Laws of 1983 1st ex. sess.

Reasons Supporting Proposed Action: The 1983 legislature extended sales tax and use tax exemptions to certain persons who take delivery of such fuel in this state,

but who may be entitled to refunds of motor vehicle fuel tax or special fuel tax. Without these express exemptions and the Rule 126 explanation of their application, such persons would be subject to sales tax or use tax upon such fuel.

Title: WAC 458-20-164 Insurance agents, brokers and solicitors.

Description of Purpose: To note that insurance agents, brokers, and solicitors are taxable under a special business and occupation tax rate. Previously, such persons were taxable under the service and other activities classification (RCW 82.04.290).

Statutory Authority: RCW 82.32.300.

Specific Statute Rule is Intended to Implement: Second Reengrossed Senate Bill No. 3909, chapter 3, Laws of 1983 2nd ex. sess.

Reasons Supporting Proposed Action: Effective July 1, 1983, insurance agents, brokers, and solicitors are given a special business and occupation tax rate of .011. This necessitated the Department of Revenue to revise its combined excise tax return to take into account this special tax classification. This rule informs that the classification is insurance agents and brokers.

Title: WAC 458-20-224 Service and other business activities.

Description of Purpose: To delete insurance agents and brokers from the list of persons taxable under the service and other activities business and occupation tax classification. To correctly note that persons rendering services of an amusement and recreation nature are taxable as retail sellers.

Statutory Authority: RCW 82.32.300.

Specific Statute Rule is Intended to Implement: Second Reengrossed Senate Bill No. 3909, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.050.

Reasons Supporting Proposed Action: Effective July 1, 1983, insurance agents, brokers, and solicitors are given a special business and occupation tax rate of .011. Previously, such persons were taxable under the service and other activities tax classification. The prior version of the rule mentioned only amusement businesses as subject to retail sales tax. The law also includes recreation businesses under the retailing classification.

Title: WAC 458-20-244 Food products.

Description of Purpose: The amendment to this rule describes those circumstances under which the sale of food products is or is not subject to sales tax. It also describes those items which are sales tax exempt food products and those which are not.

Statutory Authority: RCW 82.32.300.

Specific Statute Rule is Intended to Implement: RCW 82.08.0293 and 82.12.0293.

Reasons Supporting Proposed Action: RCW 82.08.0293 and 82.12.0293 remove sales and use tax under certain circumstances from the sale and use of food products. These statutes are effective July 1, 1983.

Title: WAC 458-20-245 Telephone business, telephone service.

Description of Purpose: To remove telephone service as an activity taxable under the public utility tax (chapter 82.16 RCW) and place it under the business and occupation tax classification (chapter 82.04 RCW). To apply the retail sales tax (chapter 82.08 RCW) to certain retail sales of telephone service.

Statutory Authority: RCW 82.32.300.

Specific Statute Rule is Intended to Implement: Second Reengrossed Senate Bill No. 3909, chapter 3, Laws of 1983 2nd ex. sess.

Reasons Supporting Proposed Action: During the 1983 legislative session (2nd ex. sess.), the legislature amended the Washington Revenue Act by deleting telephone service as an activity taxable under the public utility tax. Effective July 1, 1983, telephone service is taxable under the business and occupation tax classification and retail sales of such services are subject to retail sales tax, subject to certain exemptions.

Agency Personnel Responsible for Drafting and Implementation: DeLoss H. Brown, 415 General Administration Building, Olympia, Washington 98504, Telephone: 753-5544; and **Enforcement:** Department of Revenue, 415 General Administration Building, Olympia, Washington 98504, Telephone: 753-5540.

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-126 SALES OF MOTOR VEHICLE FUEL AND SPECIAL FUELS.

SALES OF MOTOR FUEL AND SPECIAL FUELS

As used herein the term "vehicle fuel" means motor vehicle fuel as defined in chapter 82.36 RCW and special fuels as defined in chapter 82.38 RCW.

The retail sales tax does not apply to sales of motor vehicle fuel on which the tax of chapter 82.36 RCW is paid, nor to sales of special fuels when sold for use as fuel in propelling motor vehicles upon the public highways in this state and on which the special fuel tax or the annual fee in lieu thereof in the case of certain nonpollutant fuels imposed by chapter 82.38 RCW, is paid.

However, except for the further sales and use tax exemptions explained in this rule, the retail sales tax or use tax applies to sales and uses of motor vehicle fuel or special fuel upon which the taxes of chapter 82.36 or 82.38 RCW have not been paid or such taxes have been refunded.

By reason of special exemptions contained in RCW 82.08.0255 the retail sales tax does not apply to sales of special fuel delivered in this state which is subsequently transported and used outside this state by persons engaged in interstate commerce.

Also, neither the retail sales tax nor use tax applies to sales or uses of motor vehicle fuel or special fuel purchased by private, nonprofit transportation providers certified under chapter 81.66 RCW, who are entitled to fuel tax refund or exemption under chapter 82.36 or 82.38 RCW.

Persons selling special fuels on which the tax of chapter 82.38 RCW is not collected, except special fuel sold for use outside this state by persons engaged in interstate commerce, or fuel sold to exempt certified transportation providers, are required to collect the retail sales tax on retail sales thereof. Purchasers of nonpollutant fuel (including liquid and gaseous propane) who are registered with the department and who take deliveries into bulk storage facilities should get information from an office of the department regarding special provisions for such deliveries.

It is the intent of the law that all vehicle fuels, except special fuel purchased in this state for use outside this state by interstate commerce carriers, or fuels sold to exempt certified transportation providers will be subject to either the vehicle fuel taxes (chapter 82.36 or 82.38 RCW) or else the sales or use taxes of the Revenue Act (chapter 82.08 or 82.12 RCW). ((Therefore)) The fuel taxes are applicable to

sales of fuel for on-highway consumption. The sales or use tax is applicable to fuel sold for consumption off the highways (e.g., boat fuel, or fuel for farm machinery, construction equipment, etc.).

When persons purchase motor vehicle fuel or special fuel upon which either the fuel taxes of chapter 82.36 or chapter 82.38 RCW have been paid, but the fuel is consumed off the highways, such persons are entitled to a refund of these taxes under the procedures of RCW 82.38.150. However, persons receiving refund of vehicle fuel taxes because of their off-highway consumption of the fuel in this state are subject to payment of the use tax of chapter 82.12 RCW on the value of the fuel. The director of the department of licensing administers the fuel tax refund provisions and will deduct from the amount of any such refunds the amount of use tax due.

AMENDATORY SECTION (Amending Order 70-5, filed 6/22/70)

WAC 458-20-164 INSURANCE AGENTS, BROKERS AND SOLICITORS. The words "agent," "broker," and "solicitor," as used herein mean respectively, a person licensed as such under the provisions of chapter 48.17 RCW.

BUSINESS AND OCCUPATION TAX

Every person acting in the capacity of agent, broker, or solicitor is presumed to be engaging in business and is taxable under the ((service and other business activities)) insurance agents and brokers classification upon the gross income of the business unless such person is a bona fide employee. The burden is upon such person to establish the fact of his status as an employee. (See WAC 458-20-105-Employees.) Gross income of the business is determined by the amount of gross commissions received or retained, not by the gross premiums paid by the insured.

The term "gross income of the business" includes gross income from commissions, fees or other emoluments however designated which the agent, broker, or solicitor receives or becomes entitled to receive but does not include amounts held in trust for the insurer or the client. (See also WAC 458-20-111-Advances and reimbursements.)

No deduction is allowed for commissions, fees, or salaries paid to other agents, brokers, or solicitors nor for other expenses of doing business.

Where an insurance association, licensed as a broker, agent or solicitor negotiates with a public body for the placement of its insurance coverage and arranges for the servicing of such insurance through a broker, agent or solicitor and there is an agreement between the association and the broker, agent or solicitor and the prospective insured that the commission on the policy premium will be shared, the entity receiving the commission need only include in gross income its share of the commission. It need not include in gross income the portion of the commission earned by the other broker, agent and/or solicitor nor need the other broker, agent and/or solicitor include in gross income the portion retained by the entity which first receives payment.

(For tax liability of insurance adjusters, see WAC 458-20-212.)

SPECIAL CLASSIFICATION FOR CERTAIN MANAGING GENERAL AGENTS. Under RCW 82.04.280(5) persons representing and performing services for fire or casualty insurance companies as independent resident managing general agents are subject to tax at the prevailing rate ((0044)) upon the gross income of the business. In view of the small number of persons falling in this special category, no separate classification line on excise tax returns (Form 2406) has been provided for reporting this income; it should be shown on line 1 of the return with the explanatory note: "Income for insurance managing general agent taxable under RCW 82.04.280(5)."

Any person claiming to fall within this tax classification must demonstrate:

1. That he is licensed as a resident general agent by the insurance commissioner; and
2. That he performs the following independent manager functions:
 - a. Pays all sales and/or production expense; including salaries of special field representatives, underwriters, and inspectors as well as all office expenses of rent, supplies, secretarial help, etc.
 - b. Bills all premiums for the company so represented.
 - c. Directly contracts for or hires all selling agents.
 - d. Exercises final responsibility with respect to selecting risks and underwriting matters.
 - e. Makes all arrangements for reinsurance.
 - f. Handles all claims adjustments directly with the insured (by his own staff or through hiring an independent adjuster).

Persons wishing to claim qualification for this special insurance agent classification should request forms from the department of revenue to make application therefor.

Revised December 12, 1968.

AMENDATORY SECTION (Amending Order ET 83-15, filed 3/15/83)

WAC 458-20-224 SERVICE AND OTHER BUSINESS ACTIVITIES. Chapter 82.04 RCW imposes a tax upon every person for the privilege of engaging in business in this state. Persons engaged in the certain specifically named business activities are subject to a tax rate set out in the statute which is measured by value of products, gross sales or gross income, e.g.: Extracting, manufacturing, retailing, wholesaling, printing and publishing, and building and repairing of publicly owned streets and roads.

Persons engaged in any business activity, other than or in addition to those for which a specific rate is provided in the statute, are taxable under a classification known as service and other business activities, and so designated upon return forms. In general, it includes persons rendering professional or personal services to persons (as distinguished from services rendered to personal property of persons) such as accountants, aerial surveyors and map makers, agents, ambulances, appraisers, architects, assayers, attorneys, automobile brokers, barbers, baseball clubs, beauty shop owners, brokers, chemists, chiropractors, collection agents, community television antenna owners, court reporters, dentists, detectives, employment agents, engineers, financiers, funeral directors, garbage collectors, hospital owners, ((insurance agents and brokers,)) janitors, kennel operators, laboratory operators, landscape architects, lawyers, loan agents, music teachers, oculists, orchestra or band leaders contracting to provide musical services, osteopathic physicians, real estate agents, school bus operators, school operators, stenographers, warehouse operators who are not subject to public utility tax, teachers, theater operators, undertakers, veterinarians, and numerous other persons.

It does not include persons engaged in the business of cleaning, repairing, improving, etc., the personal property of others, such as automobile, house, jewelry, radio, refrigerator and machinery repairmen, laundry or dry cleaners. Also, it does not include certain personal and professional services specifically included within the definition of the term "sale at retail" in RCW 82.04.050, such as amusement and recreation businesses (see WAC 458-20-183); abstract, title insurance and escrow businesses, credit bureau businesses and automobile parking and storage garage businesses. Furthermore, it does not include persons who render services to others in the capacity of employees as distinguished from independent contractors. (See WAC 458-20-105.)

BUSINESS AND OCCUPATION TAX

Persons engaged in any business activity, other than or in addition to those for which a specific rate is provided in chapter 82.04 RCW, are taxable under the service and other business activities classification upon gross income from such business.

Persons engaged in a public service business taxable under chapter 82.16 RCW (see WAC 458-20-179) are exempt from business tax under chapter 82.04 RCW with respect to such businesses.

RETAIL SALES TAX

The retail sales tax applies upon all sales of tangible personal property made to persons for use or consumption in performing a business activity which is taxable under the service and other business activities classification of chapter 82.04 RCW.

AMENDATORY SECTION (Amending Order ET 82-7, filed 7/30/82)

WAC 458-20-244 FOOD PRODUCTS. ((Effective May 1, 1982, chapter 35 (P.V.), Laws of 1982 1st ex. sess., 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.)) RCW 82.08.0293 and 82.12.0293 exempt 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, 1983. 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, except for food products furnished as meals under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6);

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, 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. In the case of vending machine operators, the sale of food products is subject to tax. The selling price of food products sold by vending machine operators is fifty-seven percent of the gross receipts, except for hot prepared food products for which the selling price is one hundred percent of the gross receipts. Vending machine operators are not required to collect the tax from buyers or to separately state the tax.

(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, sugar substitutes
*Health foods	Syrups
Honey	Tea
Ice cream, toppings	Vegetables, vegetable products
Jam, jelly, jello	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 United States Federal Drug Administration are subject to tax. Regulated dietary supplements are those preparations which provide fifty percent or more of the United States Recommended Daily Allowance (U.S. RDA) of essential vitamins and minerals per serving. Health foods or dietary preparations containing less than fifty 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 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 WAC 458-20-119.

(2) Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see WAC 458-20-166.

(3) Religious, charitable, benevolent, and nonprofit service organizations, see 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 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 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)) July 1, 1983.

NEW SECTION

WAC 458-20-245 TELEPHONE BUSINESS, TELEPHONE SERVICE. Under the provisions of various sections of Chapter 3, Laws of 1983, 2nd Ex. Sess., the retail sales tax is extended to "telephone service." The effective date is July 1, 1983 and the tax applies to all sales of "telephone service" billed on or after that date, whether or not such service was rendered before that date.

Persons engaged in the "telephone business" or rendering "telephone service" are taxable under the Retailing or Wholesaling classification of the business and occupation tax, whichever is applicable, on total gross revenues, as described herein. Such persons who are taxable under Retailing must also collect retail sales tax from consumers, subject to certain exemptions explained more fully herein.

DEFINITIONS

As used herein: The term "telephone service" includes competitive telephone service and network telephone service.

The term "telephone business" means the business of providing network telephone service and includes cooperative or farmers line telephone companies or associations operating an exchange.

The term "competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as installation, repair, or maintenance services, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80.

The term "network telephone service" means the providing by any person of access to a local telephone network, switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, over a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" includes interstate service, including toll service, originating from or received on telecommunications equipment or apparatus in this state if the charge for the service is billed to a person in this state. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, nor the providing of broadcast services by radio or television stations.

The term "residential customer" means an individual subscribing to a residential class of telephone service.

The term "toll service" means the charge for services outside the local telephone network except customer access line charges for access to a toll calling network.

The term "telephone company" means a person engaged in the telephone business or rendering telephone service.

BUSINESS AND OCCUPATION TAX

RETAILING AND WHOLESALING. Persons making retail sales of telephone service to consumers are taxable upon the gross proceeds of sales under the Retailing classification. Persons making sales of telephone services for resale in the regular course of business are taxable upon the gross proceeds of sales under the Wholesaling classification. The tax shall apply to the gross income from all sales of competitive telephone service and network telephone service, as described more fully below.

For purposes of applying the business and occupation tax to telephone service, a sale takes place in Washington when a call originates from or is received on any telephone or other telecommunications equipment, instrument, or apparatus in Washington and the cost for the telephone service is charged to that equipment, instrument, or apparatus, regardless of where the actual billing invoice is sent.

The business and occupation tax shall apply to the gross proceeds of sales of competitive telephone service to customers. The tax shall be measured by total gross billings to such customers. The business and occupation tax shall also apply to the gross proceeds of sales of network telephone service, other than interstate and intrastate service, including toll service, measured by total gross billings to customers. The tax as applied to interstate and intrastate service, including toll service, shall be determined under the apportionment guidelines set forth in the following paragraph.

With respect to interstate and intrastate service, including toll service, the business and occupation tax shall apply to the income received from the interstate or intrastate division of revenue pool. The income subject to tax shall include amounts received for expenses incurred in furnishing the interstate or intrastate services plus any amounts received as return. Persons who are not members of the interstate or intrastate division of revenue pool but who receive shared interstate or

intrastate revenues through a member of the division of revenue pool, are liable for business and occupation tax on the income received.

Persons engaged in the telephone business or rendering telephone service shall report on the combined excise tax return their total gross income received from billings to customers under column 2 of the appropriate classification line on the return (Wholesaling or Retailing). An adjustment may be made under column 3 of the excise tax return for revenues received from providing interstate and intrastate service, including toll service, as described in the previous paragraph. On the reverse side of the return it should be explained that such adjustment was the result of income received from the interstate or intrastate division of revenue pool. The reported gross income under column 2 shall be the same under the Retailing business and occupation tax and retail sales tax classifications, with appropriate adjustments and deductions noted under column 3.

SERVICE. Persons engaged in the telephone business or rendering telephone service are taxable under the Service and Other Activities classification on their income from services which are not included within the definition of the terms "sale at retail" in RCW 82.04.050 or "competitive telephone service" and "network telephone service," as defined herein. Included under this classification are, among others, gross income from the sale of advertising in telephone directories, gross income from charges made for processing NSF checks, and any other miscellaneous income.

RETAIL SALES TAX

The retail sales tax applies to all sales of competitive telephone service provided to both residential and business (nonresidential) customers. The retail sales tax also applies to all sales of network telephone service, including service which is subject to regulation under Title 80 RCW, provided to business (nonresidential) customers.

The retail sales tax applies upon sales to a telephone company of all tangible personal property used in providing telephone service. A consumer is liable for retail sales tax on all telephone service, as described herein, in situations where the tax was not paid to a telephone company as a result of a billing or other invoice rendered by that company.

The retail sales tax must be collected and accounted for in every case where Retailing business and occupation tax is due as outlined herein, except for the following. The retail sales tax shall not apply to sales of network telephone service, other than toll service, provided to residential customers nor to sales of network telephone service paid for by inserting coins in coin-operated telephones.

The retail sales tax does not apply to sales of network telephone service, other than toll service, provided to residential customers, nor does it apply to network telephone service which is subject to regulation under Title 80 RCW.

The retail sales tax does not apply to sales of network telephone service which is paid for by inserting coins in coin-operated telephones. However, the retail sales tax does apply if the network telephone service is provided through a coin-operated telephone, the service originates from or is received on equipment in this state, and the charge for the service is billed to a telephone or other telecommunications equipment, instrument, or apparatus which is located in Washington.

The sales tax does not apply to network telephone service which is merely billed to a telephone or other telecommunications equipment, instrument, or apparatus whose situs is in Washington if the service neither originated from nor was received on equipment in this state.

USE TAX

The use tax applies to telephone or other telecommunications equipment, instrument, or apparatus purchased at retail and upon which the sales tax has not been paid. (See WAC 458-20-178.) A telephone company is liable for use tax on all tangible personal property purchased at retail and upon which the sales tax has not been paid. A telephone company is not liable for use tax on its own use as a consumer of its own network telephone service.

SPECIAL SITUATIONS

Persons making sales of telephone service for resale in the regular course of business must follow the provisions of WAC 458-20-102 concerning resale certificates.

The local retail sales tax applies to sales of telephone services as described herein. (See WAC 458-20-145.)

Persons engaged in telephone business or rendering telephone service are not taxable under the public utility tax, except with respect to gross income from engaging in telegraph or any other public service business as defined in WAC 458-20-179.

All retail telephone services are taxable at the same state retail sales tax rate of 6.5 percent, regardless that such sales may be made in a border county. (See WAC 458-20-237.)

WSR 83-14-060
EMERGENCY RULES
DEPARTMENT OF REVENUE

[Order ET 83-3—Filed July 1, 1983]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 458-20-126 Sales of motor vehicle fuel and special fuels.
Amd WAC 458-20-164 Insurance agents, brokers and solicitors.
Amd WAC 458-20-224 Service and other business activities.
Amd WAC 458-20-244 Food products.
New WAC 458-20-245 Telephone business, telephone service.

I, Matthew J. Coyle, Deputy Director, 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 changes made in the 48th legislative regular session, 1st ex. sess., and 2nd ex. sess., it has become necessary to amend WAC 458-20-126, 458-20-164, and 458-20-224, and also to establish a new section, WAC 458-20-245. WAC 458-20-244 is being amended to implement changes made by the 47th legislature which stated that the sales tax would go off of food effective July 1, 1983.

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 1, 1983.

By Matthew J. Coyle
Deputy Director

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-126 SALES OF MOTOR VEHICLE FUEL AND SPECIAL FUELS.

SALES OF MOTOR FUEL AND SPECIAL FUELS

As used herein the term "vehicle fuel" means motor vehicle fuel as defined in chapter 82.36 RCW and special fuels as defined in chapter 82.38 RCW.

The retail sales tax does not apply to sales of motor vehicle fuel on which the tax of chapter 82.36 RCW is paid, nor to sales of special fuels when sold for use as fuel in propelling motor vehicles upon the public highways in this state and on which the special fuel tax or

the annual fee in lieu thereof in the case of certain non-pollutant fuels imposed by chapter 82.38 RCW, is paid.

However, except for the further sales and use tax exemptions explained in this rule, the retail sales tax or use tax applies to sales and uses of motor vehicle fuel or special fuel upon which the taxes of chapter 82.36 or 82.38 RCW have not been paid or such taxes have been refunded.

By reason of special exemptions contained in RCW 82.08.0255 the retail sales tax does not apply to sales of special fuel delivered in this state which is subsequently transported and used outside this state by persons engaged in interstate commerce.

Also, neither the retail sales tax nor use tax applies to sales or uses of motor vehicle fuel or special fuel purchased by private, nonprofit transportation providers certified under chapter 81.66 RCW, who are entitled to fuel tax refund or exemption under chapter 82.36 or 82.38 RCW.

Persons selling special fuels on which the tax of chapter 82.38 RCW is not collected, except special fuel sold for use outside this state by persons engaged in interstate commerce, or fuel sold to exempt certified transportation providers, are required to collect the retail sales tax on retail sales thereof. Purchasers of nonpollutant fuel (including liquid and gaseous propane) who are registered with the department and who take deliveries into bulk storage facilities should get information from an office of the department regarding special provisions for such deliveries.

It is the intent of the law that all vehicle fuels, except special fuel purchased in this state for use outside this state by interstate commerce carriers, or fuels sold to exempt certified transportation providers will be subject to either the vehicle fuel taxes (chapter 82.36 or 82.38 RCW) or else the sales or use taxes of the Revenue Act (chapter 82.08 or 82.12 RCW). ((Therefore)) The fuel taxes are applicable to sales of fuel for on-highway consumption. The sales or use tax is applicable to fuel sold for consumption off the highways (e.g., boat fuel, or fuel for farm machinery, construction equipment, etc.).

When persons purchase motor vehicle fuel or special fuel upon which either the fuel taxes of chapter 82.36 or chapter 82.38 RCW have been paid, but the fuel is consumed off the highways, such persons are entitled to a refund of these taxes under the procedures of RCW 82.38.150. However, persons receiving refund of vehicle fuel taxes because of their off-highway consumption of the fuel in this state are subject to payment of the use tax of chapter 82.12 RCW on the value of the fuel. The director of the department of licensing administers the fuel tax refund provisions and will deduct from the amount of any such refunds the amount of use tax due.

AMENDATORY SECTION (Amending Order 70-5, filed 6/22/70)

WAC 458-20-164 INSURANCE AGENTS, BROKERS AND SOLICITORS. The words "agent," "broker," and "solicitor," as used herein mean respectively, a person licensed as such under the provisions of chapter 48.17 RCW.

BUSINESS AND OCCUPATION TAX

Every person acting in the capacity of agent, broker, or solicitor is presumed to be engaging in business and is taxable under the (~~service and other business activities~~) insurance agents and brokers classification upon the gross income of the business unless such person is a bona fide employee. The burden is upon such person to establish the fact of his status as an employee. (See WAC 458-20-105-Employees.) Gross income of the business is determined by the amount of gross commissions received or retained, not by the gross premiums paid by the insured.

The term "gross income of the business" includes gross income from commissions, fees or other emoluments however designated which the agent, broker, or solicitor receives or becomes entitled to receive but does not include amounts held in trust for the insurer or the client. (See also WAC 458-20-111-Advances and reimbursements.)

No deduction is allowed for commissions, fees, or salaries paid to other agents, brokers, or solicitors nor for other expenses of doing business.

Where an insurance association, licensed as a broker, agent or solicitor negotiates with a public body for the placement of its insurance coverage and arranges for the servicing of such insurance through a broker, agent or solicitor and there is an agreement between the association and the broker, agent or solicitor and the prospective insured that the commission on the policy premium will be shared, the entity receiving the commission need only include in gross income its share of the commission. It need not include in gross income the portion of the commission earned by the other broker, agent and/or solicitor nor need the other broker, agent and/or solicitor include in gross income the portion retained by the entity which first receives payment.

(For tax liability of insurance adjusters, see WAC 458-20-212.)

SPECIAL CLASSIFICATION FOR CERTAIN MANAGING GENERAL AGENTS. Under RCW 82.04.280(5) persons representing and performing services for fire or casualty insurance companies as independent resident managing general agents are subject to tax at the prevailing rate (~~(-0044)~~) upon the gross income of the business. In view of the small number of persons falling in this special category, no separate classification line on excise tax returns (Form 2406) has been provided for reporting this income; it should be shown on line 1 of the return with the explanatory note: "Income for insurance managing general agent taxable under RCW 82.04.280(5)."

Any person claiming to fall within this tax classification must demonstrate:

1. That he is licensed as a resident general agent by the insurance commissioner, and
2. That he performs the following independent manager functions:
 - a. Pays all sales and/or production expense, including salaries of special field representatives, underwriters, and inspectors as well as all office expenses of rent, supplies, secretarial help, etc.
 - b. Bills all premiums for the company so represented.

- c. Directly contracts for or hires all selling agents.
- d. Exercises final responsibility with respect to selecting risks and underwriting matters.
- e. Makes all arrangements for reinsurance.
- f. Handles all claims adjustments directly with the insured (by his own staff or through hiring an independent adjuster).

Persons wishing to claim qualification for this special insurance agent classification should request forms from the department of revenue to make application therefor.

Revised December 12, 1968.

AMENDATORY SECTION (Amending Order ET 83-15, filed 3/15/83)

WAC 458-20-224 SERVICE AND OTHER BUSINESS ACTIVITIES. Chapter 82.04 RCW imposes a tax upon every person for the privilege of engaging in business in this state. Persons engaged in the certain specifically named business activities are subject to a tax rate set out in the statute which is measured by value of products, gross sales or gross income, e.g.: Extracting, manufacturing, retailing, wholesaling, printing and publishing, and building and repairing of publicly owned streets and roads.

Persons engaged in any business activity, other than or in addition to those for which a specific rate is provided in the statute, are taxable under a classification known as service and other business activities, and so designated upon return forms. In general, it includes persons rendering professional or personal services to persons (as distinguished from services rendered to personal property of persons) such as accountants, aerial surveyors and map makers, agents, ambulances, appraisers, architects, assayers, attorneys, automobile brokers, barbers, baseball clubs, beauty shop owners, brokers, chemists, chiropractors, collection agents, community television antenna owners, court reporters, dentists, detectives, employment agents, engineers, financiers, funeral directors, garbage collectors, hospital owners, (~~insurance agents and brokers~~) janitors, kennel operators, laboratory operators, landscape architects, lawyers, loan agents, music teachers, oculists, orchestra or band leaders contracting to provide musical services, osteopathic physicians, physicians, real estate agents, school bus operators, school operators, stenographers, warehouse operators who are not subject to public utility tax, teachers, theater operators, undertakers, veterinarians, and numerous other persons.

It does not include persons engaged in the business of cleaning, repairing, improving, etc., the personal property of others, such as automobile, house, jewelry, radio, refrigerator and machinery repairmen, laundry or dry cleaners. Also, it does not include certain personal and professional services specifically included within the definition of the term "sale at retail" in RCW 82.04.050, such as amusement and recreation businesses (see WAC 458-20-183); abstract, title insurance and escrow businesses, credit bureau businesses and automobile parking and storage garage businesses. Furthermore, it does not include persons who render services to others in the capacity of employees as distinguished from independent contractors. (See WAC 458-20-105.)

BUSINESS AND OCCUPATION TAX

Persons engaged in any business activity, other than or in addition to those for which a specific rate is provided in chapter 82.04 RCW, are taxable under the service and other business activities classification upon gross income from such business.

Persons engaged in a public service business taxable under chapter 82.16 RCW (see WAC 458-20-179) are exempt from business tax under chapter 82.04 RCW with respect to such businesses.

RETAIL SALES TAX

The retail sales tax applies upon all sales of tangible personal property made to persons for use or consumption in performing a business activity which is taxable under the service and other business activities classification of chapter 82.04 RCW.

AMENDATORY SECTION (Amending Order ET 82-7, filed 7/30/82)

~~WAC 458-20-244 FOOD PRODUCTS. ((Effective May 1, 1982, chapter 35 (P.V.), Laws of 1982 1st sess., 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.) RCW 82.08.0293 and 82.12.0293 exempt 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, 1983. 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, except for food products furnished as meals under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6);

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, 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. In the case of vending machine operators, the sale of food products is subject to tax. The selling price of food products sold by vending machine operators is fifty-seven percent of the gross receipts, except for hot prepared food products for which the selling price is one hundred percent of the gross receipts. Vending machine operators

are not required to collect the tax from buyers or to separately state the tax.

(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

- | | |
|--|---|
| <u>Baby foods</u> | <u>Marshmallows</u> |
| <u>Bakery products</u> | <u>Mayonnaise</u> |
| <u>Baking soda</u> | <u>Meat, meat products</u> |
| <u>Bouillon cubes</u> | <u>Milk, milk products</u> |
| <u>Candy</u> | <u>Mustard</u> |
| <u>Cereal products</u> | <u>Noncarbonated soft drinks</u> |
| <u>Chocolate</u> | <u>Nuts</u> |
| <u>Cocoa</u> | <u>Oleomargarine</u> |
| <u>Coffee and coffee substitutes</u> | <u>Olives, olive oil</u> |
| <u>Condiments</u> | <u>Peanut butter</u> |
| <u>Crackers</u> | <u>Popcorn</u> |
| <u>*Diet food</u> | <u>Popsicles</u> |
| <u>Eggs, egg products</u> | <u>Potato chips</u> |
| <u>Extracts and flavoring for food</u> | <u>Powdered drink mixes</u> |
| <u>Fish, fish products</u> | <u>Sandwich spreads</u> |
| <u>Flour</u> | <u>Sauces</u> |
| <u>Food coloring</u> | <u>Sherbet</u> |
| <u>Frozen foods</u> | <u>Shortening</u> |
| <u>Fruit, fruit products</u> | <u>Soup</u> |
| <u>Gelatin</u> | <u>Sugar, sugar products, sugar substitutes</u> |
| <u>*Health foods</u> | <u>Syrups</u> |
| <u>Honey</u> | <u>Tea</u> |
| <u>Ice cream, toppings</u> | <u>Vegetables, vegetable products</u> |
| <u>Jam, jelly, jello</u> | <u>Yeast</u> |

The products listed as taxable are subject to tax however sold or prepared.

SPECIFIC CLASSES OF ITEMS TAXABLE IN ALL CASES

- | | |
|--|-------------------------------------|
| <u>Alcoholic beverages</u> | <u>First aid products</u> |
| <u>Aspirin</u> | <u>Ice, bottled Water</u> |
| <u>Beer or wine making supplies</u> | <u>(mineral or otherwise)</u> |
| <u>Calcium tablets</u> | <u>Mouthwashes</u> |
| <u>Carbonated beverages</u> | <u>Nonedible cake decorations</u> |
| <u>Chewing tobacco</u> | <u>Nonprescription medicines</u> |
| <u>Cod liver oil</u> | <u>Patent medicines</u> |
| <u>Cough medicines (liquid or lozenge)</u> | <u>Pet food and supplies</u> |
| <u>*Dietary supplements or adjuncts</u> | <u>Seeds and plants for gardens</u> |
| | <u>Tonics, vitamins</u> |
| | <u>Toothpaste</u> |

*Note: Sales of dietary supplements which are subject to regulation by the United States Federal Drug Administration are subject to tax. Regulated dietary supplements are those preparations which provide fifty percent or more of the United States Recommended Daily Allowance (U.S. RDA) of essential vitamins and minerals per serving.

Health foods or dietary preparations containing less than fifty 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 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 WAC 458-20-119.

(2) Hotels, motels, boarding or rooming houses, resorts, and trailer camps, see WAC 458-20-166.

(3) Religious, charitable, benevolent, and nonprofit service organizations, see 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 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 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)) July 1, 1983.

NEW SECTION

WAC 458-20-245 TELEPHONE BUSINESS, TELEPHONE SERVICE. Under the provisions of various sections of Chapter 3, Laws of 1983, 2nd Ex. Sess., the retail sales tax is extended to "telephone service." The effective date is July 1, 1983 and the tax applies to all sales of "telephone service" billed on or after that

date, whether or not such service was rendered before that date.

Persons engaged in the "telephone business" or rendering "telephone service" are taxable under the Retailing or Wholesaling classification of the business and occupation tax, whichever is applicable, on total gross revenues, as described herein. Such persons who are taxable under Retailing must also collect retail sales tax from consumers, subject to certain exemptions explained more fully herein.

DEFINITIONS

As used herein: The term "telephone service" includes competitive telephone service and network telephone service.

The term "telephone business" means the business of providing network telephone service and includes cooperative or farmers line telephone companies or associations operating an exchange.

The term "competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as installation, repair, or maintenance services, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80.

The term "network telephone service" means the providing by any person of access to a local telephone network, switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, over a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" includes interstate service, including toll service, originating from or received on telecommunications equipment or apparatus in this state if the charge for the service is billed to a person in this state. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, nor the providing of broadcast services by radio or television stations.

The term "residential customer" means an individual subscribing to a residential class of telephone service.

The term "toll service" means the charge for services outside the local telephone network except customer access line charges for access to a toll calling network.

The term "telephone company" means a person engaged in the telephone business or rendering telephone service.

BUSINESS AND OCCUPATION TAX

RETAILING AND WHOLESALING. Persons making retail sales of telephone service to consumers are taxable upon the gross proceeds of sales under the Retailing classification. Persons making sales of telephone services for resale in the regular course of business are taxable upon the gross proceeds of sales under the Wholesaling classification. The tax shall apply to the gross income from all sales of competitive telephone service and network telephone service, as described more fully below.

For purposes of applying the business and occupation tax to telephone service, a sale takes place in

Washington when a call originates from or is received on any telephone or other telecommunications equipment, instrument, or apparatus in Washington and the cost for the telephone service is charged to that equipment, instrument, or apparatus, regardless of where the actual billing invoice is sent.

The business and occupation tax shall apply to the gross proceeds of sales of competitive telephone service to customers. The tax shall be measured by total gross billings to such customers. The business and occupation tax shall also apply to the gross proceeds of sales of network telephone service, other than interstate and intrastate service, including toll service, measured by total gross billings to customers. The tax as applied to interstate and intrastate service, including toll service, shall be determined under the apportionment guidelines set forth in the following paragraph.

With respect to interstate and intrastate service, including toll service, the business and occupation tax shall apply to the income received from the interstate or intrastate division of revenue pool. The income subject to tax shall include amounts received for expenses incurred in furnishing the interstate or intrastate services plus any amounts received as return. Persons who are not members of the interstate or intrastate division of revenue pool but who receive shared interstate or intrastate revenues through a member of the division of revenue pool, are liable for business and occupation tax on the income received.

Persons engaged in the telephone business or rendering telephone service shall report on the combined excise tax return their total gross income received from billings to customers under column 2 of the appropriate classification line on the return (Wholesaling or Retailing). An adjustment may be made under column 3 of the excise tax return for revenues received from providing interstate and intrastate service, including toll service, as described in the previous paragraph. On the reverse side of the return it should be explained that such adjustment was the result of income received from the interstate or intrastate division of revenue pool. The reported gross income under column 2 shall be the same under the Retailing business and occupation tax and retail sales tax classifications, with appropriate adjustments and deductions noted under column 3.

SERVICE. Persons engaged in the telephone business or rendering telephone service are taxable under the Service and Other Activities classification on their income from services which are not included within the definition of the terms "sale at retail" in RCW 82.04.050 or "competitive telephone service" and "network telephone service," as defined herein. Included under this classification are, among others, gross income from the sale of advertising in telephone directories, gross income from charges made for processing NSF checks, and any other miscellaneous income.

RETAIL SALES TAX

The retail sales tax applies to all sales of competitive telephone service provided to both residential and business (nonresidential) customers. The retail sales tax also

applies to all sales of network telephone service, including service which is subject to regulation under Title 80 RCW, provided to business (nonresidential) customers.

The retail sales tax applies upon sales to a telephone company of all tangible personal property used in providing telephone service. A consumer is liable for retail sales tax on all telephone service, as described herein, in situations where the tax was not paid to a telephone company as a result of a billing or other invoice rendered by that company.

The retail sales tax must be collected and accounted for in every case where Retailing business and occupation tax is due as outlined herein, except for the following. The retail sales tax shall not apply to sales of network telephone service, other than toll service, provided to residential customers nor to sales of network telephone service paid for by inserting coins in coin-operated telephones.

The retail sales tax does not apply to sales of network telephone service, other than toll service, provided to residential customers, nor does it apply to network telephone service which is subject to regulation under Title 80 RCW.

The retail sales tax does not apply to sales of network telephone service which is paid for by inserting coins in coin-operated telephones. However, the retail sales tax does apply if the network telephone service is provided through a coin-operated telephone, the service originates from or is received on equipment in this state, and the charge for the service is billed to a telephone or other telecommunications equipment, instrument, or apparatus which is located in Washington.

The sales tax does not apply to network telephone service which is merely billed to a telephone or other telecommunications equipment, instrument, or apparatus whose situs is in Washington if the service neither originated from nor was received on equipment in this state.

USE TAX

The use tax applies to telephone or other telecommunications equipment, instrument, or apparatus purchased at retail and upon which the sales tax has not been paid. (See WAC 458-20-178.) A telephone company is liable for use tax on all tangible personal property purchased at retail and upon which the sales tax has not been paid. A telephone company is not liable for use tax on its own use as a consumer of its own network telephone service.

SPECIAL SITUATIONS

Persons making sales of telephone service for resale in the regular course of business must follow the provisions of WAC 458-20-102 concerning resale certificates.

The local retail sales tax applies to sales of telephone services as described herein. (See WAC 458-20-145.)

Persons engaged in telephone business or rendering telephone service are not taxable under the public utility tax, except with respect to gross income from engaging in telegraph or any other public service business as defined in WAC 458-20-179.

All retail telephone services are taxable at the same state retail sales tax rate of 6.5 percent, regardless that

such sales may be made in a border county. (See WAC 458-20-237.)

WSR 83-14-061
ADOPTED RULES
DEPARTMENT OF LICENSING
[Order 722 DOL—Filed July 1, 1983]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to adopting new chapter 308-90 WAC, vessel dealer registration, adopting WAC 308-90-010, 308-90-020, 308-90-030, 308-90-040, 308-90-050, 308-90-060, 308-90-070, 308-90-080, 308-90-090, 308-90-100 and 308-90-110.

This action is taken pursuant to Notice No. WSR 83-11-044 filed with the code reviser on May 18, 1983. 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 7, Laws of 1983 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, 1983.

By John Gonzalez
Director

CHAPTER 308-90
VESSEL DEALER REGISTRATION

WAC	
308-90-010	PROMULGATION AUTHORITY
308-90-020	ORGANIZATION
308-90-030	DEFINITIONS
308-90-040	DEALER REGISTRATION APPLICATION FORM
308-90-050	BRANCH LOCATION - SEPARATE REGISTRATION
308-90-060	DISPLAY OF REGISTRATION
308-90-070	DEALER REGISTRATION NUMBERS
308-90-080	REGISTRATION FEE - RENEWAL
308-90-090	CHANGE OF BUSINESS LOCATION
308-90-100	TERMINATION OF BUSINESS
308-90-110	STATEMENT OF CHANGE IN BUSINESS STRUCTURE, OWNERSHIP INTEREST OR CONTROL

NEW SECTION

WAC 308-90-010 PROMULGATION AUTHORITY. The director, department of licensing, state

of Washington, pursuant to the authority vested in the director by chapter 7, Laws of 1983, does hereby promulgate the following rules and regulations relating to the registration of each dealer of vessels.

NEW SECTION

WAC 308-90-020 ORGANIZATION. The dealer/manufacturing control division of the vehicle services administration of the department of licensing administers the dealer of vessel registration, chapter 7, Laws of 1983.

The principal location of the dealer/manufacturing control division is on the the first floor, highways-licenses building, 12th and franklin street, Olympia, Washington 98504. Additional offices are maintained at the following locations which are open to the public from 8 a.m. to 10 a.m. weekdays or by appointment:

CITY	ADDRESS
Kennewick WA 99336	2500 West Kennewick Avenue
Seattle WA 98103	320 North 85th Street
Spokane WA 99205	528 West Indiana
Tacoma WA 98405	6442 Yakima Avenue-South
Vancouver WA 98664	5220 East 4th Plain
Yakima WA 98902	2117 West Lincoln

NEW SECTION

WAC 308-90-030 DEFINITIONS. (1) Words and terms used in these rules have the same meaning as each has under chapter 7, Laws of 1983 unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicate that they be given some other meaning.

(2) "Person" includes every natural person, firm, co-partnership, corporation, association or organization.

(3) "Branch location" means any place of business of a dealer which is physically and geographically separated from the principal place of business and has the appearance of being a separate business.

NEW SECTION

WAC 308-90-040 DEALER REGISTRATION APPLICATION FORM. (1) Any person making application for registration for a dealer under chapter 7, Laws of 1983 shall, on a form provided by the director, provide the following information:

(a) The name, business name and principal place of business of the applicant.

(b) The name and resident address of all owners of ten percent or more of the assets of the firm.

(c) The name and resident address of the managing employee.

(d) The applicant's form and place of organization.

(e) That the applicant's business may be lawfully carried on in accordance with all applicable building codes, zoning and other land use regulations.

NEW SECTION

WAC 308-90-050 BRANCH LOCATION - SEPARATE REGISTRATION. Any branch location of the dealer shall be registered as a separate dealer under chapter 7, Laws of 1983.

NEW SECTION

WAC 308-90-060 **DISPLAY OF REGISTRATION.** The registration of a dealer shall be prominently displayed, visible to the public at the address appearing on the registration.

NEW SECTION

WAC 308-90-070 **DEALER REGISTRATION NUMBERS.** The director shall assign a registration number for each applicant registered as a dealer. The registration number shall be consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the Code of Federal Regulations. (Example: WN 7XXX DA)

(1) The dealer's registration number shall be displayed on all vessels owned by the dealer and:

(a) Used for a business purpose of the dealer, but not for use on loaned vessels or vessels rented or leased on a regular commercial basis;

(b) Held as a demonstration or inventory vessel;

(c) Held for the purpose of testing or making repairs.

(2) Rented, loaned or leased vessels shall be registered separately and display separate registration numbers pursuant to chapter 7, Laws of 1983.

(3) The vessel dealer shall display his/her registration number in three inch block numbers/letters on both sides of the forward one-half of the vessel. The registration number may be permanently fixed to the vessel or to a removable display fixture. The numbers/letters shall be displayed in a single line.

NEW SECTION

WAC 308-90-080 **REGISTRATION FEE - RENEWAL.** (1) Any person desiring to be a dealer must include with the application a registration fee of twenty-five dollars. Every registration issued under the provisions of chapter 7, Laws of 1983 expires on the date one year from the date of issue which date will henceforth be the renewal date. An annual registration renewal fee in the same amount must be paid on or before each renewal date. If an application for renewal is not received by the director on or before the renewal date the registration is expired. The registration may be reinstated at any time within the next succeeding thirty days upon payment of the annual renewal fee then in default. Registrations not renewed within thirty days of the renewal date then in default shall be cancelled. A new registration may be obtained by satisfying the procedures and qualifications for initial registration.

(2) The director shall issue renewal decals depicting the expiration of the registration upon receipt of a dealer's renewal fee. The dealer shall affix the decal as a prefix to the dealer registration number then in effect as displayed on the dealer's vessels.

NEW SECTION

WAC 308-90-090 **CHANGE OF BUSINESS LOCATION.** The dealer shall notify the director of any change of business location or mailing address prior to engaging in business at the new location. Notification

shall be made by filing a change of address application on a form provided by the director accompanied by the return of the registration issued to the former location or address.

NEW SECTION

WAC 308-90-100 **TERMINATION OF BUSINESS.** The registration shall be retained at all times by the dealer. When the dealer ceases to do business in the name or at the location set forth on the registration the dealer shall immediately notify the director of the termination and return the registration.

NEW SECTION

WAC 308-90-110 **STATEMENT OF CHANGE IN BUSINESS STRUCTURE, OWNERSHIP INTEREST OR CONTROL.** Any person, firm, association, corporation or trust registered as a dealer must, within ten days following any change in its business or ownership structure, file a statement describing with particularity the change effected in its business structure or the change in ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new corporate officers, directors, majority stockholders, managing partners, managing employee or trustees, must file within ten days of assuming such function.

WSR 83-14-062
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed July 1, 1983]

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 Allocation of income—Institutionalized recipient, amending WAC 388-95-360.

It is the intention of the secretary to adopt these rules on an emergency basis on July 1, 1983;

that the agency will at 10:00 a.m., Tuesday, August 9, 1983, in the General Administration Building Auditorium, Corner 11th and Columbia, 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 August 17, 1983.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

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

David A. Hogan, Director
 Division of Administration and Personnel
 Department of Social and Health Services

Mailstop OB 14
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 July 26, 1983. The meeting site is in a location which is barrier free.

Dated: July 1, 1983

By: David A. Hogan, Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-95-360.

Purpose of the Rule or Rule Change: To correct an error in Administrative Order No. 1964.

The Reason(s) These Rules are Necessary: Maintain expenditures within budgetary limitations.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: To correct, from "need" to "payment", the wording so that same as Administrative Order No. 1930, filed December 29, 1982.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Phone: 3-7316, Mailstop: LK-11.

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

AMENDATORY SECTION (Amending Order 1964, filed 6/1/83)

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) All institutionalized recipients will retain a specified personal needs allowance.

(2) The AFDC related individual in a medical facility is eligible to receive an amount as a cash assistance payment sufficient to bring income up to the personal needs allowance.

(3) SSI related recipients may retain the current personal needs allowance plus wages received for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for less restrictive placement. The total amount of wages received plus the personal needs allowance may not exceed the one person medically needy income level. There are no deductions for expenses of employment. When the total amount of wages received plus the initial personal needs allowance exceeds the one person medically needy income level, the excess wages are applied to the cost of care.

(4) In addition to the allocations in subsections (1) and (3) of this section, SSI related individuals residing in a medical facility throughout a calendar month are entitled to the following allocations of income as applicable:

(a) Maintenance needs of spouse not to exceed the one person medically needy income level;

(b) Maintenance needs of family adjusted for number of family members living at home, but not to exceed highest ((need)) payment standard for a family of same size under AFDC;

(c) Amounts for incurred medical expenses not subject to third-party payment including but not limited to:

(i) Health insurance premiums, co-insurance or deductible charges;

(ii) Necessary medical care recognized under state law but not covered under Medicaid;

(d) For a single person, maintenance of the home where the individual has been certified by a physician to need institutional care for no more than six consecutive months. See WAC 388-95-380(1)(a)(iv);

(i) Income thus exempted must be used to retain the independent living situation of an individual with no dependents through payment of such requirements as rent or mortgages, real estate taxes, insurance,

gas, electricity, oil, water or sewer necessary to maintain the home. Also see chapter 388-28 WAC;

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months;

(iii) The six-month period begins on the first of the month following date of admission for Medicaid eligible recipients or the date of eligibility for individuals changing from private to Medicaid, and ceases when the patient is discharged to an independent living arrangement or at the end of six months if the recipient has not been discharged;

(iv) CSO social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days. Also see chapter 388-28 WAC.

(5) Income remaining in subsections (1), (2), (3) or (4) of this section, will be used to compute payment of the participation amount (that income remaining after allocation of income) at the department rate.

WSR 83-14-063

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 1987—Filed July 1, 1983]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Allocation of income—Institutionalized recipient, amending WAC 388-95-360.

I, David A. Hogan, 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 in the process of transferring certain material from WAC 388-83-140 to 388-95-360 (Administrative Order #1964, filed 6/1/83), the department inadvertently changed a word it did not intend to change. The purpose of this amendment is to restore the old rule.

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 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 1, 1983.

By David A. Hogan, Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1964, filed 6/1/83)

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) All institutionalized recipients will retain a specified personal needs allowance.

(2) The AFDC related individual in a medical facility is eligible to receive an amount as a cash assistance payment sufficient to bring income up to the personal needs allowance.

(3) SSI related recipients may retain the current personal needs allowance plus wages received for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for less restrictive placement. The total amount of wages received plus the personal needs allowance may not exceed the one person medically needy income level. There are no deductions for expenses of employment. When the total amount of wages received plus the initial personal needs allowance exceeds the one person medically needy income level, the excess wages are applied to the cost of care.

(4) In addition to the allocations in subsections (1) and (3) of this section, SSI related individuals residing in a medical facility throughout a calendar month are entitled to the following allocations of income as applicable:

(a) Maintenance needs of spouse not to exceed the one person medically needy income level;

(b) Maintenance needs of family adjusted for number of family members living at home, but not to exceed highest ((~~need~~)) payment standard for a family of same size under AFDC;

(c) Amounts for incurred medical expenses not subject to third-party payment including but not limited to:

(i) Health insurance premiums, co-insurance or deductible charges;

(ii) Necessary medical care recognized under state law but not covered under Medicaid;

(d) For a single person, maintenance of the home where the individual has been certified by a physician to need institutional care for no more than six consecutive months. See WAC 388-95-380(1)(a)(iv);

(i) Income thus exempted must be used to retain the independent living situation of an individual with no dependents through payment of such requirements as rent or mortgages, real estate taxes, insurance, gas, electricity, oil, water or sewer necessary to maintain the home. Also see chapter 388-28 WAC;

(ii) Up to one hundred eighty dollars per month may be exempted from the individual's actual income based on the verified actual cost to retain the home during six consecutive months;

(iii) The six-month period begins on the first of the month following date of admission for Medicaid eligible recipients or the date of eligibility for individuals changing from private to Medicaid, and ceases when the patient is discharged to an independent living arrangement or at the end of six months if the recipient has not been discharged;

(iv) CSO social service staff shall document initial need for the income exemption and review the individual's circumstances after ninety days. Also see chapter 388-28 WAC.

(5) Income remaining in subsections (1), (2), (3) or (4) of this section, will be used to compute payment of the participation amount (that income remaining after allocation of income) at the department rate.

WSR 83-14-064
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 83-60—Filed July 1, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, 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 and 6C provide protection for summer-fall chinook during IPSFC sockeye management. Restrictions in Area 7 and 7A provide protection for summer-fall chinook during IPSFC sockeye management. Restrictions in Area 8 and the Skagit River provide protection for Baker River sockeye. Restrictions in Area 13A, the Nooksack, White Rivers and Minter Creek provide protection for spring chinook. Restrictions in Areas 6B, 9, 10, 10A, 10B, 10C, 10D and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Area 7C and the Samish River provide protection for chinook returning to the Samish hatchery.

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 1, 1983.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-28-304 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS Effective immediately 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, 6, and 6C – Drift gill net gear restricted to 5-7/8" maximum mesh when open.

*Area 6A – Gill net gear restricted to 5-7/8" maximum mesh when open.

Area 6B – Effective through July 16, gill net gear restricted to 6-1/2" minimum mesh, and all other gear must immediately release all sockeye when open.

*Areas 7 and 7A – Gill net gear restricted to 5-7/8" maximum mesh when open.

*Area 7C – Effective 8 AM July 3, closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish Island.

*Area 8 – Effective through August 1, gill net gear restricted to 6-1/2" minimum mesh, and all other gear must immediately release all sockeye when open.

Area 9 – Effective through July 16, gill nets restricted to 6-1/2" minimum mesh, and all other gear must immediately release all sockeye when open.

Area 10 – Effective through July 30, gill nets restricted to 6-1/2" minimum mesh, and all other gear must immediately release all sockeye when open.

Area 10A – Effective through July 14, gill nets restricted to 6-1/2" minimum mesh, and all other gear must immediately release all sockeye when open.

Areas 10B, 10C, 10D, and Cedar River – Closed to all commercial fishing.

Area 13A – Effective through July 31, closed to all net gear in that portion north of a line from Allen Point to the southernmost point of land on the eastern shore of Glen Cove.

*Nooksack River – Closed to all net gear effective as follows: Marietta Bridge to confluence of north and south forks, closed through July 15; upstream of the confluence, closed.

*White River and Minter Creek – Closed to all net gear through July 31.

*Skagit River – Mouth to Hamilton boat launch – gill net gear restricted to 6-1/2" minimum mesh. All other gear must immediately release all sockeye when open; Hamilton to Baker River confluence (a) effective through July 4, closed to all net gear, (b) effective July 5–August 1 gill net gear restricted to 6-1/2" minimum mesh, and all other gear must immediately release all sockeye when open; upstream of Baker River confluence, closed to all commercial fishing.

*Samish River – Effective 8 AM July 3, closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-303 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (82-43)

WSR 83-14-065
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
[Order 399—Filed July 5, 1983]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington 98504, the annexed rules relating to the adoption of an emergency rule describing hazardous area protected by the Department of Natural Resources which are closed to entry from midnight, July 5, 1983, through midnight, October 3, 1983, WAC 332-26-020, 332-26-030, 332-26-040 and 332-26-050.

I, Brian J. Boyle, 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 above described forest areas contain an abnormal concentration of forest fuels and because of the usual summer increase in drying conditions, are particularly exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.140 and is intended to administratively implement that statute.

The undersigned hereby declares that 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 1, 1983.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-020 OLYMPIC AREA CLOSURES. Grays Harbor, Jefferson, and Clallam counties.

Grays Harbor county, Township 18 North, Range 8 West: N1/2NW1/4, SW1/4NW1/4 of Section 5; NE1/4N1/2NW1/4 of Section 6; SE1/4 of Section 7; NW1/4SE1/4, S1/2SE1/4, SE1/4SW1/4 of Section 20; NE1/4, SW1/4SE1/4, E1/2NW1/4 of Section 28. Township 18 North, Range 9 West: NE1/4NE1/4 of Section 1; N1/2SE1/4, SW1/4SE1/4, E1/2SW1/4 of Section 30; All of Section 31. Township 19 North, Range 8 West: SE1/4NE1/4, NE1/4SE1/4, S1/2SE1/4, SE1/4SW1/4, NW1/4 of Section 4; S1/2NE1/4, N1/2SE1/4, SW1/4SE1/4, SW1/4, S1/2NW1/4 of Section 31. Township 20 North, Range 8 West: W1/2SE1/4, SW1/4, SW1/4NW1/4 of Section 23; NE1/4, N1/2SE1/4, SE1/4NW1/4 of Section 27. Township 20 North, Range 9 West: NE1/4, NW1/4SE1/4, E1/2NW1/4, NW1/4NW1/4 of Section 35.

Jefferson county, Township 25 North, Range 12 West: N3/4 of Section 1; E1/2NE1/4, NE1/4SE1/4 of Section 2; W3/4 of Section 4; All of Section 5; All of Section 6; NE1/4NW1/4 of Section 8; N1/2, except

SE1/4NE1/4 of Section 9. Township 25 North, Range 13 West: N1/2 of Section 1; N1/2, N1/2SW1/4 of Section 2; All of Section 3; S1/2SE1/4 of Section 4; E1/2 of Section 9; N1/2 of Section 10. Township 26 North, Range 12 West: E1/2SE1/4 of Section 14; E1/2NE1/4, SW1/4NE1/4 S. of Nolan Cr., SE1/4NW1/4 S. of Nolan Cr., SE1/4, E1/2SW1/4 of Section 23; All of section 24; All of Section 25; All except W1/2NW1/4 of Section 26; SE1/4, S1/2SW1/4 South of 1714 Road of Section 27; SE1/4SE1/4, S1/2SE1/4 South of 1714 Road S1/2SW1/4 South of 1714 Road of Section 28; All of Section 31; S1/2SE1/4 of Section 32; W1/2, except NE1/4NW1/4 of Section 33; E1/2NE1/4 of Section 34; All except W1/2SW1/4 of Section 35; All of Section 36. Township 26 North, Range 13 West: N1/2 of Section 3; NW1/4 & N1/2SW1/4 of Section 15; SW1/4, Lot 7, & Lot 9 of Section 21; SE1/4 of Section 24; S1/2, NE1/4 of Section 25; S1/2 of Section 26; All of Section 35; All of Section 36.

Clallam county, Township 28 North, Range 14 West: SE1/4NE1/4 North of Kilmer Road of Section 19; W1/2NW1/4 North & West of Kilmer Road; E1/2SE1/4 South of LaPush County Road of Section 20. Township 29 North, Range 13 West: Lots 1, 2, 3 & 4 of Section 5; W1/2SE1/4, SE1/4SE1/4 of Section 7; NW1/4NE1/4 of Section 18. Township 29 North, Range 14 West: E1/2SW1/4 of Section 12; NE1/4NW1/4, W1/2, NE1/4 West of East Fork Dickey of Section 13. Township 29 North, Range 15 West: S1/2NW1/4 S of 5050 Road, N1/2SW1/4, W1/2SE1/4 of Section 22; SW1/4 of Section 24; N1/2NW1/4 & SW1/4NW1/4 of Section 25; SW1/4 of Section 28; All except S1/2SE1/4 of Section 33. Township 30 North, Range 13 West: S1/2NE1/4, SE1/4, E1/2SW1/4 of Section 23; W1/2 West of 9000 RC of Section 24; All of Section 31.

All the area in the Quinault Indian Reservation north of the Quinault River in Grays Harbor and Jefferson counties, except the portion described as Township 23 North, Range 9 and Range 10 West, and Township 22 North, Range 10 West.

This rule will not apply to Indian people of the Quinault Nation under trust status.

For protection of the above described areas against fire the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

When, in the opinion of the area manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the area manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again

becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, July 5, 1983 to midnight October 3, 1983.

NEW SECTION

WAC 332-26-030 NORTHEAST AREA CLOSURES. Stevens county.

Stevens county, Township 36 North, Range 42 East: SW1/4, Pt S1/2NW1/4 of Section 29; E1/2SE1/4, S1/2SW1/4SE1/4, SE1/4NE1/4 of Section 30; E1/2NE1/4, NW1/4NE1/4, E1/2SE1/4SE1/4 of Section 31; W1/2 of Section 32. Township 35 North, Range 42 East: Pt W1/2NW1/4 of Section 5; NE1/4NE1/4, NE1/4SE1/4NE1/4 of Section 6.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

When, in the opinion of the area manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the area manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

Effective from midnight, July 5, 1983 to midnight, October 3, 1983.

NEW SECTION

WAC 332-26-040 CENTRAL AREA CLOSURES. Lewis, Thurston, Pacific, and Grays Harbor counties.

Lewis county, Township 11 North, Range 5 West: Parts of SW1/4 of Section 1; All except parts of NE1/4 of Section 2; All except parts of N1/2NE1/4 of Section 3; All of Section 4; All of Section 5; All of Section 6; Parts of N1/2 lying N of Sage Creek of Section 7; All except parts of SW1/4 lying W of 1000 Road of Section 8; All of Section 9; All except SE1/4SE1/4 of Section 10; Parts of N1/2 and parts of NW1/4SW1/4 lying N of Salmon Creek of Section 11; Parts of E1/2NE1/4 lying N and W of Salmon Creek, NW1/2 of Section 12. Township 12 North, Range 4 West: S1/2, S1/2N1/2 of Section 7; All except parts of SE1/4SE1/4 lying SE of 4000 Road of Section 17; N1/2 of Section 18. Township

12 North, Range 5 West: Parts of NE1/4 of Section 10; All except parts of SW1/4SW1/4 of Section 11; All except parts of N1/2NE1/4 of Section 12; All except W1/2SW1/4 of Section 13; Parts of NE1/4 of Section 14; Parts of S1/2S1/2 of Section 29; Parts of S1/2S1/2 of Section 30; All except parts of W1/2NW1/4 of Section 31; All except parts of NE1/4NE1/4 of Section 32; Parts of S1/2NW1/4, SW1/4, parts of SE1/4 lying W of 1000 Road of Section 33. Township 13 North, Range 3 East: S1/2 of Section 3; All of Section 5; All of Section 9; All of Section 11; All of Section 13; Parts of N1/2 and SE1/4 all N of Ridgetop Road of Section 15; All of Section 17. Township 14 North, Range 2 East: All of Section 1; All of Section 2; E1/2 of Section 3; E1/2 of Section 11; All of Section 12; All of Section 13; E1/2 of Section 14; NE1/2, SE1/4 of Section 24. Township 14 North, Range 3 East: All of Section 1; N1/2 of Section 3; N1/2 of Section 4; N1/2 of Section 5; All of Section 6; All of Section 7; All of Section 12; All of Section 18; All of Section 19. Township 14 North, Range 4 East: All of Section 6; W1/2 of Section 7. Township 14 North, Range 5 East: Parts of SE1/4 of Section 20; All of Section 21; All of Section 22; Parts of W1/2 and SE1/4 all S of Road #1 of Section 23; Parts of SW1/4, S of Road #1 of Section 24; Parts of W1/2 and W1/2E1/2 all S or W of Road #1 of Section 25; All of Section 26; All of Section 27; All of Section 28; Parts of E1/2, E of Hwy 7 of Section 29; Parts of NE1/4 of Section 32; Parts of N1/2 of Section 33; N1/2, SE1/4, NE1/4SW1/4, parts of NW1/4SW1/4, parts of SW1/4SW1/4, parts of SE1/4SW1/4 of Section 34; All of Section 35. Township 15 North, Range 3 East: All of Section 31; All of Section 32; All of Section 33; S1/2 of Section 34. Township 15 North, Range 4 East: All of Section 30; All of Section 31.

Thurston county, Township 15 North, Range 3 East: All of Section 13; E1/2 of Section 14. Township 15 North, Range 4 East: W1/2 of Section 18; W1/2 of Section 19. Township 16 North, Range 1 West: Parts of S1/2SE1/4 of Section 8; Parts of NE1/4 and NE1/4SW1/4, NE1/4NW1/4, NW1/2SE1/4 of Section 17.

Pacific county, Township 11 North, Range 7 West: SE1/4 of Section 1; S1/2 of Section 3; S1/2, NW1/4 of Section 4; E1/2 of Section 8; All of Section 9; All of Section 10; E1/2 of Section 12; NE1/4 of Section 13; W1/2, NE1/4 of Section 15. Township 11 North, Range 6 West: N1/2 of Section 3; N1/2 of Section 4; N1/2, SW1/4 of Section 5; All of Section 7; NW1/4 of Section 8; All of Section 18. Township 12 North, Range 6 West: SW1/4 of Section 27; S1/2 of Section 28; All of Section 32; All of Section 33; All of Section 34; All of Section 35. 7800 Road is a corridor.

Grays Harbor county, Township 17 North, Range 6 West: SE1/4SE1/4 of Section 8; S1/2SE1/4, SW1/4SW1/4 of Section 9; E1/2, SW1/4SW1/4, E1/2NW1/4 of Section 15; NW1/4NE1/4, SE1/4SE1/4, NW1/4NW1/4 of Section 16; E1/2NE1/4 of Section 17; NE1/4, N1/2SE1/4 of Section 21; W1/2NE1/4, NW1/4SE1/4, NW1/4 of Section 22. Township 18 North, Range 6 West: SW1/4SE1/4, E1/2SW1/4 of Section 14; S1/2SE1/4,

SE1/4SW1/4 of Section 15; E1/2NE1/4 of Section 21; N1/2, NE1/4SW1/4, NW1/4SE1/4 of Section 22; W1/2, NW1/4SE1/4, SE1/4NE1/4, W1/2NE1/4 of Section 23; N1/2NW1/4, NW1/4NE1/4 of Section 24. Township 18 North, Range 8 West: N1/2NW1/4, SW1/4NW1/4 of Section 5; NW1/4SE1/4, S1/2SE1/4, SE1/4SW1/4 of Section 20.

When, in the opinion of the area manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area of closure at the access points.

When, in the opinion of the area manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Tuesday July 5, 1983 to midnight, Monday October 3, 1983.

NEW SECTION

WAC 332-26-050 NORTHWEST AREA CLOSURES. Whatcom, Skagit, and Snohomish counties.

Whatcom county, Township 40 North, Range 6 East: NE1/4, NE1/4NW1/4SE1/4, N1/2NE1/4SE1/4, SE1/4NE1/4SE1/4 (PCT Slash) of Section 10; NW1/4NW1/4, N1/2NE1/4NW1/4, W1/2SW1/4NW1/4, W1/2NW1/4SW1/4 (PCT Slash) of Section 11; NW1/4SE1/4, NE1/4SE1/4, NW1/4SW1/4SE1/4, SE1/4SW1/4NE1/4 of Section 22; S1/2N1/2SW1/4, E1/2SW1/4SW1/4, SE1/4SW1/4, SW1/4SW1/4SE1/4 of Section 23; N1/2NE1/4NW1/4, NW1/4NE1/4, N1/2SE1/4NE1/4, W1/2W1/2NE1/4NE1/4 of Section 26. Township 39 North, Range 6 East: SE1/4NW1/4NE1/4, E1/2SW1/4NE1/4, E1/2NW1/4SW1/4NE1/4, SW1/4NE1/4NE1/4, W1/2SE1/4NE1/4, W1/2E1/2SE1/4NE1/4, E1/2, E1/2NW1/4SE1/4, W1/2NE1/4SE1/4, E1/2SW1/4SE1/4, W1/2SE1/4SE1/4, W1/2E1/2SE1/4SE1/4 (PCT Slash) of Section 19; SE1/4SW1/4SW1/4, NE1/4SW1/4SW1/4SW1/4, S1/2S1/2SE1/4SW1/4 (PCT Slash) of Section 29; N1/2NW1/4NE1/4NW1/4, E1/2NE1/4NW1/4, NW1/4NW1/4NE1/4, S1/2NW1/4NE1/4, S1/2NE1/4NW1/4NE1/4, SW1/4NE1/4NE1/4 (PCT Slash) of Section 32; NW1/4NW1/4, E1/2SE1/4, S1/2NE1/4SE1/4 of Section 33. Township 39 North, Range 5 East: W1/2NE1/4 of Section 24.

Township 37 North, Range 6 East:
 SE1/4NW1/4SE1/4, SE1/4SW1/4,
 SE1/4SW1/4SW1/4, SW1/4SE1/4,
 SW1/4SE1/4SE1/4 (PCT Slash) of Section 15;
 NE1/4NW1/4NW1/4, N1/2NE1/4NW1/4,
 SE1/4NE1/4NW1/4, E1/2SE1/4NW1/4,
 W1/2NE1/4, W1/2NE1/4NE1/4,
 SE1/4NE1/4NE1/4, SE1/4NE1/4,
 N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4,
 E1/2NE1/4SW1/4SE1/4, E1/2SE1/4 (PCT Slash) of
 Section 22; NW1/4SW1/4SW1/4, S1/2SW1/4SW1/4
 (PCT Slash) of Section 23; NE1/4NE1/4,
 E1/2SE1/4NE1/4, NE1/4SE1/4 of Section 32;
 W1/2W1/2, SW1/4SE1/4NW1/4,
 N1/2NE1/4SW1/4, SW1/4NE1/4SW1/4,
 S1/2SE1/4SW1/4, NW1/4SE1/4SW1/4,
 W1/2NE1/4SE1/4SW1/4, S1/2SW1/4SE1/4,
 S1/2N1/2SW1/4SE1/4, SE1/4SE1/4 of Section 33;
 SW1/4SW1/4, W1/2E1/4SW1/4,
 W1/2SE1/4SE1/4SW1/4 of Section 34.

Skagit county, Township 36 North, Range 8 East:
 SE1/4NW1/4, NE1/4SW1/4, S1/2SW1/4,
 SW1/4NE1/4, W1/2SE1/4, SE1/4SW1/4 of Section
 17; W1/2, NW1/4SE1/4, S1/2SE1/4,
 N1/2NE1/4SW1/4NE1/4 of Section 18; All except
 SE1/4SE1/4, E1/2NE1/4SE1/4 of Section 19;
 NW1/4, NW1/4NE1/4, N1/2SW1/4NE1/4 of Section
 20. Township 36 North, Range 7 East: W1/2NE1/4,
 W1/2, SE1/4, leave corridor along #280 road; all other
 roads off #280 road closed of Section 6;
 SW1/4SW1/4NW1/4 of Section 17; S1/2NE1/4,
 N1/2SE1/4 north of the Nooksack River of Section 18;
 S1/2S1/2NW1/4, S1/2NE1/4, S1/2 except the
 S1/2S1/2SW1/4 of Section 22; S1/2SW1/4,
 NW1/4SW1/4, S1/2SE1/4 of Section 23;
 NE1/4SW1/4, S1/2S1/2 of Section 24; N1/2N1/2 of
 Section 25; NE1/4NE1/4, N1/2NW1/4NE1/4 of Sec-
 tion 26. Township 36 North, Range 6 East:
 W1/2SW1/4 of Section 2; S1/2S1/2NW1/4, SW1/4,
 NW1/4SE1/4, SW1/4NE1/4,
 N1/2N1/2NW1/4NW1/4, NW1/4NE1/4NW1/4 of
 Section 3; S1/2SE1/4SW1/2, NE1/4NE1/4SW1/4,
 S1/2S1/2SE1/4, N1/2SE1/4 of Section 4;
 N1/2NE1/4NW1/4, N1/2NE1/4,
 NE1/4SE1/4NE1/4 of Section 9; N1/2 of Section 10;
 NW1/4NW1/4NW1/4 of Section 11. Township 36
 North, Range 5 East: Leave corridor along #150 Road.
 All Roads off #150 Road closed. Leave corridor along
 #155 Road. All roads off #155 Road closed.
 S1/2SW1/4, NW1/4SW1/4 of Section 3;
 E1/2NW1/4, S1/2SW1/4, SE1/4 of Section 10; All of
 Section 15; All of Section 22; NW1/4, S1/2 includes
 PCT of Section 23. Township 35 North, Range 11 East:
 W1/2NE1/4NW1/4, SE1/4NW1/4, W1/2SW1/4,
 W1/2E1/2SW1/4 (PCT Slash) of Section 30;
 NW1/4NW1/4, W1/2NE1/4NW1/4 (PCT Slash) of
 Section 31. Township 35 North, Range 9 East:
 S1/2SW1/4SE1/4, SE1/4SE1/4SW1/4 of Section 8;
 N1/2NE1/4, NE1/4NE1/4NW1/4 of Section 17.
 Township 35 North, Range 8 East: SE1/4NW1/4, S1/2
 of Section 26; S1/2NW1/4, S1/2 of Section 27; NE1/4,
 SE1/4NW1/4, SW1/4, W1/2SE1/4 of Section 28;

N1/2NW1/4, SE1/4SE1/4, E1/2NE1/4NE1/4,
 SE1/4NW1/4, E1/2SW1/4NW1/4,
 NE1/4NW1/4SW1/4, NE1/4SW1/4, NW1/4SE1/4,
 NE1/4SE1/4SW1/4, N1/2SW1/4SE1/4 of Section 33;
 S1/2NW1/4NW1/4, W1/2W1/2SW1/4,
 SE1/4NE1/4, E1/2SE1/4 of Section 34; W1/2,
 NE1/4, NE1/4SE1/4 of Section 35. Township 34
 North, Range 9 East: S1/2NW1/4SE1/4,
 SW1/4SE1/4, SW1/4NE1/4SE1/4,
 W1/2SE1/4SE1/4, E1/2SE1/4NE1/4SW1/4,
 E1/2SE1/4SW1/4 (PCT Slash) of Section 23;
 W1/2NE1/4NW1/4, SE1/4NW1/4,
 N1/2NE1/4SW1/4, W1/2NE1/4, E1/2NE1/4NE1/4,
 NW1/4SE1/4NE1/4, NW1/4NW1/4SE1/4 (PCT
 Slash) of Section 26. Township 34 North, Range 8 East:
 S1/2SE1/4NE1/4, N1/2NE1/4SE1/4, SW1/4SW1/4
 (PCT Slash) of Section 1; N1/2NW1/4 north of the
 U.S. Forest Service road (PCT Slash) of Section 12.

Snohomish County, Township 32 North, Range 7
 East: SE1/4SW1/4 of Section 2; SE1/4SE1/4,
 SE1/4NE1/4 north of road, NW1/4NE1/4,
 SE1/4NW1/4 of Section 23; SW1/4NW1/4,
 S1/2SW1/4 of Section 24; N1/2N1/2 of Section 25;
 NE1/4NE1/4 of Section 26. Township 31 North, Range
 7 East: W1/2SE1/4 of Section 21; NE1/4SW1/4 of
 Section 22; N1/2NW1/4, S1/2SW1/4, SW1/4SE1/4
 of Section 27; NE1/4NE1/4, S1/2SE1/4 of Section 28;
 W1/2SE1/4, E1/2SW1/4, NW1/4NE1/4 of Section
 29; N1/2NE1/4, SE1/4NE1/4 of Section 32; N1/2 of
 Section 33; NW1/4, NW1/4SW1/4 of Section 34;
 W1/2NE1/4, W1/2SE1/4, SE1/4SW1/4 of Section
 36. Township 30 North, Range 7 East: N1/2NW1/4 of
 Section 2; E1/2E1/2 of Section 3; N1/2SE1/4,
 SW1/4NE1/4 of Section 8; W1/2SE1/4, E1/2SE1/4
 of Section 11; S1/2NW1/4 south of river of Section 12;
 W1/2SW1/4, SW1/4NW1/4, SE1/4SW1/4 of Section
 14; E1/2SE1/4 east of Mud Lake, NW1/4NE1/4 of
 Section 15; NW1/4NW1/4 of Section 16;
 NE1/4NE1/4, NW1/4, W1/2SW1/4 of Section 22;
 NW1/4NW1/4, NW1/4SW1/4 of Section 23;
 SW1/4SE1/4 of Section 24; N1/2SE1/4, N1/2SW1/4,
 N1/2NE1/4 of Section 25; SE1/4 of Section 26; Por-
 tion of SW1/4SW1/4 (until burned) of Section 29;
 E1/2NW1/4, W1/2NE1/4, NW1/4SE1/4 (until
 burned) of Section 32; NE1/4NE1/4 of Section 35.

When, in the opinion of the area manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the area manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Tuesday July 5, 1983, to midnight, Monday October 3, 1983.

WSR 83-14-066
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON UNIVERSITY
 [Memorandum—July 5, 1983]

Board of Trustees
Revised 1983 Meeting Schedule

<u>Date</u>	<u>Time</u>	<u>Location</u>
Thursday, July 28	1:00 p.m.	Higher Education Center W. 705 1st Street Spokane, WA 99204
NO AUGUST MEETING		
Thursday, September 22	1:00 p.m.	Pence Union Building Council Chambers, EWU
Thursday, October 27	1:00 p.m.	Higher Education Center W. 705 1st Street Spokane, WA 99204
Thursday, November 17*	1:00 p.m.	Pence Union Building Council Chambers, EWU

* One week early due to Thanksgiving

WSR 83-14-067
NOTICE OF PUBLIC MEETINGS
PENINSULA COMMUNITY COLLEGE
 [Memorandum—July 1, 1983]

The board of trustees of Community College District No. 1, Peninsula College, meeting in regular session on June 15, 1983, voted to change its summer meeting schedule. A board meeting will be held on Wednesday, July 20, 1983, at 3 p.m., in the board room at Peninsula College. The meeting scheduled for August 17, 1983, has been cancelled.

WSR 83-14-068
ADOPTED RULES
PENINSULA COMMUNITY COLLEGE
 [Order 7, Resolution No. 83-09-041—Filed July 5, 1983]

Be it resolved by the board of trustees of Community College District No. 1, of the Peninsula College, acting at Peninsula College, Port Angeles, Washington, that it does adopt the annexed rules relating to new sections – scholastic standards – admission, assessment and placement, advanced placement in English, grading, honor roll, academic probation, transfer policies, armed services courses, college level examination program (CLEP). Amendatory sections – drugs and narcotics,

trespass, responsibility for discipline, disciplinary procedures, discipline and due process, disciplinary committee, application and registration, foreign students, tuition refund policy, definition of student. Community College District No. 1 proposes to adopt the annexed rules relating to: Scholastic standards which set forth college policy for this subject area, drugs and narcotics, trespass, responsibility for discipline, disciplinary procedures, discipline and due process, disciplinary committee to define the administrative responsibility for the implementation of the rules, foreign students to reflect the considerable revision in financial responsibility and English competency level requirements for admission, and tuition refund policy to include rules which apply to the summer school schedule. Community College District No. 1 proposes to repeal rule relating to testing, as the rule no longer applies and current procedures are included in chapter 132A-165 WAC.

This action is taken pursuant to Notice No. WSR 83-09-041 filed with the code reviser on April 19, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of the board of trustees of Community College District No. 1 as authorized in chapters 28B.50, 28B.15 and 28B.10 RCW.

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 June 15, 1983.

By Paul G. Cornaby
 President of Peninsula College
 Secretary to the Board of Trustees

Chapter 132A-165
SCHOLASTIC STANDARDS

WAC	
132A-165-005	Admission
132A-165-015	Assessment and Placement
132A-165-025	Advanced Placement in English
132A-165-035	Grading
132A-165-045	Honor Roll
132A-165-055	Academic Probation
132A-165-065	Transfer Policies
132A-165-075	Armed Services Courses
132A-165-085	College Level Examination Program (CLEP)

NEW SECTION

WAC 132A-165-005 **ADMISSION.** (1) Admission to the College: a person must be 18 years of age or older or must be a high school graduate. Consideration will be given for admission to some college classes of persons who are currently enrolled in a regular high school program, can provide evidence of satisfactory

progress toward high school graduation, can provide evidence of ability to benefit from college coursework, and have the approval of the principal of the high school attended and also the college registrar.

(2) Admission to programs: admission to the College does not guarantee admission into specific vocational education programs. Separate application must be made for these programs. The number of students enrolling in vocational courses is limited to the number of clinical and/or laboratory spaces available to each program. Some programs also have specific academic and/or physical requirements to be met by students entering the program.

(a) Admission is in order of registration for fisheries technology, engineering technology, mid-management, accounting, secretarial, real estate, and forestry technology.

(b) Admission is in order of application for automotive mechanic and heavy-diesel mechanic.

(c) Admission is in order of application for the industrial electronics program. A prerequisite for admission to the program is completion of Mathematics 101 or two years of high school algebra.

(d) Applicants are selected by a college nursing admittance committee from among all candidates who meet the required academic and physical criteria. To be considered for admission to the licensed practical nurse and/or associate degree nurse programs, an applicant must be either a high school graduate or have completed the GED; have completed biology, chemistry, and algebra (or equivalent in either high school or college; be in good physical and mental health; meet the criteria for enrollment in college-level courses; complete the application process between June 1 and February 15 in order to be considered for admission to the course beginning the next fall quarter.

(3) Applicants who have been recommended for admission to the nursing program are required to have complete physical examinations, an update of all immunizations, a urinalysis, blood test, and a tuberculin test.

(4) Some medical conditions may affect an applicant's acceptance into the nursing program. These conditions are examined by the nursing admittance committee as part of the total evaluation process. The judgment and expertise of the nursing admittance committee will be given major consideration in making all admittance decisions.

NEW SECTION

WAC 132A-165-015 **ASSESSMENT AND PLACEMENT.** (1) All incoming students registering for degree-level courses must be evaluated for English and mathematics achievement. This requirement will not apply to students who register for evening classes only (courses beginning after 5 p.m.) or to students registering only for courses which have no skills prerequisite.

(2) All incoming students must meet the established minimum English and mathematics achievement-level requirements before entry into degree or certificate programs. The attainment of minimum levels of achievement is a prerequisite to registration in any program, is

established by program, and will vary according to particular program requirements. The College reserves the right to deny students entrance to specific programs if they do not meet established achievement-level requirements.

(3) Students who do not meet the minimum requirements will be assigned to a developmental advisor for placement and academic guidance.

(4) English and mathematics achievements levels are established by administrative decision and are based upon reasonable expectations of student performance in academic and vocational instructional programs. These requirements may vary as deemed appropriate or necessary to the College.

(5) All procedures and requirements established separately for the administration of this policy are adjunct to and a part of this policy.

NEW SECTION

WAC 132A-165-025 **ADVANCED PLACEMENT IN ENGLISH.** Peninsula College will grant English credit to entering students based upon certain levels of performance in the advanced placement English examinations administered by the College Entrance Examination Board. A maximum of ten quarter credit hours may be granted. Registered Peninsula College students who apply for advanced placement credit must request that official transcripts of advanced placement scores be sent directly from the College Entrance Examination Board to the college registrar. The registrar will notify applicants for advanced placement credits of the number of credits to be granted and the courses in which credit will be allowed.

Advanced placement English credits granted by Peninsula College will be contingent upon completion of at least thirty quarter hours of credit at Peninsula College with a cumulative grade point average of 3.0 or higher. Advanced placement credit will not be included as part of the thirty required hours. Advanced placement credit will be entered upon student transcripts as "Pass" credit and will carry no grade points.

NEW SECTION

WAC 132A-165-035 **GRADING.** Peninsula College instructors are responsible for evaluating student performance in the courses they teach. Evaluation is made in accordance with the grading pattern: A, B, C, D, E, and at the end of each quarter a copy of grades and credits earned is mailed to the address listed on the student's registration.

Students who withdraw from a course prior to the last 30 calendar days of the quarter receive a W.

An incomplete (I) is given by the instructor who determines that for good and sufficient reasons the student has been unable to finish the required coursework. A memorandum signed by the instructor, stating the nature of work to be made up, is filed with the office of the registrar at the time grades are recorded.

NEW SECTION

WAC 132A-165-045 ✓ **HONOR ROLL.** A student who is enrolled for at least 12 quarter hours of credit in courses for which grade points are assigned, receives no incompletes, and earns a grade-point average of not less than 3.85 will be listed on the president's list; those earning 3.25 to 3.84 will be on the honor roll.

NEW SECTION

WAC 132A-165-055 ✓ **ACADEMIC PROBATION.** A student whose cumulative grade-point average falls below 2.00 is placed on probation. If the student does not complete 10 credits with a grade-point average of 2.00 or above during the probationary quarter, he/she is dismissed from the college. To apply to readmission to the college, the student must meet with an adviser or with a counselor to draft a letter of petition for readmission to submit to the scholastic standing committee. The committee, if necessary, will schedule a hearing with the student, review the records, and make a decision regarding readmission. It is understood that readmission to the college does not guarantee admission to all courses or any specific vocational program.

A course in which a grade of less than C is received may be repeated one time. Only the grade earned in a repeated course is used in computing the grade-point average. The student should initiate the request for a grade-point recomputation by a written request to the registrar. A person who has not been enrolled for a period of two or more years at Peninsula College may petition to have previously earned Peninsula College grades disregarded in computing a grade-point average.

NEW SECTION

WAC 132A-165-065 ✓ **TRANSFER POLICIES.** Peninsula College has set its general education requirements for the Associate of Arts degree to conform with guidelines of the Washington Intercollege Relations Council for direct transfer of AA degree credits. Senior colleges and universities also accept these guidelines or have separate agreements with Peninsula College to grant junior status. They consider their general education requirements fulfilled for students entering with the AA degree.

In general, Peninsula College routinely grants credit for baccalaureate-oriented courses completed at accredited institutions of higher education.

Credit for vocational-oriented courses is at the discretion of the department or division chairperson of the applicable program in conjunction with the dean of instruction.

Regardless of institutional accreditation, Peninsula College does not grant credit for religion or theology courses that are sectarian in nature.

NEW SECTION

WAC 132A-165-075 ✓ **ARMED SERVICES COURSES.** When armed services courses are directly related to a student's course of study or program at Peninsula College, credit may be awarded for use toward

a specific degree or certificate. Procedure for requesting a formal evaluation of credit may be obtained from the registrar's office. A formal evaluation of credits may be done after a student has completed a minimum of 24 credits at Peninsula College; however, a student may meet with the dean of instruction prior to completion of the 24 credits to discuss the probability of obtaining credit for certain Armed Services courses.

NEW SECTION

WAC 132A-165-085 ✓ **COLLEGE LEVEL EXAMINATION PROGRAM (CLEP).** CLEP tests are accepted for credit provided the student obtains a standard score of 500 or above on any of the general examinations or a standard score of 50 or above on any of the subject area examinations. Up to nine credits may be allowed for successful completion of a general area test and up to five credits for a subject area test. Credits obtained through these sources become a part of the student's record only after he/she has satisfactorily completed 24 quarter credits at Peninsula College with a minimum cumulative grade-point average of 2.00.

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-120-015 ✓ **DRUGS AND NARCOTICS.** The ((⊕))use, possession, sale, or provision to others by any student of narcotics and/or drugs which are prohibited by local, state, or federal laws, except when specifically prescribed as medication by an authorized medical agent, on campus or at college-related or sponsored activities elsewhere will be cause for disciplinary action.

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-120-040 ↓ **TRESPASS.** (1) ~~((The president of the college or, in such president's absence, his designee, is authorized in the instance of any event that 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))~~ Should an event or incident occur which the college president or his representative deems to be disruptive of the orderly operation of the college or threatening to students and/or employees, an impedance to the movement of persons or vehicles on campus, or a barrier to the ingress and/or egress to campus facilities, the president or his representative shall have power 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))~~ of trespass to any person, persons, or group of persons ((against)) for whom the license or privilege to

enter has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of the college facility, which college facility is owned and/or operated by the college.

(c) Order any person, persons, or group of persons to leave or vacate all or any portion of college facilities 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))~~ representative pursuant to the requirements of this rule shall, in addition to violation of criminal law, also be subject to disciplinary action.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-120-045 RESPONSIBILITY FOR DISCIPLINE. (1) ~~((Determination of student misconduct, in light of the existing code of conduct and college policies and state laws, is primarily the responsibility of the dean of students to administer according to the procedure accepted by the college board of trustees))~~ The director of student activities will identify instances of student misconduct in compliance with the student code of conduct, college policies, state laws, and procedures approved and authorized by the college trustees.

(2) ~~((The instructor is responsible for))~~ Instructors have authority to regulate student conduct within ((his)) classrooms or related environs. ((The)) Instructors may take actions necessary, including dismissal from class, to assure the maintaining of order and proper conduct in the classrooms. When a student is acting in such a manner that these objectives cannot be met and ((he)) has been dismissed from class, the ((dean of students)) director of student activities is to be notified immediately. A ((detailed)) written report must be submitted detailing the condition of this action and dismissal at the earliest convenient time.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-120-050 DISCIPLINARY PROCEDURES. (1) When non-academic college disciplinary action is deemed necessary, the proceedings will be initiated by the ~~((dean of students or his designee))~~ director of student activities. The initial contact will be through an informal interview at which time the charges against the student will be presented to him/her and any contemplated penalties will be revealed. The right of the student to a fair and impartial hearing before the student disciplinary committee ~~((with))~~ also will be explained.

(2) After reviewing the charges, interviewing the student, and considering all evidence, the ~~((dean of students))~~ director of student activities may take any of the following actions:

(a) Terminate the proceeding and notify proper individuals of the decision to exonerate the student.

(b) Dismiss the case after setting up a sequence of meetings for additional counseling and/or advisement.

(c) Impose minor sanctions such as warning or reprimand. ~~((This usually is accompanied by a letter stating the situation and the fact that the student has been placed on "limited probation." This letter is signed by the student as well as the dean of students. Limited probation means that the student has been warned but that the nature of the problem was such that no major sanction was deemed necessary. A copy of this letter is given to the student and the other is placed in his file with a date when the student's case is to be reviewed. The letter will be removed with no permanent record being kept if there has been no repetition of undesirable behavior during the stipulated period. In addition to the letter, the case may be referred to a professional counselor or a faculty member for follow-up assistance))~~ A warning or reprimand places the student on limited probation. Such sanction shall be put in writing and conveyed to the student and shall be acknowledged by the student in writing. Failure to acknowledge as required shall be grounds for dismissal. Students shall be furnished with copies of all pertinent documents.

(d) ~~((Impose major sanctions such as suspension or a disciplinary action such that it might become part of his permanent record. This action would require that the sequence described under DUE PROCESS would be initiated. If the student wishes to appeal his case to the disciplinary committee after a decision has been reached by the dean of students, he will have this prerogative))~~ Forward a recommendation to the college president that the student be dismissed, suspended, or made subject to such other major disciplinary action as may be appropriate. In such an instance, the student may request a hearing and due process before being dismissed or suspended.

(3) ~~((In certain cases, the dean))~~ The director of student activities may ((wish)) choose to refer ((the problem)) a student disciplinary matter to the disciplinary committee for ((their)) its recommendation. In this case the student will be entitled to the sequence of steps outlined ~~((the DUE PROCESS policy))~~ 4.040.11, Discipline and Due Process. The recommendation of the disciplinary committee will be used in formulating the disciplinary action finally ~~((arrived at by the dean of students))~~ determined.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-120-055 DISCIPLINE AND DUE PROCESS. (1) A notice in writing of the charges,

~~((should be given to the student which includes the specific regulation alleged to be violated and the name of the complaining witnesses)) including the specific regulation or regulations alleged to be violated and the name(s) of the complaining witness(es), shall be given to the student.~~

(2) A notice in writing of the date, time, and place of the hearing relative to the charges and the general nature of the proceedings ~~((should))~~ shall be given to the student charged, including a statement that a new hearing date will be fixed if additional time to prepare a response to the charges is desired.

(3) Notice ~~((should))~~ shall be given in writing that an opportunity to present information to establish innocence of the charges or mitigation of the circumstances will be afforded, including a specific statement that supporting witnesses or statements will be welcomed and that the student may have assistance or utilize a spokesman in the presentation of his/her position at the hearing.

(4) The student ~~((should))~~ shall be advised prior to receipt of any evidence at the hearing that he/she will not be required to give evidence which may be self-incriminating.

(5) A summary of all of the evidence presented at the hearing ~~((should))~~ shall be made available for the student's inspection at some ~~((stage))~~ state of the proceeding, preferably prior to final determination by the hearing body.

(6) ~~((An independent))~~ A review of the final recommendation of the hearing body and the actions of the official imposing ~~((the))~~ sanctions ~~((determined should))~~ shall be conducted by ~~((a higher authority. The entire record which ideally would include a verbatim account of the information and testimony presented at the hearing, should be considered by the reviewing official))~~ the college president, who shall review the entire record of proceedings and shall make the final decision as to the disposition of the case.

(7) ~~((The entire))~~ All proceedings must be conducted in an atmosphere of fairness and in a manner which preserves the rudiments of an ~~((adversary))~~ adversarial proceeding.

(8) The student in question may attend classes until ~~((a decision of final action is reached))~~ the final review has been made and a decision rendered.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-120-060 ↓ DISCIPLINARY COMMITTEE. The Peninsula College Disciplinary Committee made up of three faculty members and three students, will hear all disciplinary cases referred to it by the ~~((dean of students))~~ director of student activities, the president, or when ~~((they are so))~~ requested by a student. This committee is charged with providing for the student a fair and impartial hearing. It shall be the responsibility of ~~((this))~~ the committee to evaluate each case and recommend disciplinary action to the president

in writing. It should be stressed that the authority of the disciplinary committee is advisory in nature; however, its recommendation will be carefully considered in ~~((formulating the final course of action))~~ making a final decision.

(2) ~~((Procedure to be followed in conducting))~~ The conduct of the hearing will be such that it will not be hindered by precise rules of procedure or evidence. During the hearing the student may be accompanied and assisted by an advisor of his/her choice. Normal protocol found in hearings shall ~~((pertain here))~~ be observed, i.e., the student may testify~~((:))~~ and present evidence and witnesses relevant to the charge~~((:))~~, and will be entitled to hear and examine all evidence against him/her.

(3) The identity of the ~~((person or its))~~ source of complaints or allegations shall ~~((also))~~ be open to the student and he/she shall be entitled to ~~((questioning the))~~ question witnesses concerning factual matters.

(4) The disciplinary committee must consider only matters and evidence presented at the hearing when determining guilt or innocence to the charge under consideration. The committee may consider past records of conduct when formulating its final recommendation.

(5) The absence of the student from the hearing for any cause may not be construed as admission of guilt~~((:))~~; however, such absence shall not prevent the committee from proceeding. The committee may consider only evidence presented at the time of the hearing and only this evidence may serve as the basis of disciplinary committee recommendation.

(6) Normally, these deliberations will be held in closed session unless the student requests otherwise. The chairman of the committee may exclude from the hearing any ~~((guest))~~ person who is disruptive in any way. That portion of the deliberation wherein the committee is formulating its recommendation~~((, should))~~ shall be closed to all but the actual committee members.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

WAC 132A-160-005 ↓ APPLICATION AND REGISTRATION. (1) Persons wishing to make application to Peninsula College should secure a State of Washington community college admission form from any high school principal's office in the State of Washington or from Peninsula College. ~~((The applicant is to))~~ Applicants should complete the application form and arrange for transcripts and test scores to be sent to Peninsula College from any high schools or colleges he/she may have attended. The student will be notified of acceptance into Peninsula College upon receipt of the application, transcripts, and test scores. A faculty advisor or will be assigned. Information regarding dormitories, financial aid and/or applications to certain vocational programs will be sent upon request of the applicant.

(2) A few weeks prior to the time classes are to begin, a letter is sent from the registrar to notify each student

of the date and time scheduled for placement tests, college orientation, advising, and registration.

(3) Registration for evening courses is held simultaneously or prior to registration for day courses and continues throughout the registration period. An appointment is not required for evening registration.

(4) The quarterly registration fee must be paid at the time of registration. A person is not enrolled until fees are paid.

(5) Persons desiring to register after classes have begun must have written approval of the instructor and the registrar or dean of instruction.

(6) A person must be enrolled officially in a course in order to attend class.

AMENDATORY SECTION (Amending Order 4, filed 8/31/77)

WAC 132A-160-015 FOREIGN STUDENTS. ~~((In addition to the above procedures, foreign))~~ Foreign students must comply also with the following requirements:

(1) Subscribe to a comprehensive medical insurance program ((against sickness, injury, or necessary repatriation)) prior to arrival on the Peninsula College campus.

(2) Single students must agree to ((Reside)) reside in college housing for at least one academic year (nine months).

(3) ((Prepay the year's housing expenses)) Submit a \$60 (subject to change) dormitory deposit prior to arrival on campus in order to reserve a room.

(4) ((Deposit with Peninsula College, prior to arrival, at least one-third of the funds necessary to meet expenses for the academic year)) Present a document of Proof of Finance from a sponsor, and have on deposit with the college business office, prior to receiving a certificate of eligibility, at least one-third of the funds necessary to meet expenses for the academic year.

(5) Present documented evidence of good physical condition. ((Thus, two physical examination forms should be acquired, one to be presented to immigration officials for the visa, one to be sent directly to Peninsula College:))

(6) For applicants whose native language is not English, he/she must:

(a) Present evidence of successful completion of the ((TOEFL examination to the registrar along with a letter from the education officer in residence at the embassy in question, verifying test results. For information on the TOEFL, write to ETS, Box 899, Princeton, New Jersey 08540)) Test of English as a Foreign Language (TEOFL). The acceptable minimum score is 500. In countries where the TOEFL is not available, students can be given the Michigan Test of Language Competency at the nearest United States consulate. The acceptable minimum score is 80.

(b) ((Enroll in a special reading and English program until a satisfactory skill level based upon requirements for success in regular college courses has been achieved. Programs are available at Peninsula College:)) Students who have attended an accredited English Language Services (ESL) Language Center and satisfactorily have completed Level 108 in a 10-level program or Level 6 in

a six-level program will be considered for admission to the college.

(c) Any student from a non-English speaking country who enters a United States high school at grade nine and graduates with satisfactory grades will be considered for admission.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

Reviser's note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

WAC 132A-160-020 TUITION REFUND POLICY. (1) Fall, Winter, and Spring Quarters: Full refund of tuition and fees will be made to students who withdraw from the college prior to the sixth instructional day of the quarter for which the tuition and fees were paid. Fifty percent refund of tuition and fees will be made to students who withdraw from the college on or after the sixth day of instruction, but within thirty calendar days following the first scheduled instructional day of that quarter.

((2)) Refunds will be made under the schedule above for credit load reductions if the total number of remaining credits is less than ten. Refunds will be made only in the academic year in which registration and fees were paid. Students who are required to withdraw because of misconduct will receive no refund subsequent to the refund period.

(2) Summer Quarter: In order to be eligible for refund of tuition and fees, a student must withdraw officially from credit courses prior to the sixth day of scheduled instruction. This rule applies both to eight-week and four-week summer sessions.

In the case of credit courses which are scheduled for less than four weeks duration, tuition and fee refund will be made only if a student withdraws officially prior to the date upon which the course is scheduled to begin.

Refunds of fees for community service (self-support) courses will be made only if a student withdraws officially prior to the date upon which the course is scheduled to begin.

No partial refunds will be made for reductions in course loads made subsequent to the fifth day of instruction.

If the college cancels any course, regular or community service, full refunds will be made to students previously registered for that course.

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

WAC 132A-280-010 DEFINITION OF STUDENT. For purposes of this policy, a student shall be defined as a person who is, or who has been in the past, officially registered for Peninsula College ((classes)) courses and for whom the college maintains official records.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132A-160-010 **TESTING.**

WSR 83-14-069

EMERGENCY RULES

HOUSING FINANCE COMMISSION

[Order 83-1—Filed July 6, 1983]

Be it resolved by the Washington State Housing Finance Commission, acting at Olympia, Washington, that it does adopt the annexed emergency rules relating to the organization of and procedures of the Washington State Housing Finance Commission.

We, the Washington State Housing Finance Commission, 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 commission must immediately promulgate emergency rules to govern its initial meetings; to allow it to hire or contract with staff or temporary staff; to allow it to contract with other such persons as are necessary to carry out the purpose of the act (chapter 161, Laws of 1983).

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

This rule is promulgated pursuant to section 4(3), chapter 161, Laws of 1983, which directs that the Washington State Housing Finance Commission has authority to implement the provisions of chapter 161, Laws of 1983.

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 6, 1983.

By James L. Kirschbaum
Chair

Title 262 WAC

WASHINGTON STATE HOUSING FINANCE COMMISSION

Chapter

262-01 Organization and procedures.

Chapter 262-01 WAC

ORGANIZATION AND PROCEDURES

NEW SECTION

WAC 262-01-010 **PURPOSE.** This rule is promulgated pursuant to (section 4(3), chapter 161, Laws of 1983) which directs that the Washington state housing finance commission has authority to implement the provisions of chapter 161, Laws of 1983. The purpose of these rules is to insure compliance by the

Washington state housing finance commission with the provisions of chapters 34.04 and 42.17 RCW.

NEW SECTION

WAC 262-01-020 **DEFINITIONS.** (1) "Act" means chapter 161, Laws of 1983.

(2) "Commission" means the Washington housing finance commission.

(3) The terms defined in the act shall have the same meaning when used in these rules.

NEW SECTION

WAC 262-01-030 **DESCRIPTION OF ORGANIZATION.** (1) The commission is a public body, corporate and politic, with perpetual corporate succession. The commission is an instrumentality of the state of Washington, exercising essential government functions and, for the purposes of the United State Internal Revenue Code, acts as a constituted authority on behalf of the state of Washington when it issues bonds pursuant to chapter 161, Laws of 1983.

(2) **Members.** The commission shall consist of the members provided for and appointed in accordance with section 4(2), chapter 161, Laws of 1983.

(3) **Officers.** The officers of the commission shall be:

(a) A chair of the commission, who shall be appointed by the governor as chair and who shall serve on the commission and as chair of the commission at the pleasure of the governor;

(b) A vice-chair, who shall be selected by the commission from among its membership;

(c) A secretary, who shall be the state treasurer, who is a member of the commission ex officio, and who shall serve as secretary of the commission by virtue of his or her office;

(d) A treasurer, who shall be selected by the commission from its membership. The treasurer shall have custody of and be responsible for all moneys and obligations of the commission and shall deposit such moneys in such banks or other financial institutions as the commission may designate from time to time, or shall invest such moneys not required for immediate disbursement, as the commission may direct from time to time.

(4) **Staff services.** The commission may employ such staff or temporary staff as it may from time to time direct by motion or by resolution. The commission may from time to time, by motion or by resolution, employ, contract with, or engage engineers, architects, attorneys, financial advisors, bond underwriters, mortgage lenders, mortgage administrators, housing construction or financing experts, other technical or professional assistants, and such other personnel as are necessary. The commission may delegate to the appropriate persons the power to execute legal instruments on its behalf.

(5) **Powers.** The commission may by motion or by resolution exercise any or all of the powers specified in chapter 161, Laws of 1983, except as provided below.

(6) The commission may exercise its powers under section 5, chapter 161, Laws of 1983, only by resolution. In order to be effective, each resolution must be adopted

by a majority of the commission present and voting at a duly constituted meeting, and must be signed by the chair and attested to by the secretary of the commission.

(7) Minutes. In order to be effective, the minutes of any meeting of the commission must be adopted by a majority of the members of the commission present and voting at a duly constituted meeting of the commission, and signed and attested to by the secretary of the commission.

NEW SECTION

WAC 262-01-040 MEETINGS. (1) The meetings of the commission shall be "special meetings" as that designation is applied in chapter 42.30 RCW. They may be called at any time and place by the chair or by a majority of the members of the commission. At least seven 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 by giving such notice to the public as may be required by law. If the chair deems that an emergency exists, the chair may shorten the notice to not less than twenty-four hours. An executive session may be called by the chair or by a majority of the members of the commission for such purposes as are permitted under chapter 4.30 RCW.

(2) Quorum. A majority of the commission constitutes a quorum.

(3) Meeting procedures. Meetings of the commission shall be held in accordance with Roberts' Rules of Order, current revised edition, whenever requested by any member of the commission. Any contested case before the commission shall be governed by the Uniform Procedural Rules codified in WAC 1-08-005 through 1-08-590, as now or hereafter amended, subject to any additional or revised rules the commission may add from time to time. The commission reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the commission, so long as such determination is in accordance with the spirit and intent of the act and conforms to applicable law.

(4) Public participation. Any person or organization wishing to make a formal presentation at a regularly scheduled meeting of the commission shall notify the secretary in writing at least twenty-four hours prior to the time of the meeting. Such notification shall contain the name of the person or organization that desires to make a presentation; the address of such person and the address of the entity to be represented in the presentation, if any; and the topic to be presented or discussed. Permission to make a presentation to the commission may be granted by the chair. The chair also shall have the discretion to recognize anyone in the audience who indicates a desire to speak at any meeting. The chair may limit remarks by any individual speaking to the commission.

NEW SECTION

WAC 262-01-050 PUBLIC RECORDS. (1) Public records available. All public records of the

commission shall be available for public inspection and copying unless exempt from disclosure under chapter 42.17 or 42.30 RCW.

(2) Public records officer. The commission's public records shall be under the charge of a public records officer designated by the chair. The public records officer shall be responsible for implementing the commission's rules and regulations regarding release of public records.

(3) Request for public records. Any member of the public may examine public records of the commission by directing a request to the public records officer. The public records officer shall comply with such request, unless he or she finds that the requested public records should not be disclosed for a reason permissible under chapter 42.17 RCW.

(4) Office hours. Public records shall be available for inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays, at the office of the commission, or, if no such office exists, at the office of the secretary.

(5) Copying. No fee shall be charged for the inspection of public records. The commission shall charge a fee of twenty-five cents per page of copy for providing copies of public records and for the use of the commission's copying equipment. This charge is the amount necessary to reimburse the commission for its actual costs incident to such copying.

(6) Access to public records. The commission reserves the right to determine that a requested public record is exempt from disclosure under the provisions of chapter 42.17 RCW. In addition, the commission reserves the right to delete identifying details when it makes available or publishes any 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. All denials of public records shall be accompanied by a written statement specifying the reason for withholding the record and a brief explanation of how the exemption applies to the record withheld.

(7) Records index. The secretary, or such staff of the commission designated by the chair, shall make available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated by the commission. The index shall contain such information as is required by RCW 42.17.260.

NEW SECTION

WAC 262-01-060 INTERIM RULES AND POLICIES. To the extent not in conflict with applicable law, the commission may, prior to its adoption of any additional emergency rules or interim rules or policies, exercise all the powers granted to the commission under chapter 161, Laws of 1983, including but not limited to: (1) The exercise of any or all of its housing financing powers under section 5, chapter 161, Laws of 1983; and (2) the power to enter into contracts with engineers, architects, attorneys, financial advisors, bond underwriters, mortgage lenders, mortgage administrators, housing construction, or financial experts, other technical or professional assistants and

such other personnel as are necessary for the exercise of the commission's powers.

(Two completed copies of this application are to be filed)

PLEASE PRINT

WSR 83-14-070
RULES OF COURT
STATE SUPREME COURT
 [June 30, 1983]

ORDER APPROVING FORMS FOR APPLICATION FOR INTERIM ADMISSION TO LIMITED PRACTICE AS CERTIFIED CLOSING OFFICER UNDER APR 12 No. 25700-B-196
 ORDER

The Washington State Limited Practice Board having recommended the approval of the Forms for Application for Interim Admission to Limited Practice as Certified Closing Officers under APR 12, and the Court having determined that the proposed forms will aid in the prompt and orderly administration of justice, Now therefore it is hereby

ORDERED:

That the forms as attached hereto are approved.

DATED at Olympia, Washington this 30th day of June, 1983.

William H. Williams

Hugh J. Rosellini

Charles F. Stafford

Robert F. Utter Carolyn R. Dimmick

Robert F. Brachtenbach

APPLICATION FOR INTERIM ADMISSION TO LIMITED PRACTICE AS A CERTIFIED CLOSING OFFICER IN THE STATE OF WASHINGTON UNDER RULE 12 OF THE RULES FOR ADMISSION



This is the application for a interim limited license to practice law in the State of Washington under Rule 12 of the Rules for Admission to Practice.

Two (2) completed copies of this application are to be filed with the Washington State Limited Practice Board, Office of the Administrator for the Courts, Temple of Justice, Olympia, Washington 98504.

An interim license as a certified closing officer shall be valid, unless revoked, until January 21, 1984.

Conditions Under Which Certified Closing Officers May Prepare and Complete Documents. Certified closing officers may render services authorized by this rule only under the following conditions and with the following limitations:

- (1) Agreement of the Parties. Prior to the performance of the services, all parties to the transaction shall have agreed in writing to the basic terms and conditions of the transaction.
- (2) Disclosure to the Parties. The closing officer shall advise the parties of the limitations of the services rendered pursuant to this rule and shall further advise them in writing:
 - (i) that the closing officer is not acting as the advocate or representative of either of the parties;
 - (ii) that the documents prepared by the closing officer will affect the legal rights of the parties;
 - (iii) that the parties' interests in the documents may differ;
 - (iv) that the parties have a right to be represented by lawyers of their own selection; and

- (v) that the closing officer cannot give legal advice as to the manner in which the documents affect the parties.

Approval as interim certified closing officers does not automatically secure eligibility to sit for any given Washington State Limited Practice Examination.

To the Washington State Limited Practice Board:

I hereby apply for a limited license to practice law in the State of Washington as a certified closing officer under Rule 12 of the Rules for Admission to Practice.

APPLICANT'S NAME IN FULL _____
Last First Middle

APPLICANT'S DATE OF BIRTH _____
Month Day Year

APPLICANT'S HOME ADDRESS _____
Address
City State Zip Code

APPLICANT'S BUSINESS ADDRESS _____
City State Zip Code

APPLICANT'S HOME TEL. NO. () _____
Area Code Number

Do you have three (3) years full-time actual escrow closing experience? YES _____ NO _____

Please list:

Agency	From	Date	To	Position Held

1) Have you ever applied for or taken a Limited Practice Board examination in any other state? _____ If so, Where? _____ When? _____ Result _____

2) Have you ever been admitted to the Bar Association of any other state? _____ If so, when? _____ Where? _____

(3) Have you held or do you hold a professional license? If so, list. Type License Number

(4) Have you ever been convicted for violations of any laws; excluding minor traffic violations? Yes _____ No _____ If yes, give full details on an attached sheet.

CERTIFICATES OF GOOD MORAL CHARACTER

Attach two letters which evidence the applicant's good moral character. Each letter must include:

- (1) Author's relationship to applicant
- (2) Length of time acquainted with applicant
- (3) Signature, occupation and telephone of author

 CERTIFICATE OF BONDING
 FOR INTERIM ADMISSION TO LIMITED
 PRACTICE
 IN THE STATE OF WASHINGTON
 UNDER RULE 12 OF THE RULES FOR
 ADMISSION

This is to certify that the bonds in the amount of \$200,000 Fidelity and \$200,000 Errors and Omissions, copies of which are attached, are valid and in affect at this time.

Signature of Applicant

AUTHORIZATION AND RELEASE

I, _____ born at _____, on __, having filed an application for interim admission to limited practice as a certified closing officer _____, hereby consent to have an investigation made as to my moral character, professional reputation and fitness for the limited practice as a certified closing officer under Rule 12 of the Rules for Admission and such information as may be received reported to the admitting authority. I agree to give any further information which may be required in reference to my past record. I understand that I will not receive and am not entitled to a copy of the investigative report or to know its contents,

and I further understand that the contents of any investigation are privileged except as otherwise regulated by law.

I also authorize and request every person, firm, company, corporation, governmental agency, court, association or institution having control of any documents, records and other information pertaining to me, to furnish to the Washington State Limited Practice Board any such information, including documents, records, association files regarding charges or complaints filed against me, formal or informal, pending or closed, or any other pertinent data, and to permit the Washington State Limited Practice Board or any of its agents or representatives to inspect and make copies of such documents, records, and other information.

I hereby release, discharge, and exonerate the Washington State Limited Practice Board, its agents and representatives, the admission agency of the above jurisdiction, its agents and representatives, and any person so furnishing information from any and all liability of every nature and kind arising out of the furnishing or inspection of such documents, records, and other information or the investigation made by the Washington State Limited Practice Board or by the admission agency.

I have read the foregoing document and have answered all questions fully and frankly. The answers are complete and are true of my own knowledge.

State of _____

County of _____
Subscribed and sworn to before
me on this _____ day of
____ A.D., 19____

Signature of Applicant

Notary Public in and for the
State of _____
Residing at _____

AFFIDAVIT OF APPLICANT

STATE OF _____

COUNTY OF _____

_____, being first Name

duly sworn upon oath, deposes and says: That he or she is the applicant above named, and he or she makes this application for the purpose of being admitted to Limited Practice in the State of Washington under Rule 12 of the Rules of Admission; that he or she has read the foregoing application and that the statements therein contained are full, true and correct.

Dated this _____ day of _____, 19 _____.

Signature of Applicant

SUBSCRIBED and SWORN to before me this _____ day of _____, 19 _____.

Notary Public in and for the State
of _____ residing at _____

APPLICATION CHECKLIST

TWO COMPLETED APPLICATIONS, at least one of which is in your own handwriting.....

ALL APPLICANTS: Two signed letters which evidence good Moral Character per application

Completed, signed and notarized Authorization and Release per application.....

Completed, signed Certificate of Bonding with copies of bonds attached.....

Completed, signed and notarized Affidavit of Applicant per application

PAYMENT in the amount of:

\$125

WSR 83-14-071
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Banking)
 [Filed July 6, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Banking, Department of General Administration, intends to adopt, amend, or repeal rules concerning the Consumer Finance Act, creating new section WAC 50-16-105;

that the agency will at 10:00 a.m., Tuesday, August 23, 1983, in the Office of the Acting Supervisor of Banking, Room 219, General Administration Building, Olympia, 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 RCW 31.08.160 as amended by section 1, chapter 227, Laws of 1983.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 23, 1983.

Dated: July 6, 1983
 By: L. O. Malmberg
 Acting Supervisor

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

RCW 31.08.160 as amended by section 1, chapter 227, Laws of 1983, authorizes consumer finance companies to charge a fee when payment on a loan is by check and payment of that check is refused because there was no account or there was insufficient funds. The amount of that fee is to be authorized under rule by the supervisor of banking. This regulation establishes the maximum amount a consumer finance company may charge for that fee.

This regulation drafted and proposed by L. O. Malmberg, Acting Supervisor of Banking, Division of Banking, 219 General Administration Building, Olympia, Washington 98504, Telephone (206) 753-6520.

The supervisor and his staff will be responsible for enforcement of this regulation.

Small Business Economic Impact Statement: RCW 31.08.160 as amended by section 1, chapter 227, Laws of 1983, authorizes consumer finance companies to charge a fee for payments made by insufficient funds checks. WAC 50-16-105 establishes a limit of ten dollars for that fee. The fee is on a per check basis so that compliance requirements for the regulation will not be disproportionate nor create an adverse economic impact for small businesses under this regulation.

NEW SECTION

WAC 50-16-105 INSUFFICIENT FUNDS CHARGE. If any payment on a loan is made by check and payment of that check is refused because there was no account or due to insufficient funds, the licensee may charge a fee not to exceed ten dollars for each check on which payment is refused.

WSR 83-14-072
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
 [Filed July 6, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning vessel certification form, WAC 296-116-2051.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 21, 1983, Coleman Dock, Seattle, Washington.

The authority under which these rules are proposed is RCW 88.16.035.

The specific statute these rules are intended to implement is RCW 88.16.155.

This notice is connected to and continues the matter in Notice No. WSR 83-10-008 filed with the code reviser's office on April 25, 1983.

Dated: July 6, 1983
 By: Judith L. Weigand
 Assistant Attorney General

WSR 83-14-073
WITHDRAWAL OF PROPOSED RULES
POLLUTION CONTROL
HEARINGS BOARD
 [Filed July 6, 1983]

Please take notice that the board, at its regular meeting on July 5, 1983, formally withdrew proposed rule, WAC 371-08-255, as published in WSR 83-07-031.

David Akana
 Lawyer Member

WSR 83-14-074
ADOPTED RULES
POLLUTION CONTROL
HEARINGS BOARD

[Order 83-1, Resolution No. 83-1—Filed July 6, 1983]

Be it resolved by the Pollution Control Hearings Board, acting at 4224 6th Avenue S.E., Building 2, Rowsix, MS: PY-21, Olympia, WA 98504, that it does adopt the annexed rules relating to rules of procedure for review of permits issued under chapter 173-303 WAC, WAC 371-08-255 shown below.

This action is taken pursuant to Notice No. WSR 83-11-006 filed with the code reviser on May 6, 1983. 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 Pollution Control Hearings Board as authorized in RCW 43.21B.170.

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 5, 1983.

By David Akana
Vice Chairman

NEW SECTION

WAC 371-08-255 REVIEW OF PERMITS ISSUED UNDER CHAPTER 173-303 WAC. (1) The provisions of this section shall apply only to review proceedings before the board pertaining to permits issued by the Department of Ecology under chapter 173-303 WAC.

(2) In the event that the board determines that a permit issued by the Department of Ecology under chapter 173-303 is invalid in any respect, the board shall issue an order remanding the permit to the Department of Ecology for reconsideration and appropriate action consistent with the provisions of said order and federal and state law.

WSR 83-14-075
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 83-09]

ESTABLISHING A STATE-LEVEL HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS PROGRAM AND A GOVERNOR'S HAZARDOUS MATERIALS ADVISORY BOARD

This administration recognizes that the manufacture, use, and transportation of hazardous materials pose a continuing risk to life, property, and the environment of Washington State. State, local, and Federal government agencies and the private sector must cooperate fully in efforts to achieve and maintain a readiness to respond to hazardous materials incidents.

While local governments bear the primary responsibility for emergency response to hazardous materials incidents, there is a need for a comprehensive emergency preparedness program to ensure an integrated and coordinated response capability among all levels of government.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me, do hereby order and direct that:

A. A comprehensive capability to respond to incidents involving hazardous materials be established at the state level for the purpose of supporting responses by local government to emergencies involving hazardous materials;

- B. The Department of Emergency Services secure from the relevant state agencies an Interagency Memorandum of Agreement; the Agreement shall describe the emergency preparedness program and shall be utilized for implementation purposes;
- C. The Department of Emergency Services shall coordinate the activities necessary to develop and maintain a comprehensive emergency preparedness program and a contingency plan for coordinating the management of the emergency aspects of an incident;
- D. The Department of Emergency Services shall also include, as a part of its emergency planning and preparedness program, a state-wide one-number telephone notification system for the reporting of hazardous materials incidents;
- E. Each state agency shall maintain such plans, policies, and procedures necessary to deal with a hazardous materials incident.
- F. A Governor's Hazardous Materials Advisory Board be established by gubernatorial appointment. The Board shall be composed of representatives of state agencies, the private sector, concerned local government associations, and appropriate Federal response agencies. The Director, Department of Emergency Services shall serve as Chair. The function of the Advisory Board shall be to:
 - 1. Provide a multi-organizational forum for the exchange of ideas and perspectives of state and local governments and the private sector regarding hazardous materials incident mitigation, preparedness, response, and recovery.
 - 2. Review local, state, and Federal laws and regulations and recommend reforms which will reduce unnecessary burdens on commerce without endangering the public or the environment;
 - 3. Review the findings and recommendations of the Puget Sound Council of Governments' Hazardous Materials Transportation Study for feasibility and implementation;
 - 4. Determine the feasibility of conducting an integrated hazardous materials incidents training program which would include all levels of government and the private sector;
 - 5. Proposed necessary legislation to the Governor which would mitigate hazardous materials incidents risks to the

public and enhance a state-wide hazardous materials incident preparedness, response and recovery program;

- 6. Provide other guidance necessary toward the development of a comprehensive hazardous materials preparedness program.

Executive Order 80-10 is hereby rescinded.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the seal of
the state of Washington to
be affixed at Olympia this
30th day of June, A.D.,
Nineteen Hundred and
Eighty-Three.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 83-14-076
NOTICE OF PUBLIC MEETINGS
COMMERCE AND ECONOMIC
DEVELOPMENT

[Memorandum—July 6, 1983]

Meeting cancellation: July 21, 1983, 9:00 a.m., Sea-Tac Int'l Airport, World Trade Center Press Room.

Rescheduled: August 2, 1983, 9:00 a.m., Sea-Tac Int'l Airport, Host International Auditorium.

WSR 83-14-077
REVIEW OF RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
[Filed July 6, 1983]

The Division of Savings and Loan Associations intends to review the following previously adopted rules:

- Chapter 419-28 WAC Application for satellite facilities—Forms—Fees.
- Chapter 419-36 WAC Rules governing supervisory approval for credit union investment practices.
- Chapter 419-40 WAC Rules on credit union participation in commercial business activities.
- Chapter 419-52 WAC Merger or acquisition of troubled associations.

The division anticipates no amendments to these rules at this time. Interested parties may submit written comments to be received prior to August 23, 1983, or appear in person at 2:00 p.m., Tuesday, August 23, 1983, in the Small Conference Room, First Floor, General Administration Building, Olympia, Washington. Written comments may be mailed to:

R. H. "Bob" Lewis, Supervisor
Division of Savings and Loan Associations
217-C General Administration Building
Olympia, Washington 98504

WSR 83-14-078
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
[Filed July 6, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Division of Savings and Loan Associations, Department of General Administration, intends to adopt, amend, or repeal rules concerning waiver of loan limitations for credit unions, adding new chapter 419-56 WAC;

that the agency will at 1:00 p.m., Tuesday, August 23, 1983, in the Small Conference Room, First Floor, General Administration Building, Olympia, 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 RCW 31.12.280.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 23, 1983.

Dated: July 6, 1983
By: R. H. "Bob" Lewis
Supervisor

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. RCW 31.12.280 authorizes the supervisor to waive the loan limits on personal loans made by state chartered credit unions. This regulation implements a waiver up to a new level of restrictions.

This regulation is drafted and proposed by R. H. "Bob" Lewis, Supervisor, Division of Savings and Loan Associations, 217-C General Administration Building, Olympia, Washington 98504, Telephone (206) 753-5597.

The supervisor and his staff will be responsible for enforcement of this regulation.

CHAPTER 419-56
WAIVER OF LOAN LIMITATIONS
FOR CREDIT UNIONS

WAC
419-56-010 WAIVER OF PERSONAL LOAN LIMITS

NEW SECTION

WAC 419-56-010 WAIVER OF PERSONAL LOAN LIMITS. In accordance with the Supervisor's authority in RCW 31.12.280, limits and conditions on personal loans are hereby waived to the extent that:

- (1) Personal loans shall be payable within ten years;
- (2) Personal loans to any one member and his immediate family shall not exceed in the aggregate two thousand five hundred dollars or two and one-half percent of the credit union's assets, whichever is greater.
- (3) Members may make share secured loans up to the full extent of their share holdings.
- (4) The Supervisor may waive these restrictions on a case by case basis.

WSR 83-14-079
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed July 6, 1983]

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

New	WAC 232-16-630	Rocky Ford Springs Game Reserve.
New	WAC 232-16-640	Winchester Wasteway Game Reserve.
New	WAC 232-16-650	Harris Lake Game Reserve.
New	WAC 232-16-660	Frenchmen Hills Wasteway Game Reserve.
New	WAC 232-16-670	Lower Crab Creek Game Reserve.
New	WAC 232-16-680	Lenice Lake Game Reserve.
New	WAC 232-16-690	Bayview Game Reserve;

that the agency will at 9:00 a.m., Sunday - Monday, August 21-22, 1983, in the Thunderbird Inn at the Quay, Foot of Columbia Street, Vancouver, Washington 98660, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 21 or 22, 1983.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1983.

Dated: July 1, 1983
 By: Richard J. Poelker, Chief
 Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Sections: WAC 232-16-630 Rocky Ford Springs Game Reserve; WAC 232-16-640 Winchester Wasteway Game Reserve; WAC 232-16-650 Harris Lake Game Reserve; WAC 232-16-660 Frenchmen Hills Wasteway Game Reserve; WAC 232-16-670 Lower Crab Creek Game Reserve; WAC 232-16-680 Lenice Lake Game Reserve; and WAC 232-16-690 Bayview Game Reserve.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rules: Establishes game reserves where hunting for wild animals and wild birds is unlawful.

Reasons Supporting the Proposed Rules: Resource management.

The Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-16-630 ROCKY FORD SPRINGS GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: T21N, R27E, West 1/2 Section 16. 320 acres, approximately 15 acres of ponded water and Rocky Ford Creek.

NEW SECTION

WAC 232-16-640 WINCHESTER WASTEWAY GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: T18N, R25E, Section 12 and South 1/2 Section 7. 960 acres, containing approximately 2.2 miles of wasteway channel averaging 25-30 feet in width and approximately 100-120 acres of ponded water.

NEW SECTION

WAC 232-16-650 HARRIS LAKE GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: T18N, R27E, Section 31 and T18N, R26E, East 1/2 Section 36. 960 acres, containing approximately 1.2 miles of wasteway channel and approximately 150 acres of ponded water including Desert and Harris lakes.

NEW SECTION

WAC 232-16-660 FRENCHMEN HILLS WASTEWAY GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: T17N, R27E, Section 17. 640 acres, including approximately 250 acres of ponded slow-moving water of Frenchmen Hills Wasteway.

NEW SECTION

WAC 232-16-670 LOWER CRAB CREEK GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: T16N, R25E; that part of SW1/4 Section 29 south of wooden pole powerline, that part of SE1/4 Section 30 east of Midway Coulee Transmission line and south of wooden pole powerline, that part of Section 31 east of Midway Coulee Transmission line and north of Smyrna-Beverly Road, and that part of NW1/4

Section 32 north of Smyrna-Beverly Road. 640 acres, containing approximately 1.2 miles of Crab Creek and several associated ponds and sloughs with a total of approximately 80 acres of water.

NEW SECTION

WAC 232-16-680 LENICE LAKE GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: T16N, R24E; that part of SW1/4 Section 28 south of wooden pole powerline, that part of SE1/4 Section 29 south of wooden pole powerline, that part of NE1/4 Section 32 north of Smyrna-Beverly Road, and that part of NW1/4 Section 33 north Smyrna-Beverly Road. 640 acres, containing Lenice Lake approximately 100 acres in size. Lenice Lake normally contains at least some open water through winter.

NEW SECTION

WAC 232-16-690 BAYVIEW GAME RESERVE. It shall be unlawful to hunt wild animals and wild birds within the following described boundary: beginning at a point on the Bayview-Edison Road 750 feet south of the intersection of the Bayview Cemetery Entrance road; thence 4,000 feet WNW (west-northwest); thence 5,750 feet NNW (north-northwest); thence 3,750 feet ENE (east-northeast) to the northwest corner of Padilla Bay Tract No. 532; thence east to the northeast corner of Padilla Bay Tract No. 532; thence SSE (south-southeast) to the Bayview-Edison Road; thence southerly along said road to the point of beginning.

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 83-14-080
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 6, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning the 1983-84 Upland Game Bird and Migratory Waterfowl Seasons, adopting WAC 232-28-406 and the 1982-83 Upland Game Bird and Migratory Waterfowl Seasons, repealing WAC 232-28-405;

that the agency will at 9:00 a.m., Sunday - Monday, August 21-22, 1983, in the Thunderbird Inn at the Quay, Foot of Columbia Street, Vancouver, Washington 98660, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 21 or 22, 1983.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1983.

Dated: July 1, 1983
By: Richard J. Poelker, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-406 1983-84 Upland Game Bird and Migratory Waterfowl Seasons.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Adopts 1983-84 Upland Game Bird and Migratory Waterfowl Seasons as outlined in the 1982-83 pamphlet.

Reasons Supporting the Proposed Rule: Resource management.

The Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-406 1983-84 UPLAND GAME BIRD AND MIGRATORY WATERFOWL SEASONS.

Reviser's note: The text and accompanying pamphlet comprising the 1983-84 Upland Game Bird and Migratory Waterfowl Seasons proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Administrative Code is repealed:

WAC 232-28-405 1982-83 UPLAND GAME BIRD
AND MIGRATORY WATERFOWL
SEASONS

WSR 83-14-081
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 6, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning Mt. St. Helens' area hunting, fishing, and trapping closure, adopting WAC 232-28-60421 and Mt. St. Helens' area hunting, fishing, and trapping closure, repealing WAC 232-28-60416;

that the agency will at 9:00 a.m., Sunday – Monday, August 21–22, 1983, in the Thunderbird Inn at the Quay, Foot of Columbia Street, Vancouver, Washington 98660, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 21 or 22, 1983.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1983.

Dated: July 6, 1983
By: Richard J. Poelker, Chief
Wildlife Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-28-60421.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Closes Mt. St. Helens' hazard zones to hunting, fishing, and trapping.

Reasons Supporting the Proposed Rule: The zones described are located in close proximity to Mt. St. Helens and in the past has received considerable damage to the wildlife resources and habitat from volcanic eruptions of Mt. St. Helens, and that damage has not been fully assessed. The closure should be maintained until harvestable populations of wildlife are determined to exist. Rapid evacuation in the area in the event of additional major volcanic activities would be complicated by the presence of larger numbers of people attracted to the area to take advantage of open hunting, fishing, and trapping seasons. Because of the above, it is necessary to close this area to hunting, fishing, and trapping. Such a closure will not result in an overescapement or surplus of game animals, game fish, game birds, or furbearing animals.

The Agency Personnel Responsible for Drafting and Implementation: Richard J. Poelker, Division Administrator, Wildlife Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5728; and Enforcement: R. B. Rasmussen, Chief, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTION

WAC 232-28-60421 MT. ST. HELENS' AREA HUNTING, FISHING, AND TRAPPING CLOSURE. Notwithstanding the provisions of WAC 232-28-705, WAC 232-28-805, WAC 232-28-207, WAC 232-28-506, WAC 232-28-106, WAC 232-28-605, and WAC 232-28-406, it shall be unlawful for any person to take, hunt for, fish for, trap for, or possess any game animal, game fish, game bird or furbearing animal in the Mt. St. Helens Hazard Zone areas described as follows:

VOLCANIC HAZARD ZONE 1

The Volcanic Hazard Zone 1 is described as follows:

Beginning at the southwest corner of Section 36, T9N, R4E; thence easterly to and along timberline (timberline described as having trees 20 feet or taller) to the Pine Creek Mudflow in Section 24, T8N, R5E; thence northeasterly to the northeast corner of said Section 24, T8N, R5E; thence northeasterly to the northeast corner of Section 7, T8N, R6E; thence northwesterly to the northeast corner of Section 26, T9N, R5E; thence north along section line to the top of divide separating the Lewis and Green River Drainage from the Toutle River Drainage; thence northerly along said divide to Norway Pass located in the north half (N-1/2) of Section 31, T10N, R6E; thence northerly to Bear Pass in Section 30, T10N, R6E; thence westerly to the headwaters of Coldwater Creek (Section 25, T10N, R5E); thence westerly along Coldwater Creek to the point where it crosses the Forest Service boundary (Section 31, T10N, R5E); thence north along the west boundary of the R5E line to the northeast corner of Section 36, T10N, R4E; thence west to the northeast corner of Section 33, T10N, R4E; thence northwesterly to the headwaters of the south fork of Hoffstadt Creek located in the south half (S-1/2) of Section 28, T10N, R4E; thence westerly along the north bank of this fork to its intersection with Hoffstadt Creek (Section 24, T10N, R3E); thence continuing westerly along the north bank of Hoffstadt Creek to the north high-water line of the impoundment of the Corps of Engineers' debris retaining structure (commonly known as the N-1 debris dam); thence westerly along the north high-water line to its intersection with the N-1 debris dam located in the north half (N-1/2) of Section 29, T10N, R3E; thence southwesterly along the west fill base of the northerly segment of the N-1 debris dam to the point of intersection with the natural high ground; thence southwesterly to the north end of the west fill base of the southerly segment (main structure); thence southerly along said fill base to its intersection with the base of the high ground; thence westerly along the base of the hill to its intersection with the Weyerhaeuser 3001 Road; thence southerly and easterly along the east edge of the Weyerhaeuser 3001 Road to the intersection of Weyerhaeuser Roads 3001 and 3000 in the south half (S-1/2) of Section 32, T10N, R3E; thence south and east along the north edge of Weyerhaeuser Road 3000 continuing to the point where Weyerhaeuser Road 3000 intersects with the ridgeline on the north line of Section 27, T9N, R4E; thence southeasterly following the ridgeline to the west line of Section 36, T9N, R4E; thence southerly to the southwest corner of Section 36, T9N, R4E and the point of beginning.

VOLCANIC HAZARD ZONE 1A

The Volcanic Hazard Zone 1A is described as follows:

Beginning at the southwest corner of Section 36, T9N, R4E; thence easterly to and along timberline (timberline described as having trees 20 feet or taller) to the Pine Creek Mudflow in Section 24, T8N, R5E; thence northeasterly to the northeast corner of said Section 24, T8N, R5E; thence southerly along section lines to the intersection with Forest Development Road 8315; thence westerly along northern edge of FDR #8315 to the intersection with southwest corner of Section 25, T8N, R5E; thence westerly along section lines to the intersection with FDR #81 in Section 29, T8N, R5E; thence westerly along northern edge of FDR #81 to the intersection with Forest Service Trail #238; thence northwesterly along FST #238 to the intersection with FDR #8123 in Section 24, T8N, R4E; thence northerly along the easterly edge of FDR #8123 to its intersection with FST #238; thence northerly along FST #238 to national forest boundary in northwest 1/4 of Section 1, T8N, R4E; thence northerly to northwest corner of Section 1, T8N, R4E; thence easterly to southwest corner of Section 36, T9N, R4E, and the point of beginning.

REPEALER

The following section of the Administrative Code is repealed:

WAC 232-28-60416 MT. ST. HELENS' AREA HUNTING, FISHING, AND TRAPPING CLOSURE

WSR 83-14-082
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 6, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Game intends to adopt, amend, or repeal rules concerning:

Amd WAC 232-12-019 Classification of game fish.
Amd ~ WAC 232-12-157 Steelhead fishing punchcard;

that the agency will at 9:00 a.m., Sunday - Monday, August 21-22, 1983, in the Thunderbird Inn at the Quay, Foot of Columbia Street, Vancouver, Washington 98660, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 21 or 22, 1983.

The authority under which these rules are proposed is RCW 77.12.020 and 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040 and 77.12.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1983.

Dated: July 5, 1983

By: Sam Wright, Divisional Administrator
Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-019
Classification of game fish.

Statutory Authority: RCW 77.12.020 and 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.020 and 77.12.040.

Summary of the Rule: Adds the species Bull Trout, salvelinus confluentus, to those species classified as game fish.

Reasons Supporting the Proposed Rule(s): To conform with the American Fisheries Society list of common and scientific names (4th Edition, 1980).

The Agency Personnel Responsible for Drafting and Implementation: Sam Wright, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5713; and Enforcement: Robert B. Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

Title and Number of Rule Section: WAC 232-12-157
Steelhead fishing punchcard.

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Substitutes the words "killing and retaining" for the word "taking" in the rule.

Reasons Supporting the Proposed Rule: Current regulations require anglers to punch all steelhead caught in regular fisheries, including any fish that are released. This results in steelhead run sizes being over-estimated to an unknown degree.

The Agency Personnel Responsible for Drafting and Implementation: Sam Wright, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5713; and Enforcement: Robert B. Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or Its Purpose: None.

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-019 CLASSIFICATION OF GAME FISH. As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class Osteichthyes are classified as game fish:

Scientific Name	Common Name
<u>Salvelinus confluentus</u>	<u>Bull Trout</u>
Esox lucius	Northern pike

AMENDATORY SECTION (Amending Order 165, filed 10/22/81)

WAC 232-12-157 STEELHEAD FISHING PUNCHCARD. (1) It is unlawful for a person, except a treaty Indian possessing a valid federal or treaty fishing identification card, to fish for steelhead trout without having in their immediate possession a valid steelhead fishing punchcard.

(2) Upon killing and retaining a steelhead trout over twenty inches in length, the holder of a steelhead fishing punchcard must immediately remove from the card one punch and enter on the corresponding space the date of the catch and the river code number as listed on the punchcard.

(3) Every person possessing a steelhead fishing punchcard must, by June 1, following the period for which it was issued, return that punchcard to an authorized license dealer or the department.

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 83-14-083
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed July 6, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Game intends to adopt, amend, or repeal rules concerning the 1984 Washington Game Fish Seasons and Catch Limits, WAC 232-28-606, 232-28-607, 232-28-608, 232-28-609, 232-28-610, 232-28-611, 232-28-612 and 232-28-613. (Note: WAC numbers refer to separate sections of the pamphlet);

that the agency will at 9:00 a.m., Sunday - Monday, August 21-22, 1983, in the Thunderbird Inn at the Quay, Foot of Columbia Street, Vancouver, Washington 98660, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 21 or 22, 1983.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 21, 1983.

Dated: July 5, 1983

By: Sam Wright, Divisional Administrator
Fisheries Management Division

STATEMENT OF PURPOSE

Title and Number of Rule Section: 1984 Washington Game Fish Seasons and Catch Limits, WAC 232-28-606, 232-28-607, 232-28-608, 232-28-609, 232-28-610, 232-28-611, 232-28-612 and 232-28-613. (Note: WAC numbers refer to separate sections of the pamphlet.)

Statutory Authority: RCW 77.12.040.

Specific Statute that Rule is Intended to Implement: RCW 77.12.040.

Summary of the Rule: Rule will provide fishing opportunity throughout the state for anglers while protecting the fish resources by establishing seasons and catch limits for game fish.

Reasons Supporting the Proposed Rule(s): To provide sport fishing opportunity while protecting fish stocks.

The Agency Personnel Responsible for Drafting and Implementation: Sam Wright, Divisional Administrator, Fisheries Management Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5713; and Enforcement: Robert B.

Rasmussen, Divisional Administrator, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Game.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business economic impact statement is not required.

NEW SECTIONS

WAC 232-28-606, 232-28-607, 232-28-608, 232-28-609, 232-28-610, 232-28-611, 232-28-612, and 232-28-613, all entitled 1984 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS.

Reviser's note: The text and accompanying pamphlet comprising the 1984 Washington Game Fish Seasons and Catch Limits proposed by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 83-14-084
PROPOSED RULES
BOARD OF PHARMACY
[Filed July 6, 1983]

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 registration of pharmacy interns, WAC 360-10-020, license fees, WAC 360-18-020 and repealing WAC 360-18-030;

that the agency will at 9:00 a.m., Thursday, August 18, 1983, in the Highline Community College, South 240 and Pacific Highway South, Midway, WA 98031, 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 18.64.005 and 18.64A.020.

The specific statute these rules are intended to implement is RCW 18.64.050, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.080, 18.64.140 and 18.64A.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 12, 1983.

Dated: July 6, 1983
By: Donald H. Williams
Executive Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Purpose: The purpose of the amendment to the rules is to establish new fee schedules to ensure that there is sufficient revenue to defray the expected costs of administration.

Statutory Authority: RCW 18.64.005 and 18.64A.020.

Summary of the Rules: WAC 360-10-020 contains the requirements for registration of pharmacy interns and preceptors; and WAC 360-18-020 contains the schedule of fees to be charged by the Pharmacy Board effective October 1, 1983.

Reason for Proposed Amendments: These amendments are being proposed in order to ensure that sufficient revenue is raised to defray the expected costs of administering each of the programs.

Responsible Personnel: In addition to the members of the board, the following Board of Pharmacy personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donald H. Williams, Executive Secretary, WEA Building, 319 East 7th Avenue, Olympia, WA 98504, 234-6834 scan, 753-6834 comm.

Proponents: These rules are proposed by the Washington State Board of Pharmacy.

Agency Comments: These rules are promulgated pursuant to the authority granted to the board in RCW 18.64.005 and 18.64A.020.

Small Business Economic Impact Statement: A small business economic impact statement is not required and has not been filed since these rules do not impact any small businesses as that term is defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order 106, filed 6/3/71)

WAC 360-10-020 REGISTRATION OF INTERNS AND PRECEPTORS. (1) In order to be registered as a pharmacy intern, the qualified applicant in WAC 360-12-010 must file with the board of pharmacy an application for registration as a pharmacy intern as provided for in RCW 18.64.080. The application shall be accompanied by a fee ~~((of \$1.00))~~ as specified in WAC 360-18-020.

(2) A pharmacist who has met the certification requirements prescribed in WAC 360-10-050 and presented proper application to, and has been accepted by the board of pharmacy shall be certified as a preceptor. The board shall issue a certificate to qualified applicants and the certificate shall be in the pharmacy during the period that the intern is receiving training in the pharmacy.

(3) Registration as a preceptor shall be valid until July 31 of the odd-numbered year following registration. Said registration can be renewed by filing a renewal registration form supplied by the board of pharmacy no later than July 31st of the odd-numbered year. Said form shall indicate that the renewal applicant has the necessary qualifications to continue as a preceptor.

AMENDATORY SECTION (Amending Order 155, filed 6/26/80)

WAC 360-18-020 LICENSE FEES. ~~((+)) Pursuant to chapter 90, Laws of 1979, the board hereby determines, sets and establishes, effective October 1, 1980, the following fees for licenses issued by the board))~~ Effective October 1, 1983 the following fees shall be charged by the board of pharmacy:

(a) PHARMACY LOCATION, CSA & PROPHYLACTIC		
Original pharmacy fee	((+100.00))	<u>\$125.00</u>
Original CSA fee	((30.00))	<u>35.00</u>
Original prophylactic fee		10.00
Original pharmacy assistant utilization fee	((25.00))	<u>30.00</u>
Renewal pharmacy fee	((50.00))	<u>65.00</u>
Renewal CSA fee	((25.00))	<u>30.00</u>
Renewal prophylactic fee		10.00
Renewal pharmacy assistant utilization fee	((25.00))	<u>30.00</u>
Penalty pharmacy fee	((100.00))	<u>125.00</u>
(b) VENDOR		
Original fee		20.00
Renewal fee		20.00
Penalty fee		20.00
(c) PHARMACIST		
Exam fee (full exam)	((85.00))	<u>100.00</u>
Re-examination fee (jurisprudence portion)		25.00
Original license fee	((50.00))	<u>75.00</u>
Renewal fee	((25.00))	<u>35.00</u>
Penalty fee	((25.00))	<u>35.00</u>
Reciprocity fee	((150.00))	<u>200.00</u>
(d) SHOPKEEPER		
Original fee		20.00
Renewal fee		20.00
Penalty fee		20.00
(i) SHOPKEEPER - 6 or fewer drugs		
Original fee		5.00
Renewal fee		5.00
Penalty fee		5.00
(ii) SHOPKEEPER - with differential hours		
Original fee		20.00
Renewal fee		20.00
Penalty fee		20.00
(e) DRUG MANUFACTURER		
Original fee	((+25.00))	<u>175.00</u>
Renewal fee	((+25.00))	<u>175.00</u>
Penalty fee	((+25.00))	<u>175.00</u>
(f) DRUG WHOLESALER - full line		
Original fee	((+25.00))	<u>175.00</u>
Renewal fee	((+25.00))	<u>175.00</u>
Penalty fee	((+25.00))	<u>175.00</u>
(g) DRUG WHOLESALER - OTC only		
Original fee	((+00.00))	<u>125.00</u>
Renewal fee	((+00.00))	<u>125.00</u>
Penalty fee	((+00.00))	<u>125.00</u>
(h) PHARMACY ASSISTANT - Level "A"		
Original fee	((+0.00))	<u>20.00</u>
Renewal fee	((+0.00))	<u>15.00</u>
(i) PHARMACY INTERN		
Original registration fee		10.00
Renewal registration fee		10.00

~~((2) Effective until October 1, 1980, the board establishes as licensing fees those amounts specified in the various provisions of the Pharmacy Practice Act as they appeared prior to the effective date of chapter 90, Laws of 1979, which prior provisions are incorporated herein by this reference.))~~

REPEALER

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

WAC 360-18-030 INTERN REGISTRATION FEE

WSR 83-14-085
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed July 6, 1983]

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 Westport, City of, amending WAC 173-19-2208;

that the agency will at 7:00 p.m., Tuesday, August 9, 1983, in the Ocosta High School, Montesano Street, Westport, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 25, 1983.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 16, 1983.

Dated: July 6, 1983
 By: John F. Spencer
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2208, Westport, City of.

Description of Purpose: Adoption of a 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 Westport.

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.

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: Not required.

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-2208 WESTPORT, CITY OF. City of Westport master program approved November 7, 1974. Revision approved August 25, 1983.

WSR 83-14-086
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 83-20—Filed July 6, 1983]

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 Jefferson County, amending WAC 173-19-240.

This action is taken pursuant to Notice No. WSR 83-11-048 filed with the code reviser on May 18, 1983. 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 90.58.120 and 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 6, 1983.

By Donald W. Moos
 Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-240 JEFFERSON COUNTY. Jefferson County master program approved December 20, 1974. Revision approved July 6, 1983.

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 83-14-087
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed July 6, 1983]

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 Superintendent of Public Instruction—Administrative practice and procedures, chapter 392-101 WAC;

that the agency will at 9:00 a.m., Wednesday, August 10, 1983, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 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 August 16, 1983.

The authority under which these rules are proposed is RCW 34.04.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1983.

Dated: July 6, 1983
By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-101 WAC Superintendent of Public Instruction—Administrative practice and procedures.

Rule Section(s): WAC 392-101-001 Authority; and WAC 392-101-005 Administrative practices regarding hearings and rule proceedings.

Statutory Authority: RCW 34.04.020.

Purpose of the Rule(s): Establish procedures for administrative practices.

Summary of the New Rule(s) and/or Amendments: WAC 392-101-001 Authority, sets forth authority for chapter; and WAC 392-101-005 Administrative practices regarding hearings and rule proceedings, sets forth the various acts which govern administrative practices before agency.

Reasons Which Support the Proposed Action(s): Reflects current legislative policy.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting and Implementation: Ralph E. Julnes, SPI, 753-2298; and Enforcement: Frank B. Brouillet, SPI, 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): Implements legislative policy regarding independent ALJ system.

NEW SECTION

WAC 392-101-001 AUTHORITY. The authority for this chapter is RCW 34.04.020 which authorizes the superintendent of public instruction to adopt rules governing the formal and informal procedures prescribed or authorized by chapter 34.04 RCW.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-101-005 ADMINISTRATIVE PRACTICES REGARDING HEARINGS AND RULE PROCEEDINGS. The superintendent of public instruction is governed by the state Administrative Procedure((s)) Act, chapter 34.04 RCW, the Washington State Register Act, chapter 34.08 RCW, and the state office of Administrative Hearings Act, chapter 34.12 RCW. ((This act governs)) These acts govern the conduct of "rule" making proceedings and the conduct of "contested case" hearings as these terms are defined in RCW 34.04.010(2) and (3). Appearances in representative capacities before the superintendent of public instruction; the procedures and conditions governing petitions for declaratory rulings or the adoption, amendment, or repeal of a rule; and, the standards, procedures and conditions governing the conduct of contested case hearings and proceedings by or before the superintendent of public instruction shall be as set forth in rules of the state code reviser and the office of administrative hearings as now or hereafter amended. The rules of the code reviser are currently set forth in chapters 1-08 and 1-12 WAC. The rules of the office of administrative hearings are currently set forth in chapter 10-08 WAC.

All other regulatory actions and hearings conducted by the superintendent of public instruction may be conducted informally at the discretion of the superintendent.

WSR 83-14-088
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed July 6, 1983]

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 the agency will at 9:00 a.m., Wednesday, August 10, 1983, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 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 August 16, 1983.

The authority under which these rules are proposed is RCW 28A.58.242.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1983.

Dated: July 6, 1983
By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-137 WAC Finance—Nonresident attendance.

Rule Section(s): WAC 392-137-010 Definitions; WAC 392-137-020(1), (2), (3), (4) and (5) Nonresident students under the age of twenty-one—Mutual agreement between resident and nonresident district required; WAC 392-137-040 District policies—Procedures and criteria for release of resident students and admission of nonresident students; WAC 392-137-045 Tuition—Enrollment in compliance or noncompliance with an arrangement; WAC 392-137-055 Appeal hearing; WAC 392-137-060 Hearing; WAC 392-137-065 Grounds for order of release; and WAC 392-137-070 Per se special hardship or detrimental hardships.

Statutory Authority: RCW 28A.58.242.

Purpose of the Rule(s): To establish procedures and policies regarding student attendance in nonresident district.

Summary of the New Rule(s) and/or Amendments: WAC 392-137-010 Definitions, indicates student's mailing address may not be resident address; WAC 392-137-020(1) Nonresident students under the age of twenty-one—Mutual agreement between resident and nonresident district required, clarifies that funding change, if any, shall be imposed by local school district if student is released to attend nonresident district; WAC 392-137-020(2) codifies current law; WAC 392-137-020(3) establishes procedure for resolution of dispute as to whether student is a nonresident and needs a release to attend nonresident district; WAC 392-137-020(4) reflects release by court order; WAC 392-137-020(5) clarifies that district may claim attendance credits retroactively; WAC 392-137-040 District policies—Procedures and criteria for release of resident students

and admission of nonresident students, establishes policy when resident district refuses to provide hearing; WAC 392-137-045(1) Tuition—Enrollment in compliance or noncompliance with an arrangement, clarifies that tuition is permissive, not mandatory for nonresident student pursuant to a release; WAC 392-137-045(2) clarifies that tuition is mandatory for nonresident student without a release; WAC 392-137-055 Appeal notice, specifies information in notice of appeal; WAC 392-137-060 Hearing, clarifies what is included in administrative law judge decision; WAC 392-137-065 Grounds for order of release, states that enrichment per se is not a reason for student release; and WAC 392-137-070 Per se special hardship or detrimental hardships, sets forth two per se hardships.

Reasons Which Support the Proposed Action(s): To clarify issues that have resulted from experience with student transfer hearings.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Implementation: Robert Schley, SPI, 753-1717; and Enforcement: Perry Keithley, SPI, 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): Clarifies agency policy and practices regarding student transfers.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-137-010 DEFINITIONS. As used in this chapter, the term: (1) "Residence" shall mean the physical location of a student's principal abode (~~((e.g.))~~—i.e., the home, house, apartment, etc., within which the student lives the majority of the time.~~((?))~~ The mailing address of the student—e.g., parent's address or post office box—may be different than the student's principal abode.

(2) "Resident student" shall mean a student:

(a) whose residence is within the school district of attendance; or
(b) whose residence is within the boundaries of any military, naval, lighthouse, other United States reservation, national park, national forest, or Indian reservation (provided the student resides upon rented or leased unceded lands within the Indian reservation) which is contiguous to the school district of attendance; or

(c) whose residence is within a school district which does not carry the grades for which the student is eligible to enroll (e.g., a non-high school district).

(3) "Nonresident student" shall mean any student other than a resident student whose residence is within the state of Washington.

(4) "Resident district" shall mean the Washington state school district or districts of which a student is considered to be a resident.

(5) "Nonresident district" shall mean any school district other than a resident school district.

AMENDATORY SECTION (Amending Order 80-8, filed 4/15/80)

WAC 392-137-020 NONRESIDENT STUDENTS UNDER THE AGE OF TWENTY-ONE—MUTUAL AGREEMENT BETWEEN RESIDENT AND NONRESIDENT DISTRICT REQUIRED. (1) A nonresident student who is under the age of twenty-one may be admitted tuition free (but see permissive tuition in WAC 392-137-045(1)) by a nonresident district only pursuant to an agreement between the student's resident district and the nonresident district or pursuant to an order of the superintendent of public instruction pursuant to RCW 28A.58.242 and WAC 392-137-065 or pursuant to an order of a court of law. In the event the student is considered to be

a resident of more than one district pursuant to the definition of "resident student" set forth in WAC 392-137-010(2), the agreement shall be between the nonresident district and the district in which the student was last enrolled and is considered to be a resident.

(2) A student's attendance shall be credited in all cases to the school district of enrollment unless:

(a) The superintendent of public instruction is notified by order of the board of directors of a student's resident district provided for in subsection (1) that the student is a resident of its district and is attending a nonresident district without authorization pursuant to an agreement or order of the superintendent or a court of law releasing the student, and

(b) it is established that the student is a resident of the district and that neither such an agreement nor order of the superintendent or a court of law exists.

(3) In the event a district claims that a student attending another district is a resident of its district, the board of directors of such district, in its order, shall set forth the correct residence of the student and the facts upon which such determination was made. A copy of such order shall be provided to the student and the district of enrollment. If the student or the district of enrollment protests the correctness of the student's residence, the board of directors of the district of enrollment shall cause the matter to be investigated and determine whether the student is a residence of the district of enrollment. The superintendent of public instruction shall consider the decision of the board of directors of the district of enrollment final unless set aside by a court of law.

(4) In the event it is so established that a student is enrolled in a nonresident district without authorization, the basic education allocation and other state payments in connection with the student's enrollment shall be discontinued until:

(a) The student enrolls in a resident district,

(b) an agreement required by subsection (1) is entered into, or

(c) the superintendent or a court of law orders the release of the student.

(5) In the event an agreement is entered into or the superintendent of public instruction or a court of law orders the release of the student, the basic education entitlement shall be allocated to the nonresident district for the period of the agreement or the order which may be retroactive to the month in which such entitlement was discontinued.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-137-040 DISTRICT POLICIES—PROCEDURES AND CRITERIA FOR RELEASE OF RESIDENT STUDENTS AND ADMISSION OF NONRESIDENT STUDENTS. Each school district board of directors shall adopt policies which specify the procedures and criteria pursuant to which resident students under the age of twenty-one may be released to nonresident districts and nonresident students and resident students twenty-one years of age or older may be admitted.

Districts shall grant requests for the release of resident students and requests for the admission of nonresident and resident students only on the basis of the order in which such requests are made and without preference: PROVIDED, That preference may be granted in those cases in which the attendance requested would likely alleviate to a significant extent an existing or probable special hardship or detrimental condition of a financial, educational, safety, or health nature affecting the student or the student's immediate family or custodian; PROVIDED FURTHER, That if a student, or in the case of a minor, the student's parent(s), guardian, or custodian requests a hearing before the board of directors of the resident district and the resident district fails to provide such a hearing within sixty calendar days of receipt of such request for a hearing, the resident district, for the purposes of this chapter, shall be deemed to have released such student to attend the nonresident district.

AMENDATORY SECTION (Amending order 80-8, filed 4/15/80)

WAC 392-137-045 TUITION—ENROLLMENT IN COMPLIANCE OR NONCOMPLIANCE WITH ~~((THIS CHAPTER))~~ AN ARRANGEMENT. (1) The tuition ~~((off for))~~ for nonresident students and ~~((off for))~~ for resident students twenty-one years of age or older who are enrolled ~~((in compliance with))~~ pursuant to the provisions within this chapter or pursuant to an order of the superintendent of public instruction or a court of law releasing the student from

his or her resident district, if any tuition is charged, shall be established by the school district of enrollment. In order to avoid infringements upon an individual's right to equal protection of the law, in the event tuition is charged any such student, tuition should be charged all nonresident students and resident students twenty-one years of age or older on the basis of a uniform rate or on the basis of a uniformly applied formula (e.g., tuition based upon the difference between the cost of educating a student in the district or at the grade level of attendance and state and federal funds accruing to the district as a result of the student's enrollment and/or attendance).

(2) In the event it is established by the school district of enrollment or by the superintendent of public instruction pursuant to WAC 392-137-020(2) that a student under twenty-one years of age has been enrolled (in violation of the arrangements) in a nonresident district without an arrangement prescribed by this chapter, the district of enrollment shall have no discretion as to the tuition to be charged such student. In all such cases, the arrangements for the student's enrollment shall be considered disapproved by the superintendent of public instruction and tuition equal to the per pupil cost of the district of enrollment for the previous school year as computed on form F-196, part II, shall be charged the student or if the district has established a higher charge for any nonresident student or resident student twenty-one years of age or older, then an amount equal to such higher charge shall be charged the student for a full school year. Any such tuition charge, however, may be ratably reduced in the event the student is enrolled part-time and/or for less than a full school year.

AMENDATORY SECTION (Amending Order 82-14, filed 9/14/82)

WAC 392-137-055 APPEAL NOTICE. (1) 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)) residence address of the student and the name, mailing address, and the legal relationship of the person, if any, filing the notice of appeal on behalf 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 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 that establishes 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 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 that denied the student's release.

AMENDATORY SECTION (Amending Order 82-14, filed 9/14/82)

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. In the event the appeal (i.e., hearing) is conducted before the superintendent's designee, the entire record as required by RCW 34.04.090(4) and (5), together with the proposed findings of fact, proposed conclusions of law, and ((recommendation)) proposed order 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 of fact, proposed conclusions of law, and ((recommendation)) proposed order 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.

AMENDATORY SECTION (Amending Order 80-8, filed 4/15/80)

WAC 392-137-065 GROUNDS FOR ORDER OF RELEASE.

(1) It shall be the policy of the superintendent of public instruction to order the release of a student to a nonresident district only in those cases in which the evidence establishes:

((+)) (a) That a special hardship or detrimental condition of the nature and effect identified in WAC 392-137-055(1)(f) exists; and

((+)) (b) That such special hardship or detrimental condition is likely to be alleviated to a significant extent in the event the student's release is ordered.

(2) It shall not be the policy of the superintendent of public instruction to order the release of a student to a nonresident district for the purpose of providing enrichment of educational opportunity unless the evidence also establishes:

(a) That a particular student has a unique need for the enrichment of educational opportunity;

(b) That the lack of enrichment of educational opportunity is a special hardship or detrimental condition of the nature and effect identified in WAC 392-137-055(1)(f) for a particular student; and

(c) That such special hardship or detrimental condition is likely to be alleviated to a significant extent for that particular student in the event the student's release is ordered.

NEW SECTION

WAC 392-137-070 PER SE SPECIAL HARDSHIP OR DETRIMENTAL HARDSHIPS. The following conditions are judged by the superintendent of public instruction to constitute a special hardship or detrimental condition, the proof of which is a per se condition for the order of a release:

(1) A student who was enrolled the previous school year in a nonresident district who will complete in the same nonresident district during the current school year the highest grade offered in the resident district; and

(2) A student who has completed two or more school years in a nonresident district without a release but with the knowledge of such nonresident attendance by the superintendent or any member of the board of directors of the resident district.

WSR 83-14-089
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
{Filed July 6, 1983}

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—Associated student body moneys, chapter 392-138 WAC;

that the agency will at 9:00 a.m., Wednesday, August 10, 1983, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 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 August 16, 1983.

The authority under which these rules are proposed is RCW 28A.58.115.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1983.

Dated: July 6, 1983

By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-138 WAC.

Rule Section(s): WAC 392-138-003 Authority; WAC 392-138-010 Definitions; WAC 392-138-012 Fees optional noncredit extracurricular events; WAC 392-138-014 Scholarships, student exchange, and charitable purposes; WAC 392-138-015 Distinction between public and private moneys; WAC 392-138-016 Prohibited actions; WAC 392-138-017 Associated student body—Private moneys—Private trust moneys; WAC 392-138-020 Private moneys not to be comingled—Exception in case of student aid donations; WAC 392-138-025 Formation of associated student bodies required; WAC 392-138-030 Powers—Authority and policy of board of directors; WAC 392-138-035 Deposit and investment of associated student body moneys; WAC 392-138-047 Segregation of accounts—Public and private moneys; WAC 392-138-050 Disbursement approval—Total disbursements; WAC 392-138-071 Public moneys—Previous law; WAC 392-138-075 Title to property—Dissolution of associated student body of affiliated group; and WAC 392-138-100 Student aid donations and other nonassociated student body moneys.

Statutory Authority: RCW 28A.58.115.

Purpose of the Rule(s): To establish the procedure for the administration and control of associated student body moneys.

Summary of the New Rule(s) and/or Amendments: WAC 392-138-003 Authority, specifies authority for regulations; WAC 392-138-012 Definitions, distinguishes between ASB public and private funds and defines ASB governing body; WAC 392-138-012 Fees optional noncredit extracurricular events, implements RCW 28A.58.113 regarding establishing attendance and/or ASB fees; WAC 392-138-014 Scholarships, student exchange, and charitable purposes, implements 1982 amendments to RCW 28A.15.120 [28A.58.120] regarding the use of ASB funds for scholarships, student exchange, and charities; WAC 392-138-015 Distinction between public and private moneys; repealed WAC 392-138-016 Prohibited actions, implements what is implied by law; WAC 392-138-017 Associated student body—Private moneys—Private trust moneys, places conditions on use of ASB private moneys; WAC 392-138-020 Private moneys not to be comingled—Exception in case of student aid donations; repealed WAC 392-138-025 Formation of associated student bodies required; repealed WAC 392-138-030 Powers—Authority and policy of board of directors, updates code to reflect additional legal requirements; WAC 392-138-035 Deposit and investment of associated student body moneys, makes provision applicable to both public and private ASB moneys; WAC 392-138-047 Segregation of accounts—Public and private moneys, requires segregation of public and private ASB monies; WAC 392-138-050

Disbursement approval—Total disbursements, establishes procedure for expenditure of ASB monies; WAC 392-138-071 Public moneys—Previous law, codifies effective date of 1982 amendments by legislature; WAC 392-138-075 Title to property—Dissolution of associated student body of affiliated group, provides for school district title to equipment purchased with ASB private moneys; and WAC 392-138-100 Student aid donations and other nonassociated student body moneys, implements 1977 amendment by legislature regarding trust accounts for non-ASB private moneys.

Reasons Which Support the Proposed Action(s): Amendments to update code and implement 1982 legislative changes to RCW 28A.58.120.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Implementation: Mel Collart, SPI, 753-3584; and Enforcement: Perry Keithley, SPI, 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): Implements legislative policy regarding use and accountability of ASB moneys.

Chapter 392-138 WAC FINANCE—ASSOCIATED STUDENT BODY MONEYS

WAC	
392-138-003	Authority.
392-138-010	Definitions.
392-138-012	Fees optional noncredit extracurricular events.
392-138-014	Scholarships, student exchange, and charitable purposes.
392-138-016	Prohibited actions.
392-138-017	Associated student body—Private moneys—Private trust moneys.
392-138-030	Powers—Authority and policy of board of directors.
392-138-035	Deposit and investment of associated student body moneys.
392-138-047	Segregation of accounts—Public and private moneys.
392-138-050	Disbursement approval—Total disbursements.
392-138-071	Public moneys—Previous law.
392-138-075	Title to property—Dissolution of associated student body or affiliated group.
392-138-100	Student aid donations and other nonassociated student body moneys.

NEW SECTION

WAC 392-138-003 AUTHORITY. The authority for this chapter is RCW 28A.58.115 which authorizes the superintendent of public instruction to promulgate rules and regulations regarding the administration and control of associated student body moneys.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-010 DEFINITIONS. (1) "Associated student body" means a formal organization of students, including subcomponents or affiliated student groups such as student clubs, which is formed with the approval, and operated subject to the control, of the board of directors of a school district in compliance with this chapter.

(2) "Associated student body program" means any activity which (a) is conducted in whole or part by or in behalf of an associated student body during or outside regular school hours and within or outside

school grounds and facilities, and (b) is conducted with the approval, and at the direction or under the supervision, of the school district.

(3) "Central district office" means the board of directors and/or their official designee to whom authority has been delegated to act in their behalf.

(4) "Associated student body public moneys" means ~~((a) donations made for the support of an associated student body program, (b))~~ any fees collected from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the school district which is of a cultural, social, recreational or athletic nature ~~((c) revenues derived from "associated student body programs" as defined in subsection (2), above, and (d))~~.

(5) Associated student body private moneys means any other moneys received by a school district and/or an associated student body for the support of an associated student body program other than those moneys specified in subsection (4) of this section and WAC 392-138-100: PROVIDED, That if supplies, materials, and other consumables purchased or furnished by a district through district funds or through associated student body public moneys are used for a revenue generating activity sponsored by an associated student body, which generates associated student body private moneys, the district shall be reimbursed for such consumables or all proceeds of such activity shall be deemed to be associated student body public moneys.

(6) "Associated student body governing body" means the student council, student activities board, or other officially recognized body appointed or elected to represent the entire associated student body within a school in accordance with procedures established by the board of directors of the school district: PROVIDED, That the board of directors may appoint a certificated employee to serve as a member of a student body governing body, otherwise exclusively composed of students enrolled in the sixth grade or less, and to authorize said employee to veto any or all actions of the governing body that is contrary to regulations of the board of directors.

NEW SECTION

WAC 392-138-012 FEES OPTIONAL NONCREDIT EXTRACURRICULAR EVENTS. The board of directors of any common school district may establish and collect a fee from students and nonstudents as a condition to their attendance at any optional noncredit extracurricular event of the district which is of a cultural, social, recreational, or athletic nature: PROVIDED, That in so establishing such fee or fees, the district shall adopt regulations for waiving and reducing such fees in the cases of those students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees and may likewise waive or reduce such fees for nonstudents of the age of sixty-five or over who, by reason of their low income, would have difficulty in paying the entire amount of such fees. An optional comprehensive fee may be established and collected for any combination or all of such events or, in the alternative, a fee may be established and collected as a condition to attendance at any single event. The board of directors shall adopt procedures that insure that all students that are solicited for fees under this section are made aware: (1) Attendance and the fee are optional, and (2) of the regulation that waives and reduces fees for students whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

Fees collected pursuant to this section shall be designated as associated student body public moneys and shall be deposited in the associated student body program fund of the school district. Such funds may be expended to defray the costs of optional noncredit extracurricular events of such a cultural, social, recreational, or athletic nature, or to otherwise support the public activities and programs of associated student bodies. Moneys collected pursuant to this section shall not be expended for scholarship, student exchange or charitable purposes.

NEW SECTION

WAC 392-138-014 SCHOLARSHIPS, STUDENT EXCHANGE, AND CHARITABLE PURPOSES. Associated student body private moneys may be used for scholarship, student exchange, and charitable purposes as the appropriate governing body representing the associated student body shall determine. Such disbursements shall be made in accordance with WAC 392-138-050 and shall be in the form of money.

NEW SECTION

WAC 392-138-016 PROHIBITED ACTIONS. Nothing within this chapter shall be construed to mean that associated student bodies or their official governing body and representatives may take any action prohibited by state law, rule, and regulation of the state superintendent of public instruction or the state board of education, or policy or procedures of the school district board of directors.

NEW SECTION

WAC 392-138-017 ASSOCIATED STUDENT BODY—PRIVATE MONEYS—PRIVATE TRUST MONEYS. Associated student body private moneys are private funds held in trust by the board of directors of a local school district and shall be subject to the same laws of the state of Washington, including rules and regulations, as are public moneys, except that such moneys may be expended for any purpose, public or private, which benefits students enrolled in the district. In accordance with RCW 28A.58.120, expenditures for scholarships, student exchanges, and charitable purposes, if approved by the governing body of an associated student body, shall be deemed an expenditure for the benefit of such students.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-030 POWERS—AUTHORITY AND POLICY OF BOARD OF DIRECTORS. The board of directors of each school district shall:

- (1) Retain and exercise the general powers, authority, and duties expressed and implied in law with respect to the administration of a school district and regulation of actions and activities of the associated student bodies of the district including, but not limited to RCW 28A.58.010 (Corporate powers), RCW 28A.02.020 (General public school system administration), RCW 28A.58.030 (Gifts, conveyances, etc., for scholarship and student aid purposes), RCW 28A.58.101 (Government of schools, pupils, and employees), RCW 28A.58.110 (Bylaws of board and school government), RCW 28A.58.150(2), (3) and (8) (Superintendent's duties), RCW 28A.58.200 (Pupils to comply with rules and regulations), RCW 43.09.200 (Division of municipal corporations—Uniform system of accounting), RCW 36.22.090 (Warrants of political sub-divisions), and chapter 28A.65 RCW (School district budgets);

(2) Approve the constitution and bylaws of each district associated student body and establish policies and guidelines relative to:

- (a) The identification of those activities which shall constitute the associated student body program;
- (b) The establishment of an official governing body representing the associated student body within a school;

(c) The methods and means by which students shall be permitted to raise and otherwise acquire associated student body moneys; and

~~((c))~~ (d) The designation of the primary advisor to each associated student body and the authority of the primary advisor to designate advisors to the various student sub-group organizations affiliated with an associated student body;

(3) Assign accounting functions, or portions thereof, to the school building level to be performed by a designated representative of an associated student body or centralize the accounting functions at the district central administrative office level; and

(4) Provide for the participation of the associated student body or bodies of the school district in the determination of the purposes for which associated student body moneys shall be budgeted and disbursed.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-035 DEPOSIT AND INVESTMENT OF ASSOCIATED STUDENT BODY MONEYS. All associated student body moneys, upon receipt, shall be transmitted intact to the district depository bank and then to the county treasurer or directly to the county treasurer for deposit to the credit of the "associated student body program fund" of the school district and shall be accounted for, expended, and invested subject to the practices and procedures governing other ~~((public))~~ moneys of the district except as such practices and procedures are modified by or pursuant to this chapter.

NEW SECTION

WAC 392-138-047 SEGREGATION OF ACCOUNTS—PUBLIC AND PRIVATE MONEYS. When a school district has associated student body organizations that receive both public and private moneys as defined in WAC 392-138-010(4) and (5), two separate sets of accounts shall be maintained for each associated student body organization for budgets, revenues, expenditures and fund balances in such a manner that there is a complete segregation by accounting records for each associated student body organization including clubs, classes, athletic events and general associated body.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-050 DISBURSEMENT APPROVAL—TOTAL DISBURSEMENTS. Associated student body moneys shall be disbursed subject to the following conditions:

(1) No disbursements shall be made except as provided for in the budget approved pursuant to WAC 392-138-040;

(2) Disbursements shall occur only upon presentation of properly prepared vouchers in such format and design as the central district office shall prescribe, and as provided for in subsection (4) of this section for scholarships, student exchange, or charitable purposes;

(3) ~~((The))~~ All disbursements from the associated student body program fund or any imprest bank account established thereunder shall have the prior approval of the appropriate governing body representing the associated student body. Supporting documentation of the vouchers shall bear evidence of ~~((student))~~ approval by the associated student body governing body in accordance with associated student body bylaws;

(4) Vouchers authorizing disbursements for scholarship, student exchange or charitable purposes shall be accompanied by:

(a) A petition to the associated student body governing body requesting disbursement if the request was originated by an associated student body organization other than the governing body;

(b) An official resolution adopted by the associated student body governing body authorizing the disbursement;

(5) When a fund balance account of an associated student body organization does not contain a sufficient balance to meet a proposed disbursement, such disbursement shall be limited to the account balance: PROVIDED, That a transfer of fund balance between associated student body organizations may be made pursuant to the associated student body bylaws and as approved by the associated student body governing body;

(6) Warrants shall not be issued in excess of the moneys on deposit with the county treasurer in the associated student body program fund; and

~~((5))~~ (7) All disbursements shall be made by warrant except for disbursements from imprest bank accounts and petty cash funds provided for in this chapter.

NEW SECTION

WAC 392-138-071 PUBLIC MONEYS—PREVIOUS LAW. All moneys expended from associated student body program funds prior to June 10, 1982, shall be considered public moneys.

AMENDATORY SECTION (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

WAC 392-138-075 TITLE TO PROPERTY—DISSOLUTION OF ASSOCIATED STUDENT BODY OR AFFILIATED GROUP. The purchase of vehicles, furniture, fixtures, equipment, and real property with associated student body private moneys is an act of conversion of private money to public property. Title to all such property acquired through the expenditure of associated student body moneys shall be vested in the school district.

In the event a member organization affiliated with an associated student body elects to disband or ceases to exist for any reason, then (a) the school district and parent associated student body shall cease carrying any money or account on behalf of or to the credit of the organization, and (b) the records of the organization shall be retained and disposed of in accordance with applicable state law regarding the retention and destruction of public records.

NEW SECTION

WAC 392-138-100 STUDENT AID DONATIONS AND OTHER NONASSOCIATED STUDENT BODY MONEYS. The board of directors of a school district may accept money donated for scholarship and student aid purposes and deposit, invest, and expend the same within the associated student body program fund pursuant to the school district's rules and regulations adopted in compliance with RCW 28A.58.030.

Nonassociated student body program fund moneys generated and received by students for private purposes, including but not limited to use for scholarship and/or charitable purposes, may, in the discretion of the board of directors of any school district, be held in trust in one or more separate accounts within an associated student body program fund and be disbursed for such purposes: PROVIDED, That the school district shall either withhold an amount from such moneys as will pay the district for its cost in providing the service or otherwise be compensated for its cost for such service.

WAC 392-138-035 shall apply to moneys received, deposited, invested, expended, and accounted for under this section.

REPEALER (Amending Order 4-76, filed 3/4/76, effective 7/1/76)

The following sections of the Washington Administrative Code are repealed:

(1) WAC 392-138-015 DISTINCTION BETWEEN PUBLIC AND PRIVATE MONEYS—DUTIES OF ADVISORS.

(2) WAC 392-138-020 PRIVATE MONEYS NOT TO BE COMMINGLED—EXCEPTION IN CASE OF STUDENT AID DONATIONS.

(3) WAC 392-138-025 FORMATION OF ASSOCIATED STUDENT BODIES REQUIRED.

WSR 83-14-090**PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed July 6, 1983]

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—Maintenance and operation levy limits, chapter 392-139 WAC;

that the agency will at 9:00 a.m., Wednesday, August 10, 1983, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 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 August 16, 1983.

The authority under which these rules are proposed is RCW 84.52.0531(7).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 10, 1983.

Dated: July 6, 1983

By: Frank B. Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-139 WAC Finance—Maintenance and operation levy limits.

Rule Section(s): WAC 392-139-001 Authority; WAC 392-139-005 Purpose; WAC 392-139-016 Definitions; WAC 392-139-019 Determination of total general funding capacity for 1983 tax collections; WAC

392-139-021 Determination of excess general fund levy capacity attributable to basic education allocation; WAC 392-139-022 Determination of excess general fund levy capacity attributable to less than one hundred percent funding of the basic education allocation formula; and WAC 392-139-036 Determination of excess general fund levy capacity to be transferred from the nonresident school district to the resident school district for interdistrict cooperation programs.

Statutory Authority: RCW 84.52.0531(7).

Purpose of the Rule(s): To establish policy and procedures for fixing maximum amount of local special levy for schools.

Summary of the New Rule(s) and/or Amendments: WAC 392-139-001 new section stating authorizing RCW; WAC 392-139-005 amended section to comply with code revisers format; WAC 392-139-016 amended section to comply with code revisers format; WAC 392-139-019 new section stating conditions under which a district's maximum levy limitation is established; WAC 392-139-021 amended section to define 100 percent of the basic education allocation; WAC 392-139-022 new section reflecting legislative actions allowing districts to defer up to four percent of their basic education allocation and the effect of funding reductions; and WAC 392-139-036 amended section to revise calculation of nonresident adjustment for the 1983 collection year levy.

Reasons Which Support the Proposed Action(s): To reflect calculation regarding 1983 levy collection.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Implementation: Bruce Mrkvicka, SPI, 753-6708; and Enforcement: Perry Keithley, SPI, 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): Implements legislative policy regarding calculation of levy lid.

NEW SECTION

WAC 392-139-001 AUTHORITY. Rules and regulations hereinafter set forth are established pursuant to RCW 84.52.0531(7) otherwise known as the local school district special levy limitation.

AMENDATORY SECTION (Amending Order 82-5, filed 3/24/82)

WAC 392-139-005 PURPOSE. The purpose of (~~WAC 392-139-010 through 392-139-038~~) this chapter is to establish the exclusive means for fixing the maximum dollar amount of taxes which may be levied on property and collected on behalf of any school district in a given tax year for general fund maintenance and operation purposes pursuant to RCW 84.52.053 and 84.52.0531. These rules shall be effective for calculation of taxes collected in calendar years 1982 and 1983.

AMENDATORY SECTION (Amending Order 81-31, filed 9/29/81, effective 12/27/81)

WAC 392-139-016 DEFINITIONS. As used in this chapter, the terms:

(1) "Accounts 1000, 1030, 1040 and 3170" shall mean general fund revenue classifications as designated in Form F-195 (school district annual budget) published and distributed by the superintendent of

public instruction as follows: Account 1000—total local property tax revenue; Account 1030—local property taxes collected from excess levies; Account 1040—joint district local property taxes collected from excess levies; and Account 3170—timber excise tax Fund A.

(2) "County assessor's report" shall mean the report completed by county assessors each year depicting the basic assessed valuation, regular levy senior citizen exemption, one hundred percent timber roll, excess general fund levy senior citizen exemption, and total assessed valuation data for individual school districts. County assessors provide these data annually to the superintendent of public instruction via Report 1038S.

(3) "County treasurer's monthly report" shall mean the financial statement issued to the school districts by the county treasurers each month from September through August. This report includes data concerning the school district general fund consisting of beginning and ending cash balances, investment income and expenditure, warrants outstanding, revenues in the form of cash increases credited to the various accounts and the current balance of the general fund. To determine the prior year's local property tax, joint district property tax and timber tax collections for calculating a school district's additional levy authority, cash increase data are reported in items 20, 21, 22, 23, 24, 25 and 35 of this report for the 1980-81 school year and items 20, 23 and 35 for the 1981-82 school year.

(4) "F-195(±)": (the budget for fiscal year 19__-__) shall mean the annual school district budget document officially adopted by each school district pursuant to chapter 28A.65 RCW for each year's operations. This document contains estimates of revenues to be received from state sources and excess general fund levy revenues to be collected during the school year.

(5) "F-203" shall mean the annual document prescribed by the superintendent of public instruction which school districts use to estimate state revenues and which is attached to each school district F-195 (annual budget) by the educational service district.

(6) "Report 1191" shall mean the monthly report prepared and distributed by the superintendent of public instruction which includes the number of basic education allocation formula derived certificated and classified staff units, the compensation entitlement amounts for such staff, the basic education allocation provided for each average annual full-time-equivalent student, the basic education allocation, the amount of state-funded support and any final adjustments made for the current school year for each school district. These data are used to calculate the basic levy limitation amount pursuant to WAC 392-139-021 and the additional levy capacity, if any, pursuant to WAC 392-139-026 for calendar year tax collections.

(7) "Report 1191E" shall mean the report prepared and distributed by the superintendent of public instruction which includes the number of basic certificated, formula certificated and formula classified staff units computed on the basis of the number of students enrolled in a school district as reported by the district converted to full-time-equivalent (FTE) students. The enrollment data are reported for each of the following grade levels: Kindergarten, grades 1-6, 7-8(~~(+)~~), and 9-12, excluding secondary vocational students. Vocational secondary FTE students are reported separately for private and public schools. The staff unit calculations provide for an additional number of certificated units due to a significant decrease in student enrollment as provided in the biennial appropriations acts.

(8) "Report 1197" shall mean the monthly report prepared and distributed by the superintendent of public instruction which includes the annual allotment of state funds to each school district for each of the state-funded programs which the district operates.

(9) "Spring tax collection percentage" shall mean that portion of property tax payments received by county treasurers for each school district from February 1 through August 31 expressed in terms of a percent. The superintendent of public instruction shall determine an average tax collection percentage based on a three-year period of tax collections. If a school district requests that the superintendent of public instruction review the tax collection percentage, the superintendent may choose another tax collection period on which to base the tax collection percentage.

(10) "Fall tax collection percentage" shall mean that portion of property tax payments received by county treasurers for each school district from September 1 through January 31 of the next ensuing year expressed in terms of a percent. The superintendent of public instruction shall determine an average tax collection percentage based on a three-year period of tax collections. To determine the fall tax collection percentage, the superintendent of public instruction shall subtract the spring tax collection percentage from one hundred percent. If a

school district requests that the superintendent of public instruction review the tax collection percentage, the superintendent may choose another tax collection period on which to base the tax collection percentage.

(11) "Total property tax collections" shall mean all property tax payments received by county treasurers for each school district from February 1 through January 31 of the next ensuing year. The sum of the spring tax collection percentage and the fall tax collection percentage shall always equal one hundred percent.

NEW SECTION

WAC 392-139-019 DETERMINATION OF TOTAL GENERAL FUNDING CAPACITY FOR 1983 TAX COLLECTIONS. Each district's total general fund levy capacity shall be determined by the maximum capacity generated by one of the following methods:

(1) Districts limited to ten percent excess general fund levy capacity. Determination of total general fund levy capacity for 1983 tax collections pursuant to WAC 392-139-021 and 392-139-022. For each school district generating the maximum levy capacity pursuant to WAC 392-139-021 and 392-139-022, the total general fund levy capacity shall be determined by the sum of capacities generated pursuant to WAC 392-139-021, 392-139-022, 392-139-031(2), 392-139-036(1), and 392-139-039(2); or

(2) Districts permitted excess general fund levy capacity in addition to the ten percent capacity. Determination of total general fund levy capacity for 1983 tax collection pursuant to WAC 392-139-027. For each school district generating the maximum levy capacity pursuant to WAC 392-139-027, the total general fund levy capacity shall be determined by the sum of capacities generated pursuant to WAC 392-139-027, 392-139-031(1), 392-139-036(2), and 392-139-039(1).

AMENDATORY SECTION (Amending Order 82-3, filed 2/11/82, effective 4/6/82)

WAC 392-139-021 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY ATTRIBUTABLE TO BASIC EDUCATION ALLOCATION. The dollar amount of each school district's general fund excess levy authorized for the next tax collection year shall be determined by multiplying the prior school year's basic education allocation converted to one hundred percent of formula as of August 31 by ten percent: PROVIDED, That for the purposes of this calculation, one hundred percent of formula shall mean each district's basic education allocation calculated with one hundred percent of the district's prevailing staff mix factor.

NEW SECTION

WAC 392-139-022 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY ATTRIBUTABLE TO LESS THAN ONE HUNDRED PERCENT FUNDING OF THE BASIC EDUCATION ALLOCATION FORMULA. The dollar amount or capacity of each school district's general fund excess levy authorized for the 1983 tax collection year may be increased over the amount determined in WAC 392-139-021 by the difference between the basic education allocation at one hundred percent of formula and the actual basic education allocation minus any reductions pursuant to section 65, chapter 11, Laws of 1982 2nd ex. sess. and deferrals of receipts pursuant to RCW 28A.41.010.

AMENDATORY SECTION (Amending Order 81-31, filed 9/29/81, effective 12/27/81)

WAC 392-139-036 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY TO BE TRANSFERRED FROM THE NONRESIDENT SCHOOL DISTRICT TO THE RESIDENT SCHOOL DISTRICT FOR INTERDISTRICT COOPERATION PROGRAMS. (1) Districts limited to ten percent excess general fund levy capacity. In cases where a student resides in one school district (resident school district) but attends school in another school district (nonresident school district) for the 1981-82 school year pursuant to RCW 28A.58.075 or 28A.58.245 and chapter 392-135 WAC, the nonresident school district's excess general fund levy capacity for the ((next)) 1983 tax collection year shall be reduced and the resident school district's general fund excess levy capacity for the next tax collection year shall be increased by the same amount which shall be determined as follows:

((+)) (a) Determine the nonresident school district's ((prior)) 1981-82 school year basic education allocation per AAFTE as of August 31.

((2)) (b) Multiply the amount obtained in ((subsection-+)) (a) of this ((section)) subsection by ten percent.

((3)) (c) For each AAFTE student enrolled in a nonresident school district, deduct the amount obtained in ((subsection-2)) (b) of this ((section)) subsection from the nonresident school district's excess general fund levy capacity for the ((next)) 1983 tax collection year and add that same amount to the resident school district's excess general fund levy capacity for the ((next)) 1983 tax collection year.

(2) Districts permitted excess general fund levy capacity in addition to the ten percent capacity. In cases where a student resides in one school district (resident school district) but attends school in another school district (nonresident school district) for the 1980-81 school year pursuant to RCW 28A.58.075 or 28A.58.245 and chapter 392-135 WAC, the nonresident school district's excess general fund levy capacity for the 1983 tax collection year shall be reduced and the resident school district's general fund excess levy capacity for the next tax collection year shall be increased by the same amount which shall be determined as follows:

(a) Determine the nonresident school district's 1980-81 school year basic education allocation per AAFTE as of August 31.

(b) Multiply the amount obtained in (a) of this subsection by ten percent.

(c) For each AAFTE student enrolled in a nonresident school district, deduct the amount obtained in (b) of this subsection from the nonresident school district's excess general fund levy capacity for the 1983 tax collection year and add that same amount to the resident school district's excess general fund levy capacity for the 1983 tax collection year.

WSR 83-14-091
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed July 6, 1983]

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 Grants management—Elementary and Secondary Education Act—Title I program, regular, chapter 392-163 WAC;

that the agency will at 9:00 a.m., Wednesday, August 10, 1983, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 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 August 16, 1983.

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 August 10, 1983.

Dated: July 6, 1983

By: Frank B. Brouillet
Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-163 WAC.

Rule Section(s): WAC 392-163-140 Definition—Direct expense; WAC 392-163-142 Definition—Indirect expense; WAC 392-163-180 Definition—Children; WAC 392-163-255 Definition; WAC 392-163-385 Comparability of services—Computation basis; WAC

392-163-425 Construction and portable lease/purchase; and WAC 392-163-500 Distribution of chapter 1, regular moneys to local school districts.

Statutory Authority: RCW 28A.02.100.

Purpose of the Rule(s): Implement chapter 1 of Education Consolidation and Improvement Act of 1981.

Summary of the New Rule(s) and/or Amendments: WAC 392-163-140 changed to reflect as term is used in accounting manual; WAC 392-163-142 changed to reflect "indirect cost" to "indirect expense"; WAC 392-163-180 changed "or" to "and"; WAC 392-163-255 correct reference; WAC 392-163-385 correct reference; WAC 392-163-425 to permit lease or purchase of portable and other facilities; and WAC 392-163-500 new section to establish policy and procedure for the allocation of chapter 1 money to school districts.

Reasons Which Support the Proposed Action(s): Correct code references and to permit new activity.

Person or Organization Proposing the Rule(s): SPI, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Implementation: Judi Billings, SPI, 753-3220; and Enforcement: Judy Schrag, SPI, 753-1842.

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): Implements chapter 1 of Education Consolidation and Improvement Act of 1981.

Chapter 392-163 WAC

~~((GRANTS MANAGEMENT—ELEMENTARY AND SECONDARY EDUCATION ACT—TITLE I PROGRAM, REGULAR)) SPECIAL SERVICE PROGRAMS—CHAPTER 1 REGULAR OF THE EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981, FINANCIAL ASSISTANCE TO LOCAL SCHOOL DISTRICTS~~

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-140 DEFINITION—DIRECT EXPENSE. As used in this chapter, the term "direct expense" shall be as defined in the accounting manual glossary of terms (i.e., "those elements of cost which can be easily, obviously and conveniently identified with specific programs, . . .").

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-142 DEFINITION—INDIRECT ~~((COST))~~ EXPENSE. As used in this chapter, the term "indirect ~~((cost))~~ expense" shall be as defined in the accounting manual glossary of terms (i.e., "those elements of cost that cannot be easily, obviously, and conveniently identified with specific programs(:) . . ."). For Chapter 1 Regular, each district shall be entitled to the restricted indirect ~~((cost))~~ expense rate established and disseminated annually to school districts by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-180 DEFINITION—CHILDREN. As used in this chapter, the term "children" shall mean persons up to age twenty-one as defined in WAC 392-121-170 who are entitled to a free public education not above grade twelve~~((or))~~ and persons who are of pre-school age.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-255 DEFINITION—PROGRAM THAT IS OF SUFFICIENT SIZE, SCOPE, AND QUALITY TO GIVE REASONABLE PROMISE OF SUBSTANTIAL PROGRESS TOWARD MEETING THE SPECIAL EDUCATIONAL NEEDS OF CHILDREN BEING SERVED. As used in this chapter, the term "program that is of sufficient size, scope and quality to give reasonable promise of substantial progress toward meeting the special educational needs of children being served" shall mean a program that the board of directors of a school district, on the basis of procedures outlined in WAC 392-163-305, 392-163-310, and ~~((392-163-335))~~ 392-163-330, determines has substantial likelihood of meeting the special educational needs of children to be served.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-385 COMPARABILITY OF SERVICES—COMPUTATION BASIS. (1) In order to demonstrate comparability, a school district shall compare the FTE student/instructional staff ratio in each Chapter 1 Regular served school with an average of FTE student/instructional staff ratios in all nonserved schools: PROVIDED, That if all schools within the district are served with Chapter 1 Regular moneys, a school district shall compare the FTE student/instructional staff ratio in each Chapter 1 Regular served school with an average of the FTE student/instructional staff ratio in Chapter 1 Regular served schools having the lowest percent or number of low income students, this base being not more than half the total number of schools being served, using for the computation FTE student enrollment divided by nonfederally funded FTE certificated and classified staff in Activity 27: PROVIDED FURTHER, That at its discretion, a district also may include in its calculation other instructional staff in Activities 22, 23, 24, and 25.

(2) A district shall be deemed to have demonstrated comparability if it meets the definition of equivalence established in WAC ~~((392-163-240))~~ 392-163-215.

(3) In assembling the data for the computation the school district may:

(a) Disregard schools with a total student enrollment of fewer than one hundred FTE students;

(b) Divide schools into no more than four grade span groupings;

(c) Divide schools into two groups, larger and smaller, for each grade span grouping if policies or agreements established by the school district board of directors require different teacher/pupil ratios based on individual school population characteristics. If a district chooses to use this option, it shall use only instructional staff in Activity code 27 in the comparability calculation;

(d) Exclude from its calculation FTE instructional staff who are supported with state and/or local moneys for special programs designed to meet the needs of educationally deprived children, if such programs are consistent with the purposes of Chapter 1 Regular; and/or

(e) Exclude from its calculation the portion of nonfederally supported FTE instructional staff time used to provide services exclusively to handicapped and/or bilingual programs.

(4) Student enrollment and instructional staff data used in the comparability report shall have been collected within the same calendar month. The computation based on that data shall be completed prior to December 1 of each school year.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-425 CONSTRUCTION AND PORTABLE LEASE/PURCHASE. Chapter 1 Regular moneys may be used for the modification of existing facilities and/or for lease/purchase of portable facilities for the purpose of serving Chapter 1 Regular eligible children if:

(1) The district has exhausted every other available option for providing space in which to serve eligible children; and

(2) ~~((The district intends to serve all eligible children in all eligible attendance areas; and~~

~~((3)))~~ Modification of facilities or lease/purchase of portable facilities will provide essential improvement in the delivery of Chapter 1 Regular services to eligible children.

Such use of moneys shall have prior approval from the superintendent of public instruction which shall be granted only after an on-site visit to the school district to examine existing facilities in order to determine that the above conditions do exist.

NEW SECTION

WAC 392-163-500 DISTRIBUTION OF CHAPTER 1 REGULAR MONEYS TO LOCAL SCHOOL DISTRICTS. (1) For purposes of this section, the term:

(a) "Poverty level students" shall mean children aged five through seventeen counted in accordance with Section 111(c)(1)(2)(A)(B) of Public Law 95-561 and 34 CFR 200.22(a)(1)(i).

(b) "Best available data" shall mean poverty level data compiled using the 1980 decennial census definition of poverty status (Current Population Reports, Series P-60, No. 130, "Characteristics of the Population Below the Poverty Level: 1979").

(2) The method used by the superintendent of public instruction to distribute Chapter 1 Regular county allocations shall conform to Section 193(a) of Public Law 95-561 and 34 CFR 200.22.

(a) Using the best available data, poverty level students in each county shall be traced to individual school districts and the district shall receive a proportionate share of Chapter 1 Regular Moneys from each county its boundaries overlap.

(b) No district shall be allocated less than eighty-five percent of the Chapter 1 Regular Moneys it was allocated in the previous fiscal year.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-163-005 AUTHORITY AND PURPOSE.

WSR 83-14-092
NOTICE OF PUBLIC MEETINGS
URBAN ARTERIAL BOARD
[Memorandum—July 6, 1983]

Urban Arterial Board
Transportation Building
Olympia, Washington 98504

Beginning at 9:30 a.m., Friday, July 15, 1983.

WSR 83-14-093
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed July 6, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fishing rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 9, 1983.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 9, 1983.

Dated: July 6, 1983
By: William R. Wilkerson
Director

STATEMENT OF PURPOSE

Title: WAC 220-44-050 Coastal bottomfishing catch limits.

Description of Purpose: Limit rockfish catch.

Summary of Rule: Sets trip limits for rockfish species and size limits for sablefish.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Gene DiDonato, 115 General Administration Building, Olympia, Washington, 753-6716; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

This rule is proposed by the Washington State Department of Fisheries.

Comment: No public hearing will be held.

This rule is not the result of federal law or court order, but conforms state regulations with federal regulations under the pacific coast groundfish management plan.

Small Business Economic Impact Statement: This is a conservation measure that effects all businesses equally.

AMENDATORY SECTION (Amending Order 83-31, filed 4/26/83)

WAC 220-44-050 COASTAL BOTTOMFISH CATCH LIMITS. It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum size shown below for the species indicated:

(1) Widow Rockfish (*Sebastes entomelas*) - 30,000 pounds per vessel trip; no minimum size.

(2) Shortbelly Rockfish (*Sebastes jordani*) and Idiot Rockfish (*Sebastolomus spp.*) - no maximum poundage per vessel trip; no minimum size.

(3) Pacific Ocean Perch (*Sebastes alutus*) - 5,000 pounds or 10 percent of total weight of fish on board, whichever is greater, per vessel trip; no minimum size.

(4) All other species of rockfish (*Sebastes spp.*) - 40,000 pounds of all other species combined per vessel trip; no minimum size. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of other rockfish species in any calendar week, defined as Sunday through the following Saturday.

(5) Sablefish- minimum size 22 inches in length, unless dressed in which case minimum size 16 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail, except that an incidental catch less than the minimum size of ~~((1,000))~~ 5,000 pounds ~~((of weight, 333 fish, or 10 percent of the weight of the sablefish aboard, whichever is greater;))~~ is allowed.

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 83-14-094
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 83-61—Filed July 6, 1983]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, 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 corrects geographical definition

of eastern limit line protecting Columbia River salmon passing the mouth of Grays Harbor.

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 6, 1983.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-36-02500B CLOSED FISHING AREAS—GRAYS HARBOR Notwithstanding the provisions of WAC 220-36-025, effective immediately until further notice it is unlawful to take, fish for or possess salmon taken for commercial purposes from those waters at the mouth of Grays Harbor lying westerly of a line projected northerly from the Westport lighthouse through the Coast Guard look out tower to the shore near Point Brown and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- REP = Repeal of existing section
- READOPT = Readoption of existing section
- 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.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-04-010	REP-E	83-14-032	4-20-045	REP-E	83-14-032	16-86-030	AMD	83-07-029
4-04-011	NEW-E	83-14-032	4-20-046	NEW-E	83-14-032	16-212-010	AMD-P	83-03-047
4-04-020	REP-E	83-14-032	4-24-020	REP-E	83-14-032	16-212-010	AMD	83-06-063
4-04-021	NEW-E	83-14-032	4-24-021	NEW-E	83-14-032	16-212-030	AMD-P	83-03-047
4-04-030	REP-E	83-14-032	4-24-040	REP-E	83-14-032	16-212-030	AMD	83-06-063
4-04-031	NEW-E	83-14-032	4-24-041	NEW-E	83-14-032	16-212-040	REP-P	83-03-047
4-04-060	REP-E	83-14-032	4-24-100	REP-E	83-14-032	16-212-040	REP	83-06-063
4-04-061	NEW-E	83-14-032	4-24-101	NEW-E	83-14-032	16-212-050	AMD-P	83-03-047
4-04-070	REP-E	83-14-032	4-24-130	REP-E	83-14-032	16-212-050	AMD	83-06-063
4-04-071	NEW-E	83-14-032	4-24-131	NEW-E	83-14-032	16-212-060	AMD-P	83-03-047
4-04-190	REP-E	83-14-032	12-40-001	NEW-P	83-08-039	16-212-060	AMD	83-06-063
4-04-191	NEW-E	83-14-032	12-40-010	NEW-P	83-08-039	16-212-065	AMD-P	83-03-047
4-04-210	REP-E	83-14-032	12-40-010	NEW	83-11-041	16-212-065	AMD	83-06-063
4-04-211	NEW-E	83-14-032	12-40-020	NEW-P	83-08-039	16-212-070	AMD-P	83-03-047
4-04-220	REP-E	83-14-032	12-40-020	NEW	83-11-041	16-212-070	AMD	83-06-063
4-04-221	NEW-E	83-14-032	12-40-030	NEW-P	83-08-039	16-212-080	AMD-P	83-03-047
4-04-230	REP-E	83-14-032	12-40-030	NEW	83-11-041	16-212-080	AMD	83-06-063
4-04-231	NEW-E	83-14-032	12-40-040	NEW-P	83-08-039	16-212-085	REP-P	83-03-047
4-04-250	REP-E	83-14-032	12-40-040	NEW	83-11-041	16-212-085	REP	83-06-063
4-04-260	REP-E	83-14-032	12-40-050	NEW-P	83-08-039	16-212-090	AMD-P	83-03-047
4-04-280	REP-E	83-14-032	12-40-050	NEW	83-11-041	16-212-090	AMD	83-06-063
4-04-290	REP-E	83-14-032	12-40-060	NEW-P	83-08-039	16-212-110	AMD-P	83-12-063
4-04-300	REP-E	83-14-032	12-40-060	NEW	83-11-041	16-212-110	AMD-E	83-13-010
4-04-301	NEW-E	83-14-032	12-40-070	NEW-P	83-08-039	16-212-120	AMD-P	83-03-047
4-04-310	REP-E	83-14-032	12-40-070	NEW	83-11-041	16-212-120	AMD	83-06-063
4-04-311	NEW-E	83-14-032	12-40-080	NEW-P	83-08-039	16-212-130	AMD-P	83-12-063
4-12-020	REP-E	83-14-032	12-40-080	NEW	83-11-041	16-212-130	AMD-E	83-13-010
4-12-021	NEW-E	83-14-032	12-40-090	NEW-P	83-08-039	16-212-140	REP-P	83-03-047
4-12-030	REP-E	83-14-032	12-40-090	NEW	83-11-041	16-212-140	REP	83-06-063
4-12-031	NEW-E	83-14-032	12-40-100	NEW-P	83-08-039	16-212-150	REP-P	83-03-047
4-12-040	REP-E	83-14-032	12-40-100	NEW	83-11-041	16-212-150	REP	83-06-063
4-12-041	NEW-E	83-14-032	12-40-110	NEW-P	83-08-039	16-212-160	AMD-P	83-12-063
4-12-060	REP-E	83-14-032	12-40-110	NEW	83-11-041	16-212-160	AMD-E	83-13-010
4-12-061	NEW-E	83-14-032	12-40-120	NEW-P	83-08-039	16-212-170	AMD-P	83-12-063
4-12-070	REP-E	83-14-032	12-40-120	NEW	83-11-041	16-212-170	AMD-E	83-13-010
4-12-110	REP-E	83-14-032	12-40-130	NEW-P	83-08-039	16-212-170	AMD-E	83-13-010
4-12-111	NEW-E	83-14-032	12-40-130	NEW	83-11-041	16-212-180	AMD-P	83-12-063
4-12-170	REP-E	83-14-032	12-40-130	NEW	83-11-041	16-212-180	AMD-E	83-13-010
4-12-171	NEW-E	83-14-032	12-40-140	NEW-P	83-08-039	16-212-195	AMD-P	83-12-063
4-12-180	REP-E	83-14-032	12-40-140	NEW	83-11-041	16-212-195	AMD-E	83-13-010
4-12-181	NEW-E	83-14-032	12-40-150	NEW-P	83-08-039	16-212-200	REP-P	83-03-047
4-12-190	REP-E	83-14-032	12-40-150	NEW	83-11-041	16-212-200	REP	83-06-063
4-12-191	NEW-E	83-14-032	12-40-160	NEW-P	83-08-039	16-212-210	REP-P	83-03-047
4-16-300	REP-E	83-14-032	12-40-160	NEW	83-11-041	16-212-210	REP	83-06-063
4-16-301	NEW-E	83-14-032	12-40-170	NEW-P	83-08-039	16-212-215	NEW-P	83-12-063
4-16-310	REP-E	83-14-032	12-40-170	NEW	83-11-041	16-212-215	NEW-E	83-13-010
4-16-311	NEW-E	83-14-032	16-30-030	AMD-P	83-03-050	16-212-220	NEW-P	83-12-063
4-16-370	REP-E	83-14-032	16-30-030	AMD	83-07-028	16-212-220	NEW-E	83-13-010
4-16-371	NEW-E	83-14-032	16-54-040	AMD-E	83-05-016	16-212-225	NEW-P	83-12-063
4-16-400	REP-E	83-14-032	16-54-040	AMD-P	83-06-064	16-212-225	NEW-E	83-13-010
4-16-401	NEW-E	83-14-032	16-54-040	AMD	83-09-009	16-212-230	NEW-P	83-12-063
4-20-010	REP-E	83-14-032	16-54-082	AMD	83-04-030	16-212-230	NEW-E	83-13-010
4-20-011	NEW-E	83-14-032	16-54-082	AMD-E	83-04-031	16-212-235	NEW-P	83-12-063
4-20-020	AMD	83-09-049	16-54-082	AMD-E	83-05-016	16-212-235	NEW-E	83-13-010
4-20-020	REP-E	83-14-032	16-54-082	AMD-P	83-06-064	16-224-025	NEW-P	83-12-063
4-20-021	NEW-E	83-14-032	16-54-082	AMD	83-09-009	16-224-025	NEW-E	83-13-010
4-20-030	REP-E	83-14-032	16-86-015	AMD-P	83-02-061	16-224-030	AMD-P	83-12-063
4-20-031	NEW-E	83-14-032	16-86-015	AMD	83-06-002	16-224-030	AMD-E	83-13-010
			16-86-030	AMD-P	83-03-051	16-224-040	AMD-P	83-12-063

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
16-224-040	AMD-E 83-13-010	16-409-020	AMD-P 83-03-059	67-20-395	AMD-P 83-06-068
16-228-003	REP-P 83-12-044	16-409-020	AMD 83-06-049	67-20-395	AMD 83-10-033
16-228-235	NEW-P 83-12-044	16-409-030	AMD-P 83-03-059	67-40-022	NEW-E 83-05-014
16-228-240	NEW-P 83-12-044	16-409-030	AMD 83-06-049	67-40-022	NEW-P 83-06-067
16-228-245	NEW-P 83-12-044	16-409-035	NEW-P 83-03-059	67-40-022	NEW-E 83-10-034
16-228-250	NEW-P 83-12-044	16-409-035	NEW 83-06-049	67-40-022	NEW 83-10-035
16-228-255	NEW-P 83-12-044	16-409-040	REP-P 83-03-059	67-40-026	NEW-E 83-05-014
16-228-260	NEW-P 83-12-044	16-409-040	REP 83-06-049	67-40-026	NEW-P 83-06-067
16-228-265	NEW-P 83-12-044	16-409-050	REP-P 83-03-059	67-40-026	NEW-E 83-10-034
16-228-270	NEW-P 83-12-044	16-409-050	REP 83-06-049	67-40-026	NEW 83-10-035
16-228-275	NEW-P 83-12-044	16-409-060	AMD-P 83-03-059	67-40-051	NEW-E 83-05-014
16-228-280	NEW-P 83-12-044	16-409-060	AMD 83-06-049	67-40-051	NEW-P 83-06-067
16-228-282	NEW-P 83-12-044	16-409-065	NEW-P 83-03-059	67-40-051	NEW-E 83-10-034
16-228-900	NEW-P 83-12-044	16-409-065	NEW 83-06-049	67-40-051	NEW 83-10-035
16-230-001	REP-E 83-13-076	16-409-070	AMD-P 83-03-059	67-40-061	NEW-E 83-05-014
16-230-010	AMD-E 83-13-076	16-409-070	AMD 83-06-049	67-40-061	NEW-P 83-06-067
16-230-015	AMD-E 83-13-076	16-409-075	NEW-P 83-03-059	67-40-061	NEW-E 83-10-034
16-230-020	REP-E 83-13-076	16-409-075	NEW 83-06-049	67-40-061	NEW 83-10-035
16-230-030	AMD-E 83-13-076	16-409-080	REP-P 83-03-059	67-40-090	AMD-E 83-05-014
16-230-030	AMD-E 83-14-005	16-409-080	REP 83-06-049	67-40-090	AMD-P 83-06-067
16-230-040	REP-E 83-13-076	16-409-085	NEW-P 83-03-059	67-40-090	AMD-E 83-10-034
16-230-050	REP-E 83-13-076	16-409-085	NEW 83-06-049	67-40-090	AMD 83-10-035
16-230-060	REP-E 83-13-076	16-409-090	REP-P 83-03-059	82-36-030	AMD 83-03-003
16-230-075	AMD-E 83-13-076	16-409-090	REP 83-06-049	98-12-030	NEW 83-02-063
16-230-080	REP-E 83-13-076	16-409-100	REP-P 83-03-059	98-12-040	NEW 83-02-063
16-230-081	NEW-E 83-13-076	16-409-100	REP 83-06-049	98-14-080	NEW 83-02-063
16-230-083	NEW-E 83-13-076	16-409-110	REP-P 83-03-059	98-14-090	NEW 83-02-063
16-230-085	REP-E 83-13-076	16-409-110	REP 83-06-049	106-116-042	AMD 83-13-034
16-230-090	REP-E 83-13-076	16-409-130	REP-P 83-03-059	106-116-103	AMD 83-13-034
16-300-010	AMD-P 83-08-065	16-409-130	REP 83-06-049	106-116-201	AMD 83-13-034
16-300-010	AMD 83-11-029	16-409-140	REP-P 83-03-059	106-116-203	AMD 83-13-034
16-300-020	AMD-P 83-08-065	16-409-140	REP 83-06-049	106-116-213	AMD 83-13-034
16-300-020	AMD 83-11-029	16-461-005	REP-P 83-03-060	106-116-310	AMD 83-13-034
16-300-025	NEW-P 83-08-065	16-461-005	REP 83-06-050	106-116-403	AMD 83-13-034
16-300-025	NEW 83-11-029	16-461-010	AMD-P 83-03-060	106-116-404	AMD 83-13-034
16-304-001	REP-P 83-08-066	16-461-010	AMD 83-06-050	106-116-514	AMD 83-13-034
16-304-001	REP 83-11-030	16-532-040	AMD-P 83-07-052	106-116-601	AMD 83-13-034
16-304-020	AMD-P 83-08-066	16-657-001	AMD-P 83-05-039	106-116-603	AMD 83-13-034
16-304-020	AMD 83-11-030	16-657-001	AMD 83-09-012	106-140-151	REP-E 83-07-024
16-304-030	REP-P 83-08-066	16-657-020	REP-P 83-05-039	106-140-151	REP-P 83-08-070
16-304-030	REP 83-11-030	16-657-020	REP 83-09-012	106-140-151	REP 83-11-033
16-304-040	AMD-P 83-08-066	16-657-025	NEW-P 83-05-039	114-12-135	NEW-P 83-13-116
16-304-040	AMD 83-11-030	16-657-025	NEW 83-09-012	114-12-140	REP-P 83-13-116
16-316-215	AMD-P 83-08-067	16-750-010	AMD-P 83-04-055	118-03-010	AMD-P 83-13-112
16-316-215	AMD 83-11-031	16-750-010	AMD 83-07-042	118-03-050	AMD-P 83-13-112
16-316-270	AMD-E 83-08-064	18-02	REVIEW 83-13-029	132A-120-015	AMD-P 83-09-041
16-316-270	AMD-E 83-10-039	18-28	REVIEW 83-13-029	132A-120-015	AMD 83-14-068
16-316-350	AMD-P 83-08-067	18-48	REVIEW 83-13-029	132A-120-040	AMD-P 83-09-041
16-316-350	AMD 83-11-031	18-60-010	REP-P 83-03-070	132A-120-040	AMD 83-14-068
16-316-474	AMD-P 83-08-067	18-60-010	REP 83-09-013	132A-120-045	AMD-P 83-09-041
16-316-474	AMD 83-11-031	18-60-020	REP-P 83-03-070	132A-120-045	AMD 83-14-068
16-316-484	AMD-P 83-08-067	18-60-020	REP 83-09-013	132A-120-050	AMD-P 83-09-041
16-316-484	AMD 83-11-031	18-60-030	REP-P 83-03-070	132A-120-050	AMD 83-14-068
16-316-820	AMD-P 83-08-067	18-60-030	REP 83-09-013	132A-120-055	AMD-P 83-09-041
16-316-820	AMD 83-11-031	18-60-040	REP-P 83-03-070	132A-120-055	AMD 83-14-068
16-316-830	AMD-P 83-08-067	18-60-040	REP 83-09-013	132A-120-060	AMD-P 83-09-041
16-316-830	AMD 83-11-031	18-60-050	REP-P 83-03-070	132A-120-060	AMD 83-14-068
16-400-001	REP-P 83-03-058	18-60-050	REP 83-09-013	132A-160-005	AMD-P 83-09-041
16-400-001	REP 83-06-048	50-12-080	AMD 83-03-020	132A-160-005	AMD 83-14-068
16-400-003	REP-P 83-03-058	50-16-105	NEW-P 83-14-071	132A-160-010	REP-P 83-09-041
16-400-003	REP 83-06-048	50-44-040	REP-P 83-06-065	132A-160-010	REP 83-14-068
16-400-004	REP-P 83-03-058	50-44-040	REP 83-09-037	132A-160-015	AMD-P 83-09-041
16-400-004	REP 83-06-048	50-48-010	NEW-E 83-10-037	132A-160-015	AMD 83-14-068
16-400-005	REP-P 83-03-058	50-48-020	NEW-E 83-10-037	132A-160-020	AMD-P 83-09-041
16-400-005	REP 83-06-048	50-48-030	NEW-E 83-10-037	132A-160-020	AMD 83-14-068
16-400-006	REP-P 83-03-058	50-48-040	NEW-E 83-10-037	132A-165-005	NEW-P 83-09-041
16-400-006	REP 83-06-048	50-48-050	NEW-E 83-10-037	132A-165-005	NEW 83-14-068
16-400-00601	REP-P 83-03-058	50-48-060	NEW-E 83-10-037	132A-165-015	NEW-P 83-09-041
16-400-00601	REP 83-06-048	50-48-070	NEW-E 83-10-037	132A-165-015	NEW 83-14-068
16-400-150	AMD-P 83-03-058	50-48-080	NEW-E 83-10-037	132A-165-025	NEW-P 83-09-041
16-400-150	AMD 83-06-048	50-48-090	NEW-E 83-10-037	132A-165-025	NEW 83-14-068
16-409-001	REP-P 83-03-059	51-10	AMD-P 83-07-012	132A-165-035	NEW-P 83-09-041
16-409-001	REP 83-06-049	51-12	AMD-P 83-10-082	132A-165-035	NEW 83-14-068
16-409-010	REP-P 83-03-059	67-20-190	AMD-P 83-06-068	132A-165-045	NEW-P 83-09-041
16-409-010	REP 83-06-049	67-20-190	AMD 83-10-033	132A-165-045	NEW 83-14-068
16-409-015	NEW-P 83-03-059	67-20-388	AMD-P 83-06-068	132A-165-055	NEW-P 83-09-041
16-409-015	NEW 83-06-049	67-20-388	AMD 83-10-033	132A-165-055	NEW 83-14-068

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132A-165-065	NEW-P	83-09-041	132E-160-350	REP	83-10-025	132L-112-250	REP	83-07-067
132A-165-065	NEW	83-14-068	132E-160-360	REP-P	83-05-020	132L-112-270	REP-P	83-03-072
132A-165-075	NEW-P	83-09-041	132E-160-360	REP	83-10-025	132L-112-270	REP	83-07-067
132A-165-075	NEW	83-14-068	132E-161-010	NEW-P	83-05-037	132L-112-280	REP-P	83-03-072
132A-165-085	NEW-P	83-09-041	132E-161-010	NEW	83-10-026	132L-112-280	REP	83-07-067
132A-165-085	NEW	83-14-068	132F-01-010	NEW-P	83-09-044	132L-112-290	REP-P	83-03-072
132A-280-010	AMD-P	83-09-041	132F-01-010	NEW	83-13-058	132L-112-290	REP	83-07-067
132A-280-010	AMD	83-14-068	132F-01-020	NEW-P	83-09-044	132L-112-900	REP-P	83-03-072
132E-160-010	REP-P	83-05-020	132F-01-020	NEW	83-13-058	132L-112-900	REP	83-07-067
132E-160-010	REP	83-10-025	132F-104	AMD-P	83-09-044	132L-112-901	REP-P	83-03-072
132E-160-020	REP-P	83-05-020	132F-104	AMD	83-13-058	132L-112-901	REP	83-07-067
132E-160-020	REP	83-10-025	132F-104-030	AMD-P	83-09-044	132L-112-902	REP-P	83-03-072
132E-160-030	REP-P	83-05-020	132F-104-030	AMD	83-13-058	132L-112-902	REP	83-07-067
132E-160-030	REP	83-10-025	132F-104-100	REP-P	83-09-044	132L-112-903	REP-P	83-03-072
132E-160-040	REP-P	83-05-020	132F-104-100	REP	83-13-058	132L-112-903	REP	83-07-067
132E-160-040	REP	83-10-025	132F-104-110	REP-P	83-09-044	132L-112-903	REP-P	83-03-072
132E-160-050	REP-P	83-05-020	132F-104-110	REP	83-13-058	132L-112-904	REP-P	83-07-067
132E-160-050	REP	83-10-025	132F-104-120	REP-P	83-09-044	132L-112-904	REP	83-03-072
132E-160-060	REP-P	83-05-020	132F-104-120	REP	83-13-058	132L-112-905	REP-P	83-07-067
132E-160-060	REP	83-10-025	132F-104-811	AMD-P	83-09-044	132L-112-905	REP	83-03-072
132E-160-070	REP-P	83-05-020	132F-104-811	AMD	83-13-058	132L-112-906	REP-P	83-07-067
132E-160-070	REP	83-10-025	132F-104-812	AMD-P	83-09-044	132L-112-906	REP	83-03-072
132E-160-080	REP-P	83-05-020	132F-104-812	AMD	83-13-058	132L-112-907	REP-P	83-07-067
132E-160-080	REP	83-10-025	132F-104-813	AMD-P	83-09-044	132L-112-907	REP	83-03-072
132E-160-090	REP-P	83-05-020	132F-104-813	AMD	83-13-058	132L-112-908	REP-P	83-07-067
132E-160-090	REP	83-10-025	132F-104-813	AMD	83-13-058	132L-112-908	REP	83-03-072
132E-160-100	REP-P	83-05-020	132F-104-814	AMD-P	83-09-044	132L-112-909	REP-P	83-07-067
132E-160-100	REP	83-10-025	132F-104-814	AMD	83-13-058	132L-112-909	REP	83-03-072
132E-160-110	REP-P	83-05-020	132F-104-815	AMD-P	83-09-044	132L-112-910	REP-P	83-07-067
132E-160-110	REP	83-10-025	132F-104-815	AMD	83-13-058	132L-112-910	REP	83-03-072
132E-160-120	REP-P	83-05-020	132F-104-817	AMD-P	83-09-044	132L-112-911	REP-P	83-07-067
132E-160-120	REP	83-10-025	132F-104-817	AMD	83-13-058	132L-112-911	REP	83-03-072
132E-160-130	REP-P	83-05-020	132F-104-819	AMD-P	83-09-044	132L-112-912	REP-P	83-07-067
132E-160-130	REP	83-10-025	132F-104-819	AMD	83-13-058	132L-112-912	REP	83-03-072
132E-160-140	REP-P	83-05-020	132F-120	AMD-C	83-06-001	132L-112-913	REP-P	83-07-067
132E-160-140	REP	83-10-025	132F-200-010	NEW-P	83-09-044	132L-112-913	REP	83-03-072
132E-160-150	REP-P	83-05-020	132F-200-010	NEW	83-13-058	132L-112-914	REP-P	83-07-067
132E-160-150	REP	83-10-025	132G-120-010	AMD	83-07-020	132L-112-914	REP	83-03-072
132E-160-160	REP-P	83-05-020	132G-120-030	AMD	83-07-020	132L-112-915	REP-P	83-07-067
132E-160-160	REP	83-10-025	132G-120-040	AMD	83-07-020	132L-112-915	REP	83-03-072
132E-160-170	REP-P	83-05-020	132G-120-060	AMD	83-07-020	132L-112-916	REP-P	83-07-067
132E-160-170	REP	83-10-025	132G-120-061	NEW	83-07-020	132L-112-916	REP	83-03-072
132E-160-180	REP-P	83-05-020	132G-120-062	NEW	83-07-020	132L-112-917	REP-P	83-07-067
132E-160-180	REP	83-10-025	132G-120-063	NEW	83-07-020	132L-112-917	REP	83-03-072
132E-160-190	REP-P	83-05-020	132G-120-064	NEW	83-07-020	132L-112-918	REP-P	83-07-067
132E-160-190	REP	83-10-025	132G-120-065	NEW	83-07-020	132L-112-918	REP	83-03-072
132E-160-200	REP-P	83-05-020	132G-120-070	AMD	83-07-020	132L-112-919	REP-P	83-07-067
132E-160-200	REP	83-10-025	132G-120-080	AMD	83-07-020	132L-112-919	REP	83-03-072
132E-160-210	REP-P	83-05-020	132G-120-090	AMD	83-07-020	132L-112-920	REP-P	83-07-067
132E-160-210	REP	83-10-025	132G-120-100	AMD	83-07-020	132L-112-920	REP	83-03-072
132E-160-220	REP-P	83-05-020	132G-120-110	AMD	83-07-020	132L-112-921	REP-P	83-07-067
132E-160-220	REP	83-10-025	132H-105-030	AMD	83-05-051	132L-112-921	REP	83-03-072
132E-160-230	REP-P	83-05-020	132H-120-200	AMD-P	83-07-040	132L-112-922	REP-P	83-07-067
132E-160-230	REP	83-10-025	132H-120-200	AMD	83-12-012	132L-112-922	REP	83-03-072
132E-160-240	REP-P	83-05-020	132H-200-010	AMD-P	83-13-074	132L-112-923	REP-P	83-07-067
132E-160-240	REP	83-10-025	132H-200-020	AMD-P	83-13-074	132L-112-923	REP	83-03-072
132E-160-250	REP-P	83-05-020	132H-200-100	AMD-P	83-13-074	132L-116-010	REP-P	83-07-067
132E-160-250	REP	83-10-025	132L-112-010	REP-P	83-03-072	132L-116-010	REP	83-03-072
132E-160-260	REP-P	83-05-020	132L-112-010	REP	83-07-067	132L-116-020	REP-P	83-07-067
132E-160-260	REP	83-10-025	132L-112-020	REP-P	83-03-072	132L-116-020	REP	83-03-072
132E-160-270	REP-P	83-05-020	132L-112-020	REP	83-07-067	132L-116-030	REP-P	83-07-067
132E-160-270	REP	83-10-025	132L-112-030	REP-P	83-03-072	132L-116-030	REP	83-03-072
132E-160-280	REP-P	83-05-020	132L-112-040	REP	83-07-067	132L-116-040	REP-P	83-07-067
132E-160-280	REP	83-10-025	132L-112-040	REP-P	83-03-072	132L-116-040	REP	83-03-072
132E-160-290	REP-P	83-05-020	132L-112-200	REP-P	83-07-067	132L-116-050	REP-P	83-07-067
132E-160-290	REP	83-10-025	132L-112-200	REP	83-03-072	132L-116-050	REP	83-03-072
132E-160-300	REP-P	83-05-020	132L-112-205	REP-P	83-07-067	132L-128-010	REP-P	83-07-067
132E-160-300	REP	83-10-025	132L-112-205	REP	83-07-067	132L-128-010	REP	83-03-072
132E-160-310	REP-P	83-05-020	132L-112-210	REP-P	83-03-072	132L-128-025	REP-P	83-07-067
132E-160-310	REP	83-10-025	132L-112-210	REP	83-07-067	132L-128-030	REP-P	83-03-072
132E-160-320	REP-P	83-05-020	132L-112-220	REP-P	83-03-072	132L-128-030	REP	83-07-067
132E-160-320	REP	83-10-025	132L-112-220	REP	83-07-067	132L-128-040	REP-P	83-03-072
132E-160-330	REP-P	83-05-020	132L-112-230	REP-P	83-03-072	132L-128-040	REP	83-07-067
132E-160-330	REP	83-10-025	132L-112-230	REP	83-07-067	132L-128-050	REP-P	83-03-072
132E-160-340	REP-P	83-05-020	132L-112-240	REP-P	83-03-072	132L-128-050	REP	83-07-067
132E-160-340	REP	83-10-025	132L-112-240	REP	83-07-067	132L-128-060	REP-P	83-03-072
132E-160-350	REP-P	83-05-020	132L-112-250	REP-P	83-03-072	132L-128-060	REP	83-07-067

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132L-128-070	REP-P	83-03-072	133-30-030	NEW	83-10-041	137-48-020	NEW-E	83-02-050
132L-128-070	REP	83-07-067	133-30-040	NEW-P	83-03-061	137-48-020	NEW-W	83-08-007
132L-128-080	REP-P	83-03-072	133-30-040	NEW	83-10-041	137-48-020	NEW-E	83-08-063
132L-128-080	REP	83-07-067	133-30-050	NEW-P	83-03-061	137-48-030	NEW-P	83-02-048
132L-128-090	REP-P	83-03-072	133-30-050	NEW	83-10-041	137-48-030	NEW-E	83-02-050
132L-128-090	REP	83-07-067	133-30-060	NEW-P	83-03-061	137-48-030	NEW-W	83-08-007
132L-140-020	AMD-P	83-12-043	133-30-060	NEW	83-10-041	137-48-030	NEW-E	83-08-063
132Q-276	NEW-C	83-07-004	133-30-070	NEW-P	83-03-061	137-48-040	NEW-P	83-02-048
132Q-276-010	NEW-P	83-06-009	133-30-070	NEW	83-10-041	137-48-040	NEW-E	83-02-050
132Q-276-010	NEW	83-10-004	133-30-080	NEW-P	83-03-061	137-48-040	NEW-W	83-08-007
132Q-276-020	NEW-P	83-06-009	133-30-080	NEW	83-10-041	137-48-040	NEW-E	83-08-063
132Q-276-020	NEW	83-10-004	133-40	NEW-C	83-07-003	137-48-050	NEW-P	83-02-048
132Q-276-030	NEW-P	83-06-009	133-40	NEW	83-10-041	137-48-050	NEW-E	83-02-050
132Q-276-030	NEW	83-10-004	133-40-010	NEW-P	83-03-061	137-48-050	NEW-W	83-08-007
132Q-276-040	NEW-P	83-06-009	133-40-010	NEW	83-10-041	137-48-050	NEW-E	83-08-063
132Q-276-040	NEW	83-10-004	133-40-020	NEW-P	83-03-061	137-48-060	NEW-P	83-02-048
132Q-276-050	NEW-P	83-06-009	133-40-020	NEW	83-10-041	137-48-060	NEW-E	83-02-050
132Q-276-050	NEW	83-10-004	133-40-030	NEW-P	83-03-061	137-48-060	NEW-W	83-08-007
132Q-276-060	NEW-P	83-06-009	133-40-030	NEW	83-10-041	137-48-060	NEW-E	83-08-063
132Q-276-060	NEW	83-10-004	133-40-040	NEW-P	83-03-061	137-48-070	NEW-P	83-02-048
132Q-276-070	NEW-P	83-06-009	133-40-040	NEW	83-10-041	137-48-070	NEW-E	83-02-050
132Q-276-070	NEW	83-10-004	133-40-050	NEW-P	83-03-061	137-48-070	NEW-W	83-08-007
132Q-276-080	NEW-P	83-06-009	133-40-050	NEW	83-10-041	137-48-070	NEW-E	83-08-063
132Q-276-080	NEW	83-10-004	133-40-060	NEW-P	83-03-061	137-48-080	NEW-P	83-02-048
132Q-276-090	NEW-P	83-06-009	133-40-060	NEW	83-10-041	137-48-080	NEW-E	83-02-050
132Q-276-090	NEW	83-10-004	133-50	NEW-C	83-07-003	137-48-080	NEW-W	83-08-007
132Q-276-100	NEW-P	83-06-009	133-50	NEW	83-10-041	137-48-080	NEW-E	83-08-063
132Q-276-100	NEW	83-10-004	133-50-010	NEW-P	83-03-061	137-48-090	NEW-E	83-08-063
132Q-276-110	NEW-P	83-06-009	133-50-010	NEW	83-10-041	137-49-010	REP-E	83-07-006
132Q-276-110	NEW	83-10-004	133-50-020	NEW-P	83-03-061	137-49-010	NEW-W	83-07-007
132Q-276-120	NEW-P	83-06-009	133-50-020	NEW	83-10-041	137-50	NEW-C	83-06-011
132Q-276-120	NEW	83-10-004	137-36	NEW-C	83-06-011	137-50	NEW-W	83-08-007
132Q-276-130	NEW-P	83-06-009	137-36	NEW-W	83-08-007	137-50-010	NEW-W	83-08-007
132Q-276-130	NEW	83-10-004	137-36	NEW-E	83-08-063	137-54-010	NEW-E	83-13-015
132Q-276-140	NEW-P	83-06-009	137-36-010	NEW-P	83-02-049	137-54-020	NEW-E	83-13-015
132Q-276-140	NEW	83-10-004	137-36-010	NEW-E	83-02-051	137-54-030	NEW-E	83-13-015
133-10	NEW-C	83-07-003	137-36-010	NEW-W	83-08-007	137-54-040	NEW-E	83-13-015
133-10	NEW	83-10-041	137-36-010	NEW-E	83-08-063	137-54-050	NEW-E	83-13-015
133-10-010	NEW-P	83-03-061	137-36-020	NEW-P	83-02-049	137-54-060	NEW-E	83-13-015
133-10-010	NEW	83-10-041	137-36-020	NEW-E	83-02-051	137-54-070	NEW-E	83-13-015
133-10-020	NEW-P	83-03-061	137-36-020	NEW-W	83-08-007	137-56-190	AMD	83-05-009
133-10-020	NEW	83-10-041	137-36-020	NEW-E	83-08-063	137-56-250	AMD-P	83-07-049
133-10-030	NEW-P	83-03-061	137-36-030	NEW-P	83-02-049	137-56-250	AMD	83-10-042
133-10-030	NEW	83-10-041	137-36-030	NEW-E	83-02-051	139-14-010	AMD-C	83-04-009
133-20	NEW-C	83-07-003	137-36-030	NEW-W	83-08-007	139-14-010	AMD-E	83-04-014
133-20	NEW	83-10-041	137-36-030	NEW-E	83-08-063	139-14-010	AMD	83-07-046
133-20-010	NEW-P	83-03-061	137-36-040	NEW-P	83-02-049	139-20-010	REP-C	83-04-008
133-20-010	NEW	83-10-041	137-36-040	NEW-E	83-02-051	139-20-010	REP-E	83-04-012
133-20-020	NEW-P	83-03-061	137-36-040	NEW-W	83-08-007	139-20-010	REP	83-07-044
133-20-020	NEW	83-10-041	137-36-040	NEW-E	83-08-063	139-20-020	NEW-C	83-04-007
133-20-030	NEW-P	83-03-061	137-36-050	NEW-P	83-02-049	139-20-020	NEW-E	83-04-013
133-20-030	NEW	83-10-041	137-36-050	NEW-E	83-02-051	139-20-020	NEW	83-07-045
133-20-040	NEW-P	83-03-061	137-36-050	NEW-W	83-08-007	140-08-010	NEW-P	83-02-053
133-20-040	NEW	83-10-041	137-36-050	NEW-E	83-08-063	140-08-010	NEW	83-06-034
133-20-050	NEW-P	83-03-061	137-36-060	NEW-P	83-02-049	140-08-020	NEW-P	83-02-053
133-20-050	NEW	83-10-041	137-36-060	NEW-E	83-02-051	140-08-020	NEW	83-06-034
133-20-060	NEW-P	83-03-061	137-36-060	NEW-W	83-08-007	140-08-030	NEW-P	83-02-053
133-20-060	NEW	83-10-041	137-36-060	NEW-E	83-08-063	140-08-030	NEW	83-06-034
133-20-070	NEW-P	83-03-061	137-36-070	NEW-P	83-02-049	140-08-040	NEW-P	83-02-053
133-20-070	NEW	83-10-041	137-36-070	NEW-E	83-02-051	140-08-040	NEW	83-06-034
133-20-080	NEW-P	83-03-061	137-36-070	NEW-W	83-08-007	140-08-050	NEW-P	83-02-053
133-20-080	NEW	83-10-041	137-36-070	NEW-E	83-08-063	140-08-050	NEW	83-06-034
133-20-090	NEW-P	83-03-061	137-37	NEW-C	83-11-021	140-08-060	NEW-P	83-02-053
133-20-090	NEW	83-10-041	137-37-010	NEW-P	83-08-006	140-08-060	NEW	83-06-034
133-20-100	NEW-P	83-03-061	137-37-020	NEW-P	83-08-006	140-08-070	NEW-P	83-02-053
133-20-100	NEW	83-10-041	137-37-030	NEW-P	83-08-006	140-08-070	NEW	83-06-034
133-20-110	NEW-P	83-03-061	137-37-040	NEW-P	83-08-006	140-08-080	NEW-P	83-02-053
133-20-110	NEW	83-10-041	137-37-050	NEW-P	83-08-006	140-08-080	NEW	83-06-034
133-20-120	NEW-P	83-03-061	137-37-060	NEW-P	83-08-006	140-08-090	NEW-P	83-02-053
133-20-120	NEW	83-10-041	137-48	NEW-C	83-06-011	140-08-090	NEW	83-06-034
133-30	NEW-C	83-07-003	137-48	NEW-W	83-08-007	140-08-100	NEW-P	83-02-053
133-30	NEW	83-10-041	137-48	NEW-E	83-08-063	140-08-100	NEW	83-06-034
133-30-010	NEW-P	83-03-061	137-48-010	NEW-P	83-02-048	140-08-110	NEW-P	83-02-053
133-30-010	NEW	83-10-041	137-48-010	NEW-E	83-02-050	140-08-110	NEW	83-06-034
133-30-020	NEW-P	83-03-061	137-48-010	NEW-W	83-08-007	140-12-010	NEW-P	83-02-054
133-30-020	NEW	83-10-041	137-48-010	NEW-E	83-08-063	140-12-010	NEW	83-06-035
133-30-030	NEW-P	83-03-061	137-48-020	NEW-P	83-02-048	140-12-020	NEW-P	83-02-054

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
140-12-020	NEW	83-06-035	154-12-100	AMD	83-13-044	173-19-2521	AMD-C	83-12-016
140-12-030	NEW-P	83-02-054	154-12-105	NEW-E	83-09-020	173-19-2521	AMD	83-13-029
140-12-030	NEW	83-06-035	154-12-105	NEW-P	83-09-021	173-19-2521	AMD-C	83-14-011
140-12-040	NEW-P	83-02-054	154-12-105	NEW-C	83-10-050	173-19-260	AMD-C	83-03-067
140-12-040	NEW	83-06-035	154-12-105	NEW	83-13-044	173-19-260	AMD	83-08-002
140-12-050	NEW-P	83-02-054	154-12-110	AMD-E	83-09-020	173-19-3508	AMD-P	83-08-072
140-12-050	NEW	83-06-035	154-12-110	AMD-P	83-09-021	173-19-3508	AMD	83-12-017
140-12-060	NEW-P	83-02-054	154-12-110	AMD-C	83-10-050	173-19-3514	AMD-P	83-08-072
140-12-060	NEW	83-06-035	154-12-110	AMD	83-13-044	173-19-3514	AMD	83-12-018
140-12-070	NEW-P	83-02-054	154-16-010	AMD-E	83-09-020	173-19-370	AMD-P	83-02-065
140-12-070	NEW	83-06-035	154-16-010	AMD-P	83-09-021	173-19-370	AMD	83-07-082
140-12-080	NEW-P	83-02-054	154-16-010	AMD-C	83-10-050	173-19-390	AMD-P	83-13-119
140-12-080	NEW	83-06-035	154-16-010	AMD	83-13-044	173-19-4005	AMD-P	83-02-065
140-12-090	NEW-P	83-02-054	154-16-020	AMD-E	83-09-020	173-19-4005	AMD	83-07-083
140-12-090	NEW	83-06-035	154-16-020	AMD-P	83-09-021	173-134-010	REP-P	83-07-079
140-12-100	NEW-P	83-02-054	154-16-020	AMD-C	83-10-050	173-134-010	REP	83-12-060
140-12-100	NEW	83-06-035	154-16-020	AMD	83-13-044	173-134-010	REP-P	83-07-079
140-12-110	NEW-P	83-02-054	154-20-010	AMD-E	83-09-020	173-134-020	REP	83-12-060
140-12-110	NEW	83-06-035	154-20-010	AMD-P	83-09-021	173-134-030	REP-P	83-07-079
142-30-010	AMD-P	83-04-048	154-20-010	AMD-C	83-10-050	173-134-030	REP	83-12-060
142-30-010	AMD-E	83-08-018	154-20-010	AMD	83-13-044	173-134-040	REP-P	83-07-079
142-30-010	AMD	83-08-019	154-20-020	AMD-E	83-09-020	173-134-040	REP	83-12-060
154-04-010	AMD-E	83-09-020	154-20-020	AMD-P	83-09-021	173-134-050	REP-P	83-07-079
154-04-010	AMD-P	83-09-021	154-20-020	AMD-C	83-10-050	173-134-050	REP	83-12-060
154-04-010	AMD-C	83-10-050	154-20-020	AMD	83-13-044	173-134-055	REP-P	83-07-079
154-04-010	AMD	83-13-044	154-48-010	AMD-E	83-09-020	173-134-055	REP	83-12-060
154-04-035	NEW-E	83-09-020	154-48-010	AMD-P	83-09-021	173-134-060	REP-P	83-07-079
154-04-035	NEW-P	83-09-021	154-48-010	AMD-C	83-10-050	173-134-060	REP	83-12-060
154-04-035	NEW-C	83-10-050	154-48-010	AMD	83-13-044	173-134-070	REP-P	83-07-079
154-04-035	NEW	83-13-044	154-48-020	AMD-E	83-09-020	173-134-070	REP	83-12-060
154-04-040	AMD-E	83-09-020	154-68-020	AMD-P	83-09-021	173-134-080	REP-P	83-07-079
154-04-040	AMD-P	83-09-021	154-68-020	AMD-C	83-10-050	173-134-080	REP	83-12-060
154-04-040	AMD-C	83-10-050	154-68-020	AMD	83-13-044	173-134-085	REP-P	83-07-079
154-04-040	AMD	83-13-044	167-04-010	REP	83-06-052	173-134-085	REP	83-12-060
154-04-050	AMD-E	83-09-020	167-04-030	REP	83-06-052	173-134-090	REP-P	83-07-079
154-04-050	AMD-P	83-09-021	167-04-050	REP	83-06-052	173-134-090	REP	83-12-060
154-04-050	AMD-C	83-10-050	167-06-010	REP	83-06-052	173-134-100	REP-P	83-07-079
154-04-050	AMD	83-13-044	167-06-020	REP	83-06-052	173-134-100	REP	83-12-060
154-04-070	AMD-E	83-09-020	167-08-010	REP	83-06-052	173-134-110	REP-P	83-07-079
154-04-070	AMD-P	83-09-021	172-129-010	REP-P	83-14-021	173-134-110	REP	83-12-060
154-04-070	AMD-C	83-10-050	172-129-020	REP-P	83-14-021	173-134-120	REP-P	83-07-079
154-04-070	AMD	83-13-044	172-129-030	REP-P	83-14-021	173-134-120	REP	83-12-060
154-04-075	NEW-E	83-09-020	172-129-031	REP-P	83-14-021	173-134-130	REP-P	83-07-079
154-04-075	NEW-P	83-09-021	172-129-035	REP-P	83-14-021	173-134-130	REP	83-12-060
154-04-075	NEW-C	83-10-050	172-129-036	REP-P	83-14-021	173-134-140	REP-P	83-07-079
154-04-075	NEW	83-13-044	172-129-037	REP-P	83-14-021	173-134-140	REP	83-12-060
154-04-090	AMD-E	83-09-020	172-129-040	REP-P	83-14-021	173-134-160	REP-P	83-07-079
154-04-090	AMD-P	83-09-021	172-129-050	REP-P	83-14-021	173-134-160	REP	83-12-060
154-04-090	AMD-C	83-10-050	172-129-060	REP-P	83-14-021	173-134A-010	NEW-P	83-07-079
154-04-090	AMD	83-13-044	172-129-070	REP-P	83-14-021	173-134A-010	NEW	83-12-060
154-04-100	AMD-E	83-09-020	172-129-080	REP-P	83-14-021	173-134A-020	NEW-P	83-07-079
154-04-100	AMD-P	83-09-021	172-129-090	REP-P	83-14-021	173-134A-020	NEW	83-12-060
154-04-100	AMD-C	83-10-050	172-129-100	REP-P	83-14-021	173-134A-030	NEW-P	83-07-079
154-04-100	AMD	83-13-044	172-129-110	REP-P	83-14-021	173-134A-030	NEW	83-12-060
154-12-010	AMD-E	83-09-020	172-129-120	REP-P	83-14-021	173-134A-040	NEW-P	83-07-079
154-12-010	AMD-P	83-09-021	172-129-130	REP-P	83-14-021	173-134A-040	NEW	83-12-060
154-12-010	AMD-C	83-10-050	172-129-140	REP-P	83-14-021	173-134A-050	NEW-P	83-07-079
154-12-010	AMD	83-13-044	172-129-145	REP-P	83-14-021	173-134A-050	NEW	83-12-060
154-12-015	NEW-E	83-09-020	172-129-150	REP-P	83-14-021	173-134A-060	NEW-P	83-07-079
154-12-015	NEW-P	83-09-021	172-129-160	REP-P	83-14-021	173-134A-060	NEW	83-12-060
154-12-015	NEW-C	83-10-050	173-19-1104	AMD-P	83-10-061	173-134A-070	NEW-P	83-07-079
154-12-015	NEW	83-13-044	173-19-1104	AMD	83-14-003	173-134A-070	NEW	83-12-060
154-12-020	AMD-E	83-09-020	173-19-130	AMD	83-02-066	173-134A-080	NEW-P	83-07-079
154-12-020	AMD-P	83-09-021	173-19-190	AMD-P	83-10-061	173-134A-080	NEW	83-12-060
154-12-020	AMD-C	83-10-050	173-19-190	AMD-C	83-14-010	173-134A-090	NEW-P	83-07-079
154-12-020	AMD	83-13-044	173-19-2208	AMD-P	83-14-085	173-134A-090	NEW	83-12-060
154-12-030	AMD-E	83-09-020	173-19-240	AMD-P	83-11-048	173-134A-100	NEW-P	83-07-079
154-12-030	AMD-P	83-09-021	173-19-240	AMD	83-14-086	173-134A-100	NEW	83-12-060
154-12-030	AMD-C	83-10-050	173-19-2503	AMD-P	83-02-065	173-134A-110	NEW-P	83-07-079
154-12-030	AMD	83-13-044	173-19-2503	AMD	83-07-080	173-134A-110	NEW	83-12-060
154-12-090	AMD-E	83-09-020	173-19-2505	AMD-P	83-02-064	173-134A-120	NEW-P	83-07-079
154-12-090	AMD-P	83-09-021	173-19-2505	AMD-P	83-03-069	173-134A-120	NEW	83-12-060
154-12-090	AMD-C	83-10-050	173-19-2505	AMD	83-07-019	173-134A-130	NEW-P	83-07-079
154-12-090	AMD	83-13-044	173-19-2521	AMD-P	83-02-065	173-134A-130	NEW	83-12-060
154-12-100	AMD-E	83-09-020	173-19-2521	AMD	83-07-081	173-134A-140	NEW-P	83-07-079
154-12-100	AMD-P	83-09-021	173-19-2521	AMD-P	83-09-052	173-134A-140	NEW	83-12-060
154-12-100	AMD-C	83-10-050	173-19-2521	AMD-P	83-11-047	173-134A-150	NEW-P	83-07-079

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-134A-150	NEW	83-12-060	173-403-050	AMD-P	83-13-118	173-508	REVIEW	83-13-028
173-134A-160	NEW-P	83-07-079	173-403-060	NEW-P	83-13-118	173-509	REVIEW	83-13-028
173-134A-160	NEW	83-12-060	173-403-070	NEW-P	83-13-118	173-510	REVIEW	83-13-028
173-134A-170	NEW-P	83-07-079	173-403-075	NEW-P	83-13-118	173-512	REVIEW	83-13-028
173-134A-170	NEW	83-12-060	173-403-080	NEW-P	83-13-118	173-513	REVIEW	83-13-028
173-220	REVIEW	83-13-028	173-403-090	NEW-P	83-13-118	173-531A	REVIEW	83-13-028
173-220-090	AMD-P	83-07-078	173-403-100	NEW-P	83-03-070	173-545	NEW-C	83-10-062
173-220-090	AMD	83-10-063	173-403-100	NEW	83-09-013	173-545-010	NEW-P	83-09-053
173-301	AMD-C	83-03-068	173-403-110	NEW-P	83-03-070	173-545-010	NEW	83-13-016
173-301	AMD	83-09-017	173-403-110	NEW	83-09-013	173-545-020	NEW-P	83-09-053
173-301	REVIEW	83-13-028	173-403-110	AMD-P	83-13-118	173-545-020	NEW	83-13-016
173-301-110	AMD	83-09-017	173-403-120	NEW-P	83-03-070	173-545-030	NEW-P	83-09-053
173-301-180	AMD	83-09-017	173-403-120	NEW	83-09-013	173-545-030	NEW	83-13-016
173-301-181	AMD	83-09-017	173-403-130	NEW-P	83-03-070	173-545-040	NEW-P	83-09-053
173-301-320	NEW	83-09-017	173-403-130	NEW	83-09-013	173-545-040	NEW	83-13-016
173-303	REVIEW	83-13-028	173-403-140	NEW-P	83-03-070	173-545-050	NEW-P	83-09-053
173-310	REVIEW	83-13-028	173-403-140	NEW	83-09-013	173-545-050	NEW	83-13-016
173-320-010	NEW	83-12-062	173-403-150	NEW-P	83-03-070	173-545-060	NEW-P	83-09-053
173-320-020	NEW	83-12-062	173-403-150	NEW	83-09-013	173-545-060	NEW	83-13-016
173-320-030	NEW	83-12-062	173-403-160	NEW-P	83-03-070	173-545-070	NEW-P	83-09-053
173-320-040	NEW	83-12-062	173-403-160	NEW	83-09-013	173-545-070	NEW	83-13-016
173-320-050	NEW	83-12-062	173-403-170	NEW-P	83-03-070	173-545-080	NEW-P	83-09-053
173-320-060	NEW	83-12-062	173-403-170	NEW	83-09-013	173-545-080	NEW	83-13-016
173-320-070	NEW	83-12-062	173-403-180	NEW-P	83-03-070	173-545-090	NEW-P	83-09-053
173-320-080	NEW	83-12-062	173-403-180	NEW	83-09-013	173-545-090	NEW	83-13-016
173-400	REVIEW	83-13-028	173-403-190	NEW-P	83-03-070	173-545-100	NEW-P	83-09-053
173-400-010	AMD-P	83-03-070	173-403-190	NEW	83-09-013	173-545-100	NEW	83-13-016
173-400-010	AMD	83-09-036	173-405	REVIEW	83-13-028	173-563	REVIEW	83-13-028
173-400-020	AMD-P	83-03-070	173-405-021	AMD-P	83-03-070	173-801	REVIEW	83-13-028
173-400-020	AMD	83-09-036	173-405-021	AMD	83-09-036	174-107-100	NEW-P	83-11-018
173-400-030	AMD-P	83-03-070	173-405-033	AMD-P	83-03-070	174-107-110	NEW-P	83-11-018
173-400-030	AMD	83-09-036	173-405-033	AMD	83-09-036	174-107-120	NEW-P	83-11-018
173-400-040	AMD-P	83-03-070	173-405-035	NEW-P	83-13-118	174-107-130	NEW-P	83-11-018
173-400-040	AMD	83-09-036	173-405-040	AMD-P	83-03-070	174-107-140	NEW-P	83-11-018
173-400-050	AMD-P	83-03-070	173-405-040	AMD	83-09-036	174-107-150	NEW-P	83-11-018
173-400-050	AMD	83-09-036	173-405-061	AMD-P	83-03-070	174-107-160	NEW-P	83-11-018
173-400-060	AMD-P	83-03-070	173-405-061	AMD	83-09-036	174-107-170	NEW-P	83-11-018
173-400-060	AMD	83-09-036	173-405-077	AMD-P	83-03-070	174-107-180	NEW-P	83-11-018
173-400-070	AMD-P	83-03-070	173-405-077	AMD	83-09-036	174-107-190	NEW-P	83-11-018
173-400-070	AMD	83-09-036	173-405-078	AMD-P	83-03-070	174-107-200	NEW-P	83-11-018
173-400-075	AMD-P	83-03-070	173-405-078	AMD	83-09-036	174-107-210	NEW-P	83-11-018
173-400-075	AMD	83-09-036	173-405-086	AMD-P	83-03-070	174-107-220	NEW-P	83-11-018
173-400-080	REP-P	83-03-070	173-405-086	AMD	83-09-036	174-107-230	NEW-P	83-11-018
173-400-080	REP	83-09-036	173-405-090	REP-P	83-03-070	174-107-240	NEW-P	83-11-018
173-400-090	REP-P	83-03-070	173-405-090	REP	83-09-036	174-107-250	NEW-P	83-11-018
173-400-090	REP	83-09-036	173-405-101	REP-P	83-03-070	174-107-260	NEW-P	83-11-018
173-400-100	AMD-P	83-03-070	173-405-101	REP	83-09-036	174-107-270	NEW-P	83-11-018
173-400-100	AMD	83-09-036	173-410	REVIEW	83-13-028	174-107-280	NEW-P	83-11-018
173-400-110	AMD-P	83-03-070	173-410-021	AMD-P	83-03-070	174-107-290	NEW-P	83-11-018
173-400-110	AMD	83-09-036	173-410-021	AMD	83-09-036	174-107-300	NEW-P	83-11-018
173-400-115	AMD-P	83-03-070	173-410-035	NEW-P	83-13-118	174-107-310	NEW-P	83-11-018
173-400-115	AMD	83-09-036	173-410-040	AMD-P	83-03-070	174-107-320	NEW-P	83-11-018
173-400-120	AMD-P	83-03-070	173-410-040	AMD	83-09-036	174-107-330	NEW-P	83-11-018
173-400-120	AMD	83-09-036	173-410-067	AMD-P	83-03-070	174-107-340	NEW-P	83-11-018
173-400-130	REP-P	83-03-070	173-410-067	AMD	83-09-036	174-107-350	NEW-P	83-11-018
173-400-130	REP	83-09-036	173-410-071	AMD-P	83-03-070	174-107-360	NEW-P	83-11-018
173-400-135	REP-P	83-03-070	173-410-071	AMD	83-09-036	174-107-370	NEW-P	83-11-018
173-400-135	REP	83-09-036	173-410-086	AMD-P	83-03-070	174-107-380	NEW-P	83-11-018
173-400-140	REP-P	83-03-070	173-410-086	AMD	83-09-036	174-107-400	NEW-P	83-11-018
173-400-140	REP	83-09-036	173-410-090	REP-P	83-03-070	174-107-410	NEW-P	83-11-018
173-400-150	REP-P	83-03-070	173-410-090	REP	83-09-036	174-107-420	NEW-P	83-11-018
173-400-150	REP	83-09-036	173-410-091	REP-P	83-03-070	174-107-430	NEW-P	83-11-018
173-400-160	REP-P	83-03-070	173-410-091	REP	83-09-036	174-107-440	NEW-P	83-11-018
173-400-160	REP	83-09-036	173-415	REVIEW	83-13-028	174-107-450	NEW-P	83-11-018
173-400-170	REP-P	83-03-070	173-415-020	AMD-P	83-03-070	174-107-460	NEW-P	83-11-018
173-400-170	REP	83-09-036	173-415-020	AMD	83-09-036	174-107-470	NEW-P	83-11-018
173-402	REVIEW	83-13-028	173-415-030	AMD-P	83-03-070	174-107-500	NEW-P	83-11-018
173-403	REVIEW	83-13-028	173-415-030	AMD	83-09-036	174-107-510	NEW-P	83-11-018
173-403-010	NEW-P	83-03-070	173-415-050	AMD-P	83-03-070	174-107-520	NEW-P	83-11-018
173-403-010	NEW	83-09-013	173-415-050	AMD	83-09-036	174-107-530	NEW-P	83-11-018
173-403-020	NEW-P	83-03-070	173-415-070	AMD-P	83-03-070	174-107-540	NEW-P	83-11-018
173-403-020	NEW	83-09-013	173-415-070	AMD	83-09-036	174-107-550	NEW-P	83-11-018
173-403-030	NEW-P	83-03-070	173-415-080	AMD-P	83-03-070	174-136-015	AMD	83-05-034
173-403-030	NEW	83-09-013	173-415-080	AMD	83-09-036	174-136-016	AMD	83-05-034
173-403-030	AMD-P	83-13-118	173-415-090	REP-P	83-03-070	174-136-018	AMD	83-05-034
173-403-050	NEW-P	83-03-070	173-415-090	REP	83-09-036	174-136-019	AMD	83-05-034
173-403-050	NEW	83-09-013	173-490	REVIEW	83-13-028	174-162-300	AMD-P	83-08-004

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
174-162-300	AMD	83-12-001	204-90-050	NEW	83-11-028	212-45-095	NEW	83-06-022
174-162-305	AMD-P	83-08-004	204-90-060	NEW	83-11-028	212-45-100	NEW-P	83-03-027
174-162-305	AMD	83-12-001	204-90-070	NEW	83-11-028	212-45-100	NEW	83-06-022
180-10-003	AMD-P	83-05-038	204-90-080	NEW	83-11-028	212-45-105	NEW-P	83-03-027
180-10-003	AMD	83-08-016	204-90-090	NEW	83-11-028	212-45-105	NEW	83-06-022
180-16-166	REP-C	83-05-023	204-90-100	NEW	83-11-028	212-45-110	NEW-P	83-03-027
180-16-166	REP-C	83-08-042	204-90-110	NEW	83-11-028	212-45-110	NEW	83-06-022
180-16-166	REP	83-13-004	204-90-120	NEW	83-11-028	212-45-115	NEW-P	83-03-027
180-16-195	AMD-P	83-08-043	204-90-130	NEW	83-11-028	212-45-115	NEW	83-06-022
180-16-195	AMD	83-13-002	204-90-140	NEW	83-11-028	220-20-01000I	NEW-E	83-13-027
180-16-225	AMD-P	83-08-043	212-43-001	NEW	83-03-028	220-24-02000T	NEW-E	83-10-022
180-16-225	AMD	83-13-002	212-43-005	NEW	83-03-028	220-24-02000T	REP-E	83-10-040
180-22-250	AMD-P	83-13-097	212-43-010	NEW	83-03-028	220-24-02000U	NEW-E	83-10-040
180-22-255	AMD-P	83-13-097	212-43-015	NEW	83-03-028	220-24-02000U	REP-E	83-14-037
180-22-265	AMD-P	83-13-097	212-43-020	NEW	83-03-028	220-24-02000V	NEW-E	83-14-037
180-22-270	AMD-P	83-13-097	212-43-025	NEW	83-03-028	220-28-073E0F	NEW-E	83-07-070
180-22-275	AMD-P	83-13-097	212-43-030	NEW	83-03-028	220-28-073E0F	REP-E	83-11-015
180-22-285	AMD-P	83-13-097	212-43-035	NEW	83-03-028	220-28-301	NEW-E	83-09-035
180-22-290	AMD-P	83-13-097	212-43-040	NEW	83-03-028	220-28-301	REP-E	83-10-007
180-22-295	AMD-P	83-13-097	212-43-045	NEW	83-03-028	220-28-302	NEW-E	83-10-007
180-36-005	AMD-P	83-08-044	212-43-050	NEW	83-03-028	220-28-302	REP-E	83-13-008
180-36-005	AMD	83-13-001	212-43-055	NEW	83-03-028	220-28-303	NEW-E	83-13-008
180-39-005	NEW	83-13-004	212-43-060	NEW	83-03-028	220-28-303	REP-E	83-14-064
180-39-010	NEW	83-13-004	212-43-065	NEW	83-03-028	220-28-304	NEW-E	83-14-064
180-39-015	NEW	83-13-004	212-43-070	NEW	83-03-028	220-32-02200I	NEW-E	83-04-005
180-39-020	NEW	83-13-004	212-43-075	NEW	83-03-028	220-32-03000G	NEW-E	83-05-025
180-39-025	NEW	83-13-004	212-43-080	NEW	83-03-028	220-32-04000Q	NEW-E	83-03-030
180-39-030	NEW	83-13-004	212-43-085	NEW	83-03-028	220-32-04000Q	REP-E	83-04-053
180-39-035	NEW	83-13-004	212-43-090	NEW	83-03-028	220-32-04000R	NEW-E	83-04-053
180-42	NEW-C	83-05-023	212-43-095	NEW	83-03-028	220-32-04100F	NEW-E	83-11-035
180-42	NEW-C	83-08-042	212-43-100	NEW	83-03-028	220-32-05100U	NEW-E	83-05-008
180-42-005	NEW-C	83-08-042	212-43-105	NEW	83-03-028	220-32-05500G	NEW-E	83-11-013
180-42-010	NEW-C	83-08-042	212-43-110	NEW	83-03-028	220-32-05700P	NEW-E	83-03-030
180-42-015	NEW-C	83-08-042	212-43-115	NEW	83-03-028	220-32-05700P	REP-E	83-04-053
180-42-020	NEW-C	83-08-042	212-43-120	NEW	83-03-028	220-32-05700Q	NEW-E	83-04-053
180-42-025	NEW-C	83-08-042	212-43-125	NEW	83-03-028	220-32-05700Q	REP-E	83-06-023
180-42-030	NEW-C	83-08-042	212-43-130	NEW	83-03-028	220-32-05700R	NEW-E	83-06-023
180-42-035	NEW-C	83-08-042	212-43-135	NEW	83-03-028	220-32-05900D	NEW-E	83-10-020
180-52-015	AMD-P	83-13-096	212-45-001	NEW-P	83-03-027	220-32-05900D	REP-E	83-13-072
180-52-040	AMD-P	83-13-096	212-45-001	NEW	83-06-022	220-32-05900E	NEW-E	83-13-035
180-52-050	AMD-P	83-13-096	212-45-005	NEW-P	83-03-027	220-32-05900E	REP-E	83-13-072
180-52-060	AMD-P	83-13-096	212-45-005	NEW	83-06-022	220-32-05900F	NEW-E	83-13-072
180-52-065	AMD-P	83-13-096	212-45-010	NEW-P	83-03-027	220-36-021	AMD-P	83-10-080
180-56-023	NEW-P	83-08-061	212-45-010	NEW	83-06-022	220-36-021	AMD	83-13-054
180-56-023	NEW	83-13-005	212-45-015	NEW-P	83-03-027	220-36-022	AMD-P	83-10-080
180-100-020	REP-P	83-08-045	212-45-015	NEW	83-06-022	220-36-022	AMD	83-13-054
180-100-020	REP	83-13-003	212-45-020	NEW-P	83-03-027	220-36-024	AMD-P	83-10-080
182-08-160	AMD-E	83-13-106	212-45-020	NEW	83-06-022	220-36-024	AMD	83-13-054
182-12-115	AMD-E	83-07-065	212-45-025	NEW-P	83-03-027	220-36-025	AMD-P	83-07-055
182-12-115	AMD-P	83-08-017	212-45-025	NEW	83-06-022	220-36-025	AMD	83-10-015
182-12-115	AMD	83-12-007	212-45-030	NEW-P	83-03-027	220-36-02500A	NEW-E	83-07-041
187-10-210	REP-P	83-06-054	212-45-030	NEW	83-06-022	220-36-02500B	NEW-E	83-14-094
187-10-220	REP-P	83-06-054	212-45-035	NEW-P	83-03-027	220-40-021	AMD-P	83-10-080
187-10-230	REP-P	83-06-054	212-45-035	NEW	83-06-022	220-40-021	AMD	83-13-054
187-10-240	REP-P	83-06-054	212-45-040	NEW-P	83-03-027	220-40-022	AMD-P	83-10-080
187-10-250	REP-P	83-06-054	212-45-040	NEW	83-06-022	220-40-022	AMD	83-13-054
187-10-260	REP-P	83-06-054	212-45-045	NEW-P	83-03-027	220-40-024	AMD-P	83-10-080
187-10-270	REP-P	83-06-054	212-45-045	NEW	83-06-022	220-40-024	AMD	83-13-054
187-10-280	REP-P	83-06-054	212-45-050	NEW-P	83-03-027	220-44-040	AMD-P	83-07-069
187-10-290	REP-P	83-06-054	212-45-050	NEW	83-06-022	220-44-040	AMD	83-10-016
187-10-300	REP-P	83-06-054	212-45-055	NEW-P	83-03-027	220-44-04000A	REP-E	83-03-007
187-10-310	REP-P	83-06-054	212-45-055	NEW	83-06-022	220-44-04000B	REP-E	83-03-007
187-10-320	REP-P	83-06-054	212-45-060	NEW-P	83-03-027	220-44-04000C	NEW-E	83-03-007
187-10-500	REP-P	83-06-054	212-45-060	NEW	83-06-022	220-44-04000C	REP-E	83-06-032
204-10-020	AMD-P	83-07-013	212-45-065	NEW-P	83-03-027	220-44-04000D	NEW-E	83-06-032
204-10-020	AMD	83-11-028	212-45-065	NEW	83-06-022	220-44-050	NEW-P	83-07-069
204-24-030	AMD-E	83-03-014	212-45-070	NEW-P	83-03-027	220-44-050	NEW	83-10-016
204-24-040	AMD-E	83-03-014	212-45-070	NEW	83-06-022	220-44-050	AMD-P	83-14-093
204-24-050	AMD-E	83-03-014	212-45-075	NEW-P	83-03-027	220-44-05000A	NEW-E	83-13-048
204-24-070	AMD-E	83-03-014	212-45-075	NEW	83-06-022	220-47-307	AMD-P	83-11-039
204-66-140	AMD-P	83-07-084	212-45-080	NEW-P	83-03-027	220-47-307	AMD	83-14-020
204-66-140	AMD	83-11-028	212-45-080	NEW	83-06-022	220-47-311	AMD-P	83-11-039
204-90	NEW-C	83-05-001	212-45-085	NEW-P	83-03-027	220-47-311	AMD	83-14-020
204-90-010	NEW	83-11-028	212-45-085	NEW	83-06-022	220-47-312	AMD-P	83-11-039
204-90-020	NEW	83-11-028	212-45-090	NEW-P	83-03-027	220-47-312	AMD	83-14-020
204-90-030	NEW	83-11-028	212-45-090	NEW	83-06-022	220-47-313	AMD-P	83-11-039
204-90-040	NEW	83-11-028	212-45-095	NEW-P	83-03-027	220-47-313	AMD	83-14-020

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
248-16-228	AMD	83-13-068	248-54-205	NEW-P	83-07-060	248-96-094	NEW-P	83-07-061
248-16-230	AMD-P	83-09-001	248-54-215	NEW-P	83-07-060	248-96-094	NEW	83-13-014
248-16-230	AMD	83-13-068	248-54-225	NEW-P	83-07-060	248-96-095	AMD-P	83-07-061
248-16-235	NEW-P	83-09-001	248-54-235	NEW-P	83-07-060	248-96-095	AMD	83-13-014
248-16-235	NEW	83-13-068	248-54-245	NEW-P	83-07-060	248-96-096	AMD-P	83-07-061
248-18-001	AMD-P	83-14-022	248-54-255	NEW-P	83-07-060	248-96-096	AMD	83-13-014
248-18-180	AMD-P	83-04-059	248-54-265	NEW-P	83-07-060	248-96-100	AMD-P	83-07-061
248-18-180	AMD	83-07-048	248-54-275	NEW-P	83-07-060	248-96-100	AMD	83-13-014
248-18-215	AMD-P	83-14-022	248-54-285	NEW-P	83-07-060	248-96-110	AMD-P	83-07-061
248-18-220	AMD-P	83-14-022	248-54-550	REP-P	83-07-060	248-96-110	AMD	83-13-014
248-18-222	AMD-P	83-14-022	248-54-560	REP-P	83-07-060	248-96-130	AMD-P	83-07-061
248-18-223	AMD-P	83-14-022	248-54-570	REP-P	83-07-060	248-96-130	AMD	83-13-014
248-18-240	AMD-P	83-14-022	248-54-575	REP-P	83-07-060	248-96-140	AMD-P	83-07-061
248-18-330	AMD-P	83-10-056	248-54-580	REP-P	83-07-060	248-96-140	AMD	83-13-014
248-18-335	NEW-P	83-10-058	248-54-590	REP-P	83-07-060	248-96-150	NEW-P	83-07-061
248-18-335	NEW	83-13-061	248-54-600	REP-P	83-07-060	248-96-150	NEW	83-13-014
248-18-336	NEW-P	83-10-058	248-54-610	REP-P	83-07-060	248-96-160	AMD-P	83-07-061
248-18-336	NEW	83-13-061	248-54-620	REP-P	83-07-060	248-96-160	AMD	83-13-014
248-18-500	AMD-P	83-14-022	248-54-630	REP-P	83-07-060	248-96-175	AMD-P	83-07-061
248-18-520	AMD-P	83-14-022	248-54-640	REP-P	83-07-060	248-96-175	AMD	83-13-014
248-18-525	AMD-P	83-14-022	248-54-650	REP-P	83-07-060	248-96-180	AMD-P	83-07-061
248-18-539	AMD-P	83-14-022	248-54-660	REP-P	83-07-060	248-96-180	AMD	83-13-014
248-18-560	AMD-P	83-14-022	248-54-670	REP-P	83-07-060	248-96-180	AMD	83-13-014
248-18-565	AMD-P	83-14-022	248-54-680	REP-P	83-07-060	248-160-010	NEW-P	83-07-073
248-18-600	AMD-P	83-14-022	248-54-690	REP-P	83-07-060	248-160-010	NEW	83-12-049
248-18-605	AMD-P	83-14-022	248-54-700	REP-P	83-07-060	248-160-020	NEW-P	83-07-073
248-18-607	AMD-P	83-14-022	248-54-710	REP-P	83-07-060	248-160-020	NEW	83-12-049
248-18-615	AMD-P	83-14-022	248-54-720	REP-P	83-07-060	248-160-030	NEW-P	83-07-073
248-18-636	AMD-P	83-14-022	248-54-730	REP-P	83-07-060	248-160-030	NEW	83-12-049
248-18-640	AMD-P	83-14-022	248-54-740	REP-P	83-07-060	248-160-040	NEW-P	83-07-073
248-18-645	AMD-P	83-14-022	248-54-750	REP-P	83-07-060	248-160-040	NEW	83-12-049
248-18-650	AMD-P	83-14-022	248-54-760	REP-P	83-07-060	248-990-990	AMD	83-04-011
248-18-655	AMD-P	83-14-022	248-54-770	REP-P	83-07-060	250-18-020	AMD-P	83-10-065
248-18-660	AMD-P	83-14-022	248-54-780	REP-P	83-07-060	250-18-020	AMD	83-13-092
248-18-670	AMD-P	83-10-057	248-54-790	REP-P	83-07-060	250-18-025	AMD-P	83-10-065
248-18-670	AMD	83-13-067	248-54-800	REP-P	83-07-060	250-18-025	AMD	83-13-092
248-18-675	AMD-P	83-14-022	248-54-810	REP-P	83-07-060	250-18-030	AMD-E	83-09-010
248-18-680	AMD-P	83-14-022	248-54-820	REP-P	83-07-060	250-18-030	AMD-P	83-09-043
248-18-685	AMD-P	83-04-059	248-54-830	REP-P	83-07-060	250-18-030	AMD	83-13-092
248-18-685	AMD	83-07-048	248-54-840	REP-P	83-07-060	250-44-050	AMD-P	83-10-064
248-18-690	AMD-P	83-14-022	248-54-850	REP-P	83-07-060	250-44-050	AMD	83-14-041
248-18-695	AMD-P	83-14-022	248-96-010	AMD-P	83-07-061	250-44-110	AMD-P	83-10-064
248-18-718	AMD	83-03-026	248-96-010	AMD	83-13-014	250-44-110	AMD	83-14-041
248-21-035	AMD-P	83-03-042	248-96-011	AMD-P	83-07-061	250-44-130	AMD	83-14-041
248-21-035	AMD	83-07-015	248-96-011	AMD	83-13-014	250-44-150	AMD-P	83-10-064
248-22-036	AMD-P	83-06-010	248-96-012	REP-P	83-07-061	251-04-020	AMD-E	83-04-016
248-22-036	AMD	83-10-079	248-96-012	REP	83-13-014	251-04-020	AMD-P	83-04-065
248-23-050	AMD-P	83-06-010	248-96-015	REP-P	83-07-061	251-04-020	AMD-C	83-04-066
248-23-050	AMD	83-10-079	248-96-015	REP	83-13-014	251-04-020	AMD	83-07-056
248-29-020	AMD-P	83-03-043	248-96-016	REP-P	83-07-061	251-04-020	AMD	83-10-029
248-29-020	AMD	83-07-016	248-96-016	REP	83-13-014	251-08-100	AMD-P	83-04-065
248-29-050	AMD-P	83-03-044	248-96-018	AMD-P	83-07-061	251-08-100	AMD	83-10-029
248-29-050	AMD	83-07-017	248-96-018	AMD	83-13-014	251-09-020	AMD-E	83-14-058
248-30-080	AMD-P	83-13-102	248-96-020	AMD-P	83-07-061	251-10-120	AMD-C	83-06-079
248-30-100	AMD-P	83-13-102	248-96-020	AMD	83-13-014	251-10-120	AMD	83-10-029
248-30-110	AMD-P	83-13-102	248-96-025	NEW-P	83-07-061	251-12-100	AMD-C	83-06-079
248-30-130	NEW-P	83-13-102	248-96-025	NEW	83-13-014	251-12-100	AMD	83-10-029
248-54	AMD-C	83-13-101	248-96-040	AMD-P	83-07-061	251-12-285	REP-C	83-06-079
248-54-005	NEW-P	83-07-060	248-96-040	AMD	83-13-014	251-12-285	REP	83-10-029
248-54-015	NEW-P	83-07-060	248-96-045	REP-P	83-07-061	251-18-380	REP-P	83-04-065
248-54-025	NEW-P	83-07-060	248-96-045	REP	83-13-014	251-18-380	REP-C	83-06-079
248-54-035	NEW-P	83-07-060	248-96-046	AMD-P	83-07-061	251-18-380	REP	83-10-029
248-54-045	NEW-P	83-07-060	248-96-046	AMD	83-13-014	251-18-381	NEW-P	83-04-065
248-54-055	NEW-P	83-07-060	248-96-047	NEW-P	83-07-061	251-18-381	NEW-C	83-06-079
248-54-065	NEW-P	83-07-060	248-96-047	NEW	83-13-014	251-18-381	NEW	83-10-029
248-54-085	NEW-P	83-07-060	248-96-050	AMD-P	83-07-061	251-22-040	AMD-P	83-04-065
248-54-095	NEW-P	83-07-060	248-96-050	AMD	83-13-014	251-22-040	AMD	83-10-029
248-54-105	NEW-P	83-07-060	248-96-060	AMD-P	83-07-061	251-22-060	AMD-P	83-04-065
248-54-115	NEW-P	83-07-060	248-96-060	AMD	83-13-014	251-22-060	AMD	83-10-029
248-54-125	NEW-P	83-07-060	248-96-070	REP-P	83-07-061	251-22-200	AMD-P	83-04-065
248-54-135	NEW-P	83-07-060	248-96-070	REP	83-13-014	251-22-200	AMD	83-10-029
248-54-145	NEW-P	83-07-060	248-96-075	AMD-P	83-07-061	260-32-360	AMD-P	83-05-027
248-54-155	NEW-P	83-07-060	248-96-075	AMD	83-13-014	260-32-360	AMD	83-08-057
248-54-165	NEW-P	83-07-060	248-96-080	AMD-P	83-07-061	260-40-200	AMD-P	83-13-115
248-54-175	NEW-P	83-07-060	248-96-080	AMD	83-13-014	260-48-110	AMD-P	83-13-115
248-54-185	NEW-P	83-07-060	248-96-090	AMD-P	83-07-061	260-70-100	AMD-P	83-13-115
248-54-195	NEW-P	83-07-060	248-96-090	AMD	83-13-014	261-02-010	AMD	83-06-036
						261-02-020	AMD	83-06-036

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
261-02-040	AMD	83-06-036	261-40-425	REP	83-06-036	275-36-170	AMD	83-06-013
261-06-020	AMD	83-06-036	261-40-430	AMD	83-06-036	275-36-180	AMD	83-06-013
261-06-030	AMD	83-06-036	261-40-440	REP	83-06-036	275-36-190	AMD	83-06-013
261-06-050	AMD	83-06-036	261-40-445	REP	83-06-036	275-36-210	REP	83-06-013
261-06-060	AMD	83-06-036	261-40-450	AMD	83-06-036	275-36-211	NEW	83-06-013
261-06-070	AMD	83-06-036	261-40-455	REP	83-06-036	275-36-260	NEW	83-06-013
261-06-080	AMD	83-06-036	261-40-460	AMD	83-06-036	275-36-270	NEW	83-06-013
261-06-090	AMD	83-06-036	261-40-465	REP	83-06-036	275-36-275	NEW	83-06-013
261-06-100	AMD	83-06-036	261-40-475	AMD	83-06-036	275-36-280	NEW	83-06-013
261-08-010	REP	83-06-036	261-40-485	AMD	83-06-036	275-36-285	NEW	83-06-013
261-10-020	AMD	83-06-036	262-01-010	NEW-E	83-14-069	275-36-290	NEW	83-06-013
261-10-030	AMD	83-06-036	262-01-020	NEW-E	83-14-069	275-36-295	NEW	83-06-013
261-10-040	AMD	83-06-036	262-01-030	NEW-E	83-14-069	275-36-300	NEW	83-06-013
261-10-060	AMD	83-06-036	262-01-040	NEW-E	83-14-069	275-36-305	NEW	83-06-013
261-10-070	REP	83-06-036	262-01-050	NEW-E	83-14-069	275-36-310	NEW	83-06-013
261-12	AMD	83-06-036	262-01-060	NEW-E	83-14-069	275-38-630	REP-P	83-14-044
261-12-030	REP	83-06-036	275-25-010	AMD	83-03-011	275-38-630	REP-E	83-14-057
261-12-040	AMD	83-06-036	275-25-020	AMD	83-03-011	275-38-635	REP-P	83-14-044
261-12-050	AMD	83-06-036	275-25-030	AMD	83-03-011	275-38-635	REP-E	83-14-057
261-12-055	AMD	83-06-036	275-25-340	AMD	83-03-011	275-38-640	REP-P	83-14-044
261-20	AMD	83-04-032	275-25-530	AMD	83-03-011	275-38-640	REP-E	83-14-057
261-20	AMD	83-06-036	275-25-700	REP	83-03-011	275-38-642	REP-P	83-14-044
261-20-010	AMD	83-06-036	275-25-710	REP	83-03-011	275-38-642	REP-E	83-14-057
261-20-020	AMD	83-06-036	275-25-720	REP	83-03-011	275-38-830	REP-P	83-14-044
261-20-030	AMD	83-06-036	275-25-730	REP	83-03-011	275-38-830	REP-E	83-14-057
261-20-040	AMD	83-06-036	275-25-740	REP	83-03-011	275-38-831	NEW-P	83-14-044
261-20-045	NEW	83-06-036	275-25-750	REP	83-03-011	275-38-831	NEW-E	83-14-057
261-20-050	AMD	83-06-036	275-25-760	REP	83-03-011	275-38-845	AMD-P	83-14-044
261-20-060	AMD	83-06-036	275-25-770	REP	83-03-011	275-38-845	AMD-E	83-14-057
261-20-065	REP	83-06-036	275-25-810	AMD	83-03-011	275-38-846	NEW-P	83-14-044
261-20-070	AMD	83-06-036	275-25-820	REP	83-03-011	275-38-846	NEW-E	83-14-057
261-20-074	NEW	83-06-036	275-25-830	REP	83-03-011	275-38-855	REP-P	83-14-044
261-20-080	AMD	83-06-036	275-25-840	AMD	83-03-011	275-38-855	REP-E	83-14-057
261-20-090	NEW	83-06-036	275-26-005	NEW	83-05-017	275-38-860	AMD-P	83-14-044
261-30-010	REP	83-06-036	275-26-010	NEW	83-05-017	275-38-860	AMD-E	83-14-057
261-30-020	REP	83-06-036	275-26-012	NEW	83-05-017	275-38-865	AMD-P	83-14-044
261-30-030	REP	83-06-036	275-26-015	NEW	83-05-017	275-38-865	AMD-E	83-14-057
261-30-040	REP	83-06-036	275-26-020	NEW	83-05-017	275-38-870	AMD-P	83-14-044
261-30-042	REP	83-06-036	275-26-022	NEW	83-05-017	275-38-870	AMD-E	83-14-057
261-30-050	REP	83-06-036	275-26-025	NEW	83-05-017	275-38-875	AMD-P	83-14-044
261-30-060	REP	83-06-036	275-26-030	NEW	83-05-017	275-38-875	AMD-E	83-14-057
261-30-070	REP	83-06-036	275-26-032	NEW	83-05-017	275-38-880	AMD-P	83-14-044
261-30-072	REP	83-06-036	275-26-050	NEW	83-05-017	275-38-880	AMD-E	83-14-057
261-30-074	REP	83-06-036	275-26-055	NEW	83-05-017	275-38-886	NEW-P	83-14-044
261-30-080	REP	83-06-036	275-26-060	NEW	83-05-017	275-38-886	NEW-E	83-14-057
261-30-090	REP	83-06-036	275-26-065	NEW	83-05-017	275-55-293	AMD	83-03-010
261-30-100	REP	83-06-036	275-26-070	NEW	83-05-017	275-56-005	NEW-P	83-03-065
261-30-110	REP	83-06-036	275-26-075	NEW	83-05-017	275-56-005	NEW-E	83-03-066
261-40-015	AMD	83-06-036	275-26-080	NEW	83-05-017	275-56-005	NEW	83-09-002
261-40-020	AMD	83-06-036	275-26-085	NEW	83-05-017	275-56-010	NEW-P	83-03-065
261-40-025	REP	83-06-036	275-26-090	NEW	83-05-017	275-56-010	NEW-E	83-03-066
261-40-030	AMD	83-06-036	275-26-095	NEW	83-05-017	275-56-010	NEW	83-09-002
261-40-100	AMD	83-06-036	275-26-097	NEW	83-05-017	275-56-015	NEW-P	83-03-065
261-40-115	AMD	83-06-036	275-26-500	NEW	83-05-017	275-56-015	NEW-E	83-03-066
261-40-120	AMD	83-06-036	275-26-520	NEW	83-05-017	275-56-015	NEW	83-09-002
261-40-125	AMD	83-06-036	275-26-530	NEW	83-05-017	275-56-020	NEW-P	83-03-065
261-40-130	AMD	83-06-036	275-26-540	NEW	83-05-017	275-56-020	NEW-E	83-03-066
261-40-135	AMD	83-06-036	275-26-550	NEW	83-05-017	275-56-020	NEW	83-09-002
261-40-140	AMD	83-06-036	275-26-560	NEW	83-05-017	275-56-025	NEW-P	83-03-065
261-40-145	AMD	83-06-036	275-26-570	NEW	83-05-017	275-56-025	NEW-E	83-03-066
261-40-150	AMD	83-06-036	275-36-010	AMD	83-06-013	275-56-025	NEW	83-09-002
261-40-160	AMD	83-06-036	275-36-020	AMD	83-06-013	275-56-030	NEW-P	83-03-065
261-40-165	REP	83-06-036	275-36-030	AMD	83-06-013	275-56-030	NEW-E	83-03-066
261-40-200	AMD	83-06-036	275-36-040	AMD	83-06-013	275-56-030	NEW	83-09-002
261-40-201	NEW	83-06-036	275-36-061	AMD	83-06-013	275-56-035	NEW-P	83-03-065
261-40-202	NEW	83-06-036	275-36-065	NEW	83-06-013	275-56-035	NEW-E	83-03-066
261-40-203	NEW	83-06-036	275-36-071	AMD	83-06-013	275-56-035	NEW	83-09-002
261-40-210	AMD	83-06-036	275-36-081	AMD	83-06-013	275-56-040	NEW-P	83-03-065
261-40-220	AMD	83-06-036	275-36-091	AMD	83-06-013	275-56-040	NEW-E	83-03-066
261-40-225	AMD	83-06-036	275-36-101	AMD	83-06-013	275-56-040	NEW	83-09-002
261-40-230	AMD	83-06-036	275-36-110	AMD	83-06-013	275-56-050	NEW-P	83-03-065
261-40-300	AMD	83-06-036	275-36-120	AMD	83-06-013	275-56-050	NEW-E	83-03-066
261-40-310	AMD	83-06-036	275-36-130	AMD	83-06-013	275-56-050	NEW	83-09-002
261-40-400	AMD	83-06-036	275-36-140	AMD	83-06-013	275-56-055	NEW-P	83-03-065
261-40-405	AMD	83-06-036	275-36-150	AMD	83-06-013	275-56-055	NEW-E	83-03-066
261-40-415	REP	83-06-036	275-36-153	NEW	83-06-013	275-56-055	NEW	83-09-002
261-40-420	REP	83-06-036	275-36-160	AMD	83-06-013	275-56-060	NEW-P	83-03-065

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
275-56-440	NEW	83-09-002	275-96-065	REP-W	83-08-007	296-20-03003	AMD-P	83-13-121
275-56-445	NEW-P	83-03-065	275-96-065	REP-E	83-08-063	296-20-03004	NEW-E	83-06-012
275-56-445	NEW-E	83-03-066	275-96-070	REP-P	83-02-048	296-20-03004	NEW-E	83-12-013
275-56-445	NEW	83-09-002	275-96-070	REP-E	83-02-050	296-20-03004	NEW-P	83-13-121
275-56-450	NEW	83-09-002	275-96-070	REP-W	83-08-007	296-20-1102	AMD-P	83-13-121
275-87	REP-C	83-06-011	275-96-070	REP-E	83-08-063	296-20-1103	AMD-P	83-13-121
275-87	REP-W	83-08-007	284-40-010	REP-P	83-11-005	296-20-125	AMD-P	83-13-121
275-87	REP-E	83-08-063	284-40-010	REP	83-14-001	296-20-280	AMD-P	83-13-121
275-87-005	REP-P	83-02-049	284-40-020	REP-P	83-11-005	296-20-400	AMD-P	83-13-121
275-87-005	REP-E	83-02-051	284-40-020	REP	83-14-001	296-21-011	AMD-P	83-13-121
275-87-005	REP-W	83-08-007	284-40-030	REP-P	83-11-005	296-21-013	AMD-P	83-13-121
275-87-005	REP-E	83-08-063	284-40-030	REP	83-14-001	296-21-046	NEW-P	83-13-121
275-87-010	REP-P	83-02-049	284-40-040	REP-P	83-11-005	296-21-047	AMD-P	83-13-121
275-87-010	REP-E	83-02-051	284-40-040	REP	83-14-001	296-21-057	AMD-P	83-13-121
275-87-010	REP-W	83-08-007	284-40-050	REP-P	83-11-005	296-21-062	AMD-P	83-13-121
275-87-010	REP-E	83-08-063	284-40-050	REP	83-14-001	296-21-066	AMD-P	83-13-121
275-87-015	REP-P	83-02-049	284-40-060	REP-P	83-11-005	296-21-070	AMD-P	83-13-121
275-87-015	REP-E	83-02-051	284-40-060	REP	83-14-001	296-21-080	AMD-P	83-13-121
275-87-015	REP-W	83-08-007	284-40-070	REP-P	83-11-005	296-21-086	NEW-P	83-13-121
275-87-015	REP-E	83-08-063	284-40-070	REP	83-14-001	296-21-095	AMD-P	83-13-121
275-87-020	REP-P	83-02-049	284-40-080	REP-P	83-11-005	296-21-125	AMD-P	83-13-121
275-87-020	REP-E	83-02-051	284-40-080	REP	83-14-001	296-22-010	AMD-P	83-13-121
275-87-020	REP-W	83-08-007	284-60-010	NEW-P	83-10-060	296-22-017	AMD-P	83-13-121
275-87-020	REP-E	83-08-063	284-60-010	NEW	83-14-002	296-22-021	AMD-P	83-13-121
275-87-025	REP-P	83-02-049	284-60-020	NEW-P	83-10-060	296-22-025	AMD-P	83-13-121
275-87-025	REP-E	83-02-051	284-60-020	NEW	83-14-002	296-22-030	AMD-P	83-13-121
275-87-025	REP-W	83-08-007	284-60-030	NEW-P	83-10-060	296-22-037	AMD-P	83-13-121
275-87-025	REP-E	83-08-063	284-60-030	NEW	83-14-002	296-22-038	AMD-P	83-13-121
275-96	REP-C	83-06-011	284-60-040	NEW-P	83-10-060	296-22-040	AMD-P	83-13-121
275-96	REP-W	83-08-007	284-60-040	NEW	83-14-002	296-22-042	AMD-P	83-13-121
275-96	REP-E	83-08-063	284-60-050	NEW-P	83-10-060	296-22-053	AMD-P	83-13-121
275-96-005	REP-P	83-02-048	284-60-050	NEW	83-14-002	296-22-061	AMD-P	83-13-121
275-96-005	REP-E	83-02-050	284-60-060	NEW-P	83-10-060	296-22-063	AMD-P	83-13-121
275-96-005	REP-W	83-08-007	284-60-060	NEW	83-14-002	296-22-067	AMD-P	83-13-121
275-96-005	REP-E	83-08-063	284-60-070	NEW-P	83-10-060	296-22-071	AMD-P	83-13-121
275-96-010	REP-P	83-02-048	284-60-070	NEW	83-14-002	296-22-073	AMD-P	83-13-121
275-96-010	REP-E	83-02-050	284-60-080	NEW-P	83-10-060	296-22-082	AMD-P	83-13-121
275-96-010	REP-W	83-08-007	284-60-080	NEW	83-14-002	296-22-087	AMD-P	83-13-121
275-96-010	REP-E	83-08-063	284-60-090	NEW-P	83-10-060	296-22-091	AMD-P	83-13-121
275-96-015	REP-P	83-02-048	284-60-090	NEW	83-14-002	296-22-105	AMD-P	83-13-121
275-96-015	REP-E	83-02-050	284-60-100	NEW-P	83-10-060	296-22-115	AMD-P	83-13-121
275-96-015	REP-W	83-08-007	284-60-100	NEW	83-14-002	296-22-116	AMD-P	83-13-121
275-96-015	REP-E	83-08-063	289-13-235	NEW-C	83-04-003	296-22-120	AMD-P	83-13-121
275-96-021	REP-P	83-02-048	289-13-235	NEW	83-07-059	296-22-125	AMD-P	83-13-121
275-96-021	AMD	83-02-050	289-15-225	AMD	83-04-004	296-22-130	AMD-P	83-13-121
275-96-021	REP-W	83-08-007	289-15-225	AMD-P	83-11-046	296-22-180	AMD-P	83-13-121
275-96-021	REP-E	83-08-063	296-15-044	REP-P	83-04-057	296-22-190	AMD-P	83-13-121
275-96-022	REP-P	83-02-048	296-15-044	REP	83-07-075	296-22-195	AMD-P	83-13-121
275-96-022	REP-E	83-02-050	296-15-045	NEW-P	83-04-057	296-22-220	AMD-P	83-13-121
275-96-022	REP-W	83-08-007	296-15-045	NEW	83-07-075	296-22-225	AMD-P	83-13-121
275-96-022	REP-E	83-08-063	296-15-200	AMD-E	83-04-002	296-22-230	AMD-P	83-13-121
275-96-025	REP-P	83-02-048	296-15-200	AMD-P	83-04-058	296-22-235	AMD-P	83-13-121
275-96-025	REP-E	83-02-050	296-15-200	AMD	83-07-009	296-22-245	AMD-P	83-13-121
275-96-025	REP-W	83-08-007	296-17-345	NEW-E	83-04-038	296-22-250	AMD-P	83-13-121
275-96-025	REP-E	83-08-063	296-17-345	NEW-E	83-10-038	296-22-255	AMD-P	83-13-121
275-96-030	REP-P	83-02-048	296-17-345	REP-E	83-13-018	296-22-265	AMD-P	83-13-121
275-96-030	REP-E	83-02-050	296-17-346	NEW-E	83-08-056	296-22-270	AMD-P	83-13-121
275-96-030	REP-W	83-08-007	296-17-411	NEW	83-05-019	296-22-305	AMD-P	83-13-121
275-96-030	REP-E	83-08-063	296-17-470	NEW	83-05-019	296-22-310	AMD-P	83-13-121
275-96-045	REP-P	83-02-048	296-17-480	NEW	83-05-019	296-22-315	AMD-P	83-13-121
275-96-045	REP-E	83-02-050	296-17-612	AMD	83-05-019	296-22-325	AMD-P	83-13-121
275-96-045	REP-W	83-08-007	296-17-911	AMD	83-05-018	296-22-330	AMD-P	83-13-121
275-96-045	REP-E	83-08-063	296-17-914	AMD	83-05-018	296-22-333	AMD-P	83-13-121
275-96-050	REP-P	83-02-048	296-17-915	AMD	83-05-018	296-22-337	AMD-P	83-13-121
275-96-050	REP-E	83-02-050	296-17-916	AMD	83-05-018	296-22-340	AMD-P	83-13-121
275-96-050	REP-W	83-08-007	296-17-917	AMD	83-05-018	296-22-350	AMD-P	83-13-121
275-96-050	REP-E	83-08-063	296-17-919	AMD	83-05-018	296-22-365	AMD-P	83-13-121
275-96-055	REP-P	83-02-048	296-17-91901	AMD	83-05-018	296-22-370	AMD-P	83-13-121
275-96-055	REP-E	83-02-050	296-17-91902	AMD	83-05-018	296-22-375	AMD-P	83-13-121
275-96-055	REP-W	83-08-007	296-18-310	AMD-E	83-13-033	296-22-425	AMD-P	83-13-121
275-96-055	REP-E	83-08-063	296-18-310	AMD-P	83-13-110	296-22-470	AMD-P	83-13-121
275-96-060	REP-P	83-02-048	296-20-010	AMD-P	83-13-121	296-23-01006	AMD-P	83-13-121
275-96-060	REP-E	83-02-050	296-20-01002	AMD-P	83-13-121	296-23-01007	AMD-P	83-13-121
275-96-060	REP-W	83-08-007	296-20-03001	AMD-P	83-13-121	296-23-015	AMD-P	83-13-121
275-96-060	REP-E	83-08-063	296-20-03002	AMD-E	83-06-012	296-23-020	AMD-P	83-13-121
275-96-065	REP-P	83-02-048	296-20-03002	AMD-E	83-12-013	296-23-025	AMD-P	83-13-121
275-96-065	REP-E	83-02-050	296-20-03002	AMD-P	83-13-121	296-23-035	AMD-P	83-13-121

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-23-040	AMD-P	83-13-121	296-116-185	AMD-P	83-11-038	308-16-21001	REP-P	83-11-045
296-23-045	AMD-P	83-13-121	296-116-2051	AMD-P	83-10-008	308-16-21001	REP-C	83-14-031
296-23-050	AMD-P	83-13-121	296-116-2051	AMD-C	83-14-072	308-16-211	REP-E	83-11-025
296-23-065	AMD-P	83-13-121	296-116-300	AMD-P	83-12-027	308-16-211	REP-P	83-11-045
296-23-079	AMD-P	83-13-121	296-116-320	AMD-P	83-02-045	308-16-211	REP-C	83-14-031
296-23-07902	AMD-P	83-13-121	296-116-320	AMD	83-05-049	308-16-212	REP-E	83-11-025
296-23-07903	AMD-P	83-13-121	296-116-330	NEW	83-03-037	308-16-212	REP-P	83-11-045
296-23-07906	AMD-P	83-13-121	296-150B-185	NEW-P	83-06-041	308-16-212	REP-C	83-14-031
296-23-07907	AMD-P	83-13-121	296-150B-185	NEW-E	83-06-042	308-16-213	AMD-E	83-11-011
296-23-080	AMD-P	83-13-121	296-150B-185	NEW	83-12-014	308-16-213	AMD-P	83-11-045
296-23-115	AMD-P	83-13-121	296-155-145	AMD-P	83-05-024	308-16-213	AMD-C	83-14-031
296-23-125	AMD-P	83-13-121	296-155-145	AMD-C	83-13-007	308-16-214	NEW-E	83-11-011
296-23-20102	AMD-P	83-13-121	296-155-220	AMD-P	83-05-024	308-16-214	NEW-P	83-11-045
296-23-204	AMD-P	83-13-121	296-155-220	AMD-C	83-13-007	308-16-214	NEW-C	83-14-031
296-23-212	AMD-P	83-13-121	296-200-025	AMD-P	83-12-020	308-16-217	REP-E	83-11-025
296-23-221	AMD-P	83-13-121	296-200-050	AMD-P	83-12-020	308-16-217	REP-P	83-11-045
296-23-228	AMD-P	83-13-121	296-200-900	AMD-P	83-12-020	308-16-217	REP-C	83-14-031
296-23-315	AMD-P	83-13-121	296-306-200	AMD-P	83-05-024	308-16-220	REP-E	83-11-025
296-23-356	AMD-P	83-13-121	296-306-200	AMD-C	83-13-007	308-16-220	REP-P	83-11-045
296-23-412	NEW-P	83-13-121	296-350-400	AMD-P	83-05-024	308-16-220	REP-C	83-14-031
296-23-421	NEW-P	83-13-121	296-350-400	AMD-C	83-13-007	308-16-240	AMD-E	83-11-011
296-23-430	NEW-P	83-13-121	296-400-010	REP-P	83-14-018	308-16-240	AMD-P	83-11-045
296-23-440	NEW-P	83-13-121	296-400-010	REP-E	83-14-019	308-16-240	AMD-C	83-14-031
296-23-450	NEW-P	83-13-121	296-400-030	AMD-P	83-14-018	308-16-280	REP-P	83-11-045
296-23-460	NEW-P	83-13-121	296-400-030	AMD-E	83-14-019	308-16-280	REP-C	83-14-031
296-23-470	NEW-P	83-13-121	296-400-045	NEW-P	83-14-018	308-16-310	AMD-E	83-11-011
296-23-480	NEW-P	83-13-121	296-400-045	NEW-E	83-14-019	308-16-310	AMD-P	83-11-045
296-23-490	NEW-P	83-13-121	296-401-070	AMD-C	83-03-039	308-16-310	AMD-C	83-14-031
296-23-495	NEW-P	83-13-121	296-401-080	AMD-C	83-03-039	308-16-370	REP-E	83-11-025
296-23-615	AMD-P	83-13-121	296-401-130	AMD-P	83-07-074	308-16-370	REP-P	83-11-045
296-23-715	AMD-P	83-13-121	296-401-130	AMD-C	83-12-011	308-16-370	REP-C	83-14-031
296-23-720	AMD-P	83-13-121	296-401-130	AMD	83-12-021	308-16-420	REP-P	83-13-116
296-23-725	AMD-P	83-13-121	304-12-270	REP-P	83-10-066	308-16-500	NEW-P	83-13-116
296-23-900	AMD-P	83-13-121	304-12-270	REP	83-13-075	308-24-485	NEW-P	83-13-116
296-23-9408	AMD-P	83-13-121	304-12-275	AMD-P	83-10-066	308-24-490	REP-P	83-13-116
296-24-13503	REP-P	83-05-024	304-12-275	AMD	83-13-075	308-25-020	AMD-P	83-04-070
296-24-13503	REP-C	83-13-007	304-12-290	AMD-P	83-10-066	308-25-020	AMD	83-07-051
296-24-165	AMD-P	83-05-024	304-12-290	AMD	83-13-075	308-25-060	REP-P	83-13-116
296-24-165	AMD-C	83-13-007	304-12-360	AMD-P	83-10-066	308-25-065	NEW-P	83-13-116
296-24-16503	AMD-P	83-05-024	304-12-360	AMD	83-13-075	308-26-020	REP-P	83-13-116
296-24-16503	AMD-C	83-13-007	304-12-370	AMD-P	83-10-066	308-26-040	NEW-P	83-13-116
296-24-16513	AMD-P	83-05-024	304-12-370	AMD	83-13-075	308-29-040	REP-P	83-13-116
296-24-16513	AMD-C	83-13-007	304-20-060	AMD-P	83-03-074	308-29-045	NEW-P	83-13-116
296-24-16521	AMD-P	83-05-024	304-20-060	AMD	83-07-076	308-31-010	AMD	83-03-032
296-24-16521	AMD-C	83-13-007	304-25-560	AMD-P	83-03-073	308-31-030	NEW	83-03-073
296-24-16527	AMD-P	83-05-024	304-25-560	AMD	83-07-077	308-31-040	NEW	83-03-032
296-24-16527	AMD-C	83-13-007	306-16-21001	REP-E	83-11-011	308-31-050	NEW	83-03-032
296-24-16531	AMD-P	83-05-024	306-16-211	REP-E	83-11-011	308-31-055	NEW-P	83-13-116
296-24-16531	AMD-C	83-13-007	306-16-212	REP-E	83-11-011	308-31-060	NEW	83-03-032
296-24-16537	AMD-P	83-05-024	306-16-213	REP-E	83-11-011	308-31-310	REP-P	83-13-116
296-24-16539	AMD-P	83-05-024	306-16-217	REP-E	83-11-011	308-32-090	NEW-P	83-13-116
296-24-16539	AMD-C	83-13-007	306-16-220	REP-E	83-11-011	308-32-310	REP-P	83-13-116
296-24-23527	AMD-P	83-05-024	306-16-370	REP-E	83-11-011	308-33-100	REP-P	83-13-116
296-24-23527	AMD-C	83-13-007	308-08-030	REP-P	83-06-028	308-33-105	NEW-P	83-13-116
296-24-24015	AMD-P	83-05-024	308-08-030	REP	83-09-050	308-36-080	REP-P	83-13-116
296-24-24015	AMD-C	83-13-007	308-11-001	REP-P	83-13-116	308-37-115	NEW-P	83-08-020
296-24-24517	AMD-P	83-05-024	308-11-030	NEW-P	83-13-116	308-37-130	AMD	83-04-050
296-24-24517	AMD-C	83-13-007	308-12-010	AMD	83-04-071	308-37-135	NEW	83-04-050
296-27-020	AMD-P	83-04-044	308-12-030	REP	83-04-071	308-40-102	AMD-P	83-04-049
296-27-020	AMD-C	83-13-006	308-12-031	NEW	83-04-071	308-40-102	AMD	83-08-021
296-27-078	NEW-P	83-04-044	308-12-040	AMD	83-04-071	308-40-110	AMD-P	83-04-049
296-27-078	NEW-C	83-13-006	308-12-050	AMD	83-04-071	308-40-110	AMD	83-08-021
296-45-65016	NEW-P	83-05-024	308-12-080	AMD	83-04-071	308-40-120	REP-P	83-13-116
296-45-65016	NEW-C	83-13-007	308-12-081	NEW	83-04-071	308-40-125	NEW-P	83-13-116
296-45-65038	NEW-P	83-05-024	308-12-082	NEW	83-04-071	308-41-020	REP-P	83-13-116
296-45-65038	NEW-C	83-13-007	308-12-110	AMD	83-04-071	308-41-025	NEW-P	83-13-116
296-46-910	AMD-E	83-12-008	308-12-120	AMD	83-04-071	308-42-025	REP	83-05-032
296-46-910	AMD-P	83-12-019	308-12-130	AMD	83-04-071	308-42-030	AMD	83-05-032
296-54-507	AMD-E	83-03-022	308-12-311	REP	83-05-006	308-42-040	AMD	83-05-032
296-54-507	AMD-P	83-05-024	308-12-312	NEW	83-05-006	308-42-045	AMD	83-05-032
296-54-507	AMD-C	83-13-007	308-12-320	AMD	83-04-071	308-42-060	AMD	83-05-032
296-62-07314	AMD-P	83-05-024	308-13-120	REP-P	83-13-116	308-42-070	NEW	83-05-032
296-62-07314	AMD-C	83-13-007	308-13-150	NEW-P	83-13-116	308-42-075	NEW-P	83-13-116
296-62-14515	AMD-P	83-05-024	308-16-205	NEW-E	83-11-011	308-42-100	REP-P	83-13-116
296-62-14515	AMD-C	83-13-007	308-16-205	NEW-P	83-11-045	308-48-010	AMD	83-04-020
296-78-770	AMD-P	83-05-024	308-16-205	NEW-C	83-14-031	308-48-020	REP	83-04-021
296-78-770	AMD-C	83-13-007	308-16-21001	REP-E	83-11-025	308-48-030	AMD	83-04-020

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-48-090	REP	83-04-021	308-90-090	NEW-E	83-10-051	308-120-180	AMD-P	83-12-031
308-48-110	AMD	83-04-020	308-90-090	NEW-P	83-11-044	308-120-260	REP-P	83-13-116
308-48-115	REP	83-04-021	308-90-090	NEW	83-14-061	308-120-270	NEW-P	83-08-073
308-48-165	NEW	83-04-020	308-90-100	NEW-E	83-10-051	308-120-270	NEW	83-12-026
308-48-170	REP	83-04-021	308-90-100	NEW-P	83-11-044	308-120-275	NEW-P	83-13-116
308-48-175	REP	83-04-021	308-90-100	NEW	83-14-061	308-120-345	NEW	83-04-051
308-48-190	AMD	83-04-020	308-90-110	NEW-E	83-10-051	308-120-400	AMD-P	83-12-031
308-48-19001	REP	83-04-021	308-90-110	NEW-P	83-11-044	308-120-600	NEW-P	83-12-031
308-48-200	AMD	83-04-020	308-90-110	NEW	83-14-061	308-120-601	NEW-P	83-12-031
308-48-250	NEW-P	83-13-116	308-93-010	NEW-E	83-10-021	308-120-602	NEW-P	83-12-031
308-48-310	REP-P	83-13-116	308-93-010	NEW-P	83-11-043	308-120-603	NEW-P	83-12-031
308-49-100	NEW	83-04-021	308-93-010	NEW-W	83-13-105	308-120-604	NEW-P	83-12-031
308-49-120	NEW	83-04-021	308-93-020	NEW-E	83-10-021	308-120-605	NEW-P	83-12-031
308-49-130	NEW	83-04-021	308-93-020	NEW-P	83-11-043	308-120-606	NEW-P	83-12-031
308-49-140	NEW	83-04-021	308-93-020	NEW-W	83-13-105	308-120-607	NEW-P	83-12-031
308-49-150	NEW	83-04-021	308-93-030	NEW-E	83-10-021	308-120-608	NEW-P	83-12-031
308-49-160	NEW	83-04-021	308-93-030	NEW-P	83-11-043	308-120-609	NEW-P	83-12-031
308-49-170	NEW	83-04-021	308-93-030	NEW-W	83-13-105	308-122-275	NEW-P	83-13-116
308-49-180	NEW	83-04-021	308-93-040	NEW-E	83-10-021	308-122-460	REP-P	83-13-116
308-50-340	REP-P	83-13-116	308-93-040	NEW-P	83-11-043	308-122-500	AMD-P	83-11-042
308-50-375	NEW-P	83-13-116	308-93-040	NEW-W	83-13-105	308-122-505	AMD-P	83-11-042
308-51-030	REP-P	83-13-116	308-93-050	NEW-E	83-10-021	308-138-060	REP-P	83-13-116
308-51-200	NEW-P	83-13-116	308-93-050	NEW-P	83-11-043	308-138-080	NEW-P	83-13-116
308-52-135	AMD-P	83-03-045	308-93-050	NEW-W	83-13-105	308-138A-020	AMD-P	83-12-048
308-52-135	AMD	83-07-014	308-93-060	NEW-E	83-10-021	308-138A-025	AMD-P	83-12-048
308-52-138	AMD	83-03-031	308-93-060	NEW-P	83-11-043	308-138B-100	AMD-P	83-12-048
308-52-140	AMD-P	83-03-045	308-93-060	NEW-W	83-13-105	308-138B-105	NEW-P	83-12-048
308-52-140	AMD	83-07-014	308-93-070	NEW-E	83-10-021	308-138B-165	NEW-P	83-12-048
308-52-150	NEW	83-03-031	308-93-070	NEW-P	83-11-043	308-138B-170	AMD-P	83-12-048
308-52-310	REP-P	83-13-116	308-93-070	NEW-W	83-13-105	308-151-080	AMD-P	83-04-029
308-52-315	NEW-P	83-13-116	308-93-080	NEW-E	83-10-021	308-151-080	AMD	83-07-050
308-52-500	AMD-P	83-03-045	308-93-080	NEW-P	83-11-043	308-151-100	AMD-P	83-04-029
308-52-500	AMD	83-07-014	308-93-080	NEW-W	83-13-105	308-151-100	AMD	83-07-050
308-52-502	NEW-P	83-03-045	308-93-090	NEW-E	83-10-021	308-152-010	REP-P	83-13-116
308-52-502	NEW	83-07-014	308-93-090	NEW-P	83-11-043	308-152-015	NEW-P	83-13-116
308-52-504	AMD-P	83-03-045	308-93-090	NEW-W	83-13-105	314-04	REVIEW	83-11-026
308-52-504	AMD	83-07-014	308-93-100	NEW-E	83-10-021	314-08	REVIEW	83-11-026
308-52-520	REP-P	83-03-045	308-93-100	NEW-P	83-11-043	314-12	REVIEW	83-11-026
308-52-520	REP	83-07-014	308-93-100	NEW-W	83-13-105	314-12-125	NEW-P	83-03-012
308-52-550	REP-P	83-03-045	308-93-110	NEW-E	83-10-021	314-12-125	NEW-P	83-06-027
308-52-550	REP	83-07-014	308-93-110	NEW-P	83-11-043	314-12-125	NEW-P	83-10-032
308-52-560	REP-P	83-03-045	308-93-110	NEW-W	83-13-105	314-12-125	NEW-W	83-10-045
308-52-560	REP	83-07-014	308-93-120	NEW-E	83-10-021	314-16	REVIEW	83-11-026
308-53-020	NEW-P	83-13-116	308-93-120	NEW-P	83-11-043	314-16-120	AMD-P	83-03-013
308-53-080	AMD-P	83-06-073	308-93-120	NEW-W	83-13-105	314-16-120	AMD	83-06-026
308-53-080	AMD	83-10-052	308-93-130	NEW-E	83-10-021	314-16-122	AMD-P	83-10-059
308-53-085	AMD-P	83-06-073	308-93-130	NEW-P	83-11-043	314-16-122	AMD	83-13-055
308-53-085	AMD	83-10-052	308-93-130	NEW-W	83-13-105	314-16-145	NEW-P	83-09-016
308-53-310	REP-P	83-13-116	308-93-140	NEW-E	83-10-021	314-16-145	NEW	83-12-022
308-54-310	REP-P	83-13-116	308-93-140	NEW-P	83-11-043	314-16-196	NEW-P	83-07-066
308-54-315	NEW-P	83-13-116	308-93-140	NEW-W	83-13-105	314-16-196	NEW-P	83-10-031
308-55-010	REP-P	83-13-116	308-93-150	NEW-E	83-10-021	314-16-196	NEW-W	83-10-046
308-55-025	NEW-P	83-13-116	308-93-150	NEW-P	83-11-043	314-16-196	NEW	83-13-056
308-90-010	NEW-E	83-10-051	308-93-150	NEW-W	83-13-105	314-20	REVIEW	83-11-026
308-90-010	NEW-P	83-11-044	308-93-160	NEW-E	83-10-021	314-24	REVIEW	83-11-026
308-90-010	NEW	83-14-061	308-93-160	NEW-P	83-11-043	314-26	REVIEW	83-11-026
308-90-020	NEW-E	83-10-051	308-93-160	NEW-W	83-13-105	314-27	REVIEW	83-11-026
308-90-020	NEW-P	83-11-044	308-93-170	NEW-E	83-10-021	314-28	REVIEW	83-11-026
308-90-020	NEW	83-14-061	308-93-170	NEW-P	83-11-043	314-32	REVIEW	83-11-026
308-90-030	NEW-E	83-10-051	308-93-170	NEW-W	83-13-105	314-36	REVIEW	83-11-026
308-90-030	NEW-P	83-11-044	308-95-010	NEW-P	83-04-068	314-37-010	NEW	83-04-017
308-90-030	NEW	83-14-061	308-95-010	NEW-E	83-06-029	314-40	REVIEW	83-11-026
308-90-040	NEW-E	83-10-051	308-95-010	NEW	83-12-025	314-44	REVIEW	83-11-026
308-90-040	NEW-P	83-11-044	308-95-020	NEW-P	83-04-068	314-45	REVIEW	83-11-026
308-90-040	NEW	83-14-061	308-95-020	NEW-E	83-06-029	314-48	REVIEW	83-11-026
308-90-050	NEW-E	83-10-051	308-95-020	NEW	83-12-025	314-52	REVIEW	83-11-026
308-90-050	NEW-P	83-11-044	308-95-030	NEW-P	83-04-068	314-52-110	AMD-P	83-03-013
308-90-050	NEW	83-14-061	308-95-030	NEW-E	83-06-029	314-52-110	AMD-C	83-06-025
308-90-060	NEW-E	83-10-051	308-95-030	NEW	83-12-025	314-56	REVIEW	83-11-026
308-90-060	NEW-P	83-11-044	308-96A-400	NEW-P	83-05-055	314-60	REVIEW	83-11-026
308-90-060	NEW	83-14-061	308-96A-400	NEW	83-08-052	314-62	REVIEW	83-11-026
308-90-070	NEW-E	83-10-051	308-115-400	REP-P	83-13-116	314-64	REVIEW	83-11-026
308-90-070	NEW-P	83-11-044	308-115-405	NEW-P	83-13-116	314-68	REVIEW	83-11-026
308-90-070	NEW	83-14-061	308-116-295	AMD-P	83-02-062	314-72	REVIEW	83-11-026
308-90-080	NEW-E	83-10-051	308-116-295	AMD	83-05-033	314-76	REVIEW	83-11-026
308-90-080	NEW-P	83-11-044	308-116-310	REP-P	83-13-116	315-02-020	AMD-P	83-12-057
308-90-080	NEW	83-14-061	308-116-325	NEW-P	83-13-116	315-02-210	REP-P	83-08-047

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
315-02-210	REP-C	83-10-069	315-11-062	NEW-P	83-05-053	315-12-150	NEW	83-13-080
315-02-210	REP	83-13-082	315-11-062	NEW-C	83-08-080	315-20-010	NEW-P	83-08-074
315-04-040	AMD	83-05-029	315-11-062	NEW-E	83-08-086	315-20-010	NEW-C	83-10-073
315-04-050	REP-P	83-08-047	315-11-062	NEW-C	83-10-070	315-20-010	NEW	83-13-081
315-04-050	REP-C	83-10-069	315-11-062	NEW-C	83-13-078	315-20-020	NEW-P	83-08-074
315-04-050	REP	83-13-082	315-11-062	NEW-E	83-13-084	315-20-020	NEW-C	83-10-073
315-04-090	AMD-E	83-03-041	315-11-070	NEW-P	83-10-067	315-20-020	NEW	83-13-081
315-04-090	AMD	83-05-029	315-11-070	NEW-C	83-13-079	315-20-030	NEW-P	83-08-074
315-04-190	AMD-E	83-03-041	315-11-070	NEW-E	83-13-085	315-20-030	NEW-C	83-10-073
315-04-190	AMD	83-05-029	315-11-071	NEW-P	83-10-067	315-20-040	NEW-P	83-08-074
315-04-200	AMD-P	83-03-046	315-11-071	NEW-C	83-13-079	315-20-040	NEW-C	83-10-073
315-04-200	AMD	83-07-022	315-11-071	NEW-E	83-13-085	315-20-040	NEW	83-13-081
315-04-220	NEW-E	83-03-041	315-11-072	NEW-P	83-10-067	315-20-050	NEW-P	83-08-074
315-04-220	NEW	83-05-029	315-11-072	NEW-C	83-13-079	315-20-050	NEW-C	83-10-073
315-06-020	AMD	83-03-034	315-11-072	NEW-E	83-13-085	315-20-050	NEW	83-13-081
315-06-050	AMD-E	83-03-041	315-12-010	NEW-C	83-05-028	315-20-060	NEW-P	83-08-074
315-06-050	AMD	83-05-029	315-12-010	NEW-C	83-08-081	315-20-060	NEW-C	83-10-073
315-06-060	NEW	83-03-034	315-12-010	NEW-C	83-10-068	315-20-060	NEW	83-13-081
315-06-060	NEW-E	83-04-019	315-12-010	NEW	83-13-080	315-20-070	NEW-P	83-08-074
315-06-080	AMD	83-03-033	315-12-020	NEW-C	83-05-028	315-20-070	NEW-C	83-10-073
315-06-080	NEW-E	83-04-019	315-12-020	NEW-C	83-08-081	315-20-070	NEW	83-13-081
315-06-120	NEW-E	83-03-041	315-12-020	NEW-C	83-10-068	315-20-080	NEW-P	83-08-074
315-06-120	NEW	83-05-029	315-12-020	NEW	83-13-080	315-20-080	NEW-C	83-10-073
315-06-160	AMD	83-05-029	315-12-030	NEW-C	83-05-028	315-20-080	NEW	83-13-081
315-10-020	AMD-E	83-03-041	315-12-030	NEW-C	83-08-081	315-20-090	NEW-P	83-08-074
315-10-020	AMD	83-05-029	315-12-030	NEW-C	83-10-068	315-20-090	NEW-C	83-10-073
315-10-030	AMD	83-03-034	315-12-030	NEW	83-13-080	315-20-090	NEW	83-13-081
315-10-030	AMD-E	83-08-083	315-12-040	NEW-C	83-05-028	315-20-100	NEW-P	83-08-074
315-10-030	AMD-P	83-12-057	315-12-040	NEW-C	83-08-081	315-20-100	NEW-C	83-10-073
315-10-030	AMD-E	83-13-086	315-12-040	NEW-C	83-10-068	315-20-100	NEW	83-13-081
315-11-010	NEW	83-03-034	315-12-040	NEW	83-13-080	315-20-110	NEW-P	83-08-074
315-11-010	NEW-E	83-04-019	315-12-050	NEW-C	83-05-028	315-20-110	NEW-C	83-10-073
315-11-020	NEW	83-03-034	315-12-050	NEW-C	83-08-081	315-20-110	NEW	83-13-081
315-11-020	NEW-E	83-04-019	315-12-050	NEW-C	83-10-068	315-20-120	NEW-P	83-08-074
315-11-030	NEW	83-03-034	315-12-050	NEW	83-13-080	315-20-120	NEW-C	83-10-073
315-11-030	NEW-E	83-04-019	315-12-060	NEW-C	83-05-028	315-20-120	NEW	83-13-081
315-11-040	NEW-E	83-03-040	315-12-060	NEW-C	83-08-081	315-20-130	NEW-P	83-08-074
315-11-040	NEW	83-05-030	315-12-060	NEW-C	83-10-068	315-20-130	NEW-C	83-10-073
315-11-041	NEW-E	83-03-040	315-12-060	NEW	83-13-080	315-20-130	NEW	83-13-081
315-11-041	NEW-P	83-04-069	315-12-070	NEW-C	83-05-028	315-20-140	NEW-P	83-08-074
315-11-041	NEW	83-07-023	315-12-070	NEW-C	83-08-081	315-20-140	NEW-C	83-10-073
315-11-041	NEW-E	83-08-084	315-12-070	NEW-C	83-10-068	315-20-140	NEW	83-13-081
315-11-042	NEW-E	83-03-040	315-12-070	NEW	83-13-080	315-20-150	NEW-P	83-08-074
315-11-042	NEW	83-05-030	315-12-080	NEW-C	83-05-028	315-20-150	NEW-C	83-10-073
315-11-050	NEW-E	83-05-031	315-12-080	NEW-C	83-08-081	315-20-150	NEW	83-13-081
315-11-050	NEW-P	83-05-052	315-12-080	NEW-C	83-10-068	332-12-310	AMD-C	83-05-004
315-11-050	NEW-E	83-08-085	315-12-080	NEW	83-13-080	332-12-310	AMD-C	83-06-040
315-11-050	NEW-C	83-08-079	315-12-090	NEW-C	83-05-028	332-12-310	AMD	83-07-039
315-11-050	NEW-C	83-10-072	315-12-090	NEW-C	83-08-081	332-18	REVIEW	83-13-098
315-11-050	NEW-C	83-13-077	315-12-090	NEW-C	83-10-068	332-24	REVIEW	83-13-098
315-11-050	NEW-E	83-13-083	315-12-090	NEW	83-13-080	332-24-056	AMD-P	83-07-068
315-11-051	NEW-E	83-05-031	315-12-100	NEW-C	83-05-028	332-24-056	AMD	83-10-036
315-11-051	NEW-P	83-05-052	315-12-100	NEW-P	83-05-054	332-24-060	AMD-P	83-07-068
315-11-051	NEW-E	83-08-085	315-12-100	NEW-C	83-08-081	332-24-060	AMD	83-10-036
315-11-051	NEW-C	83-08-079	315-12-100	NEW-C	83-08-082	332-24-063	AMD-P	83-07-068
315-11-051	NEW-C	83-10-072	315-12-100	NEW-C	83-10-068	332-24-063	AMD	83-10-036
315-11-051	NEW-C	83-13-077	315-12-100	NEW-C	83-10-071	332-24-065	REP-P	83-07-068
315-11-051	NEW-E	83-13-083	315-12-100	NEW	83-13-080	332-24-065	REP	83-10-036
315-11-052	NEW-E	83-05-031	315-12-110	NEW-C	83-05-028	332-24-070	AMD-P	83-07-068
315-11-052	NEW-P	83-05-052	315-12-110	NEW-C	83-08-081	332-24-070	AMD	83-10-036
315-11-052	NEW-E	83-08-085	315-12-110	NEW-C	83-10-068	332-24-080	REP-P	83-07-068
315-11-052	NEW-C	83-08-079	315-12-110	NEW	83-13-080	332-24-080	REP	83-10-036
315-11-052	NEW-C	83-10-072	315-12-120	NEW-C	83-05-028	332-24-090	AMD-E	83-07-021
315-11-052	NEW-C	83-13-077	315-12-120	NEW-C	83-08-081	332-24-090	AMD-P	83-07-068
315-11-052	NEW-E	83-13-083	315-12-120	NEW-C	83-10-068	332-24-090	AMD-E	83-09-015
315-11-060	NEW-P	83-05-053	315-12-120	NEW	83-13-080	332-24-090	AMD	83-10-036
315-11-060	NEW-C	83-08-080	315-12-130	NEW-C	83-05-028	332-24-090	AMD-E	83-11-001
315-11-060	NEW-E	83-08-086	315-12-130	NEW-C	83-08-081	332-24-095	NEW-P	83-07-068
315-11-060	NEW-C	83-10-070	315-12-130	NEW-C	83-10-068	332-24-095	NEW	83-10-036
315-11-060	NEW-C	83-13-078	315-12-130	NEW	83-13-080	332-24-250	REP-P	83-07-068
315-11-060	NEW-E	83-13-084	315-12-140	NEW-C	83-05-028	332-24-250	REP	83-10-036
315-11-061	NEW-P	83-05-053	315-12-140	NEW-C	83-08-081	332-24-260	REP-P	83-07-068
315-11-061	NEW-E	83-08-080	315-12-140	NEW-C	83-10-068	332-24-260	REP	83-10-036
315-11-061	NEW-C	83-08-086	315-12-140	NEW	83-13-080	332-24-270	REP-P	83-07-068
315-11-061	NEW-C	83-10-070	315-12-150	NEW-C	83-05-028	332-24-270	REP	83-10-036
315-11-061	NEW-C	83-13-078	315-12-150	NEW-C	83-08-081	332-24-280	REP-P	83-07-068
315-11-061	NEW-E	83-13-084	315-12-150	NEW-C	83-10-068	332-24-280	REP	83-10-036

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
332-24-290	REP-P	83-07-068	356-06-055	AMD	83-09-030	360-19-090	NEW-P	83-12-047
332-24-290	REP	83-10-036	356-06-080	AMD-C	83-05-047	360-23-040	REP-P	83-06-074
332-24-300	REP-P	83-07-068	356-06-080	AMD-E	83-07-064	360-23-040	REP	83-10-013
332-24-300	REP	83-10-036	356-06-080	AMD-P	83-08-009	360-33-050	NEW-P	83-06-074
332-26-020	NEW-E	83-14-065	356-06-080	AMD-C	83-11-027	360-33-050	NEW	83-10-013
332-26-030	NEW-E	83-14-065	356-06-080	AMD-E	83-13-073	365-55-010	REP	83-06-066
332-26-040	NEW-E	83-14-065	356-06-080	AMD	83-13-091	365-55-020	REP	83-06-066
332-26-050	NEW-E	83-14-065	356-14-085	AMD-C	83-03-035	365-55-030	REP	83-06-066
332-26-084	NEW-E	83-09-015	356-14-085	AMD	83-06-005	365-55-040	REP	83-06-066
332-30-142	AMD	83-02-055	356-14-250	AMD-P	83-12-035	365-55-050	REP	83-06-066
332-32	REVIEW	83-13-098	356-14-260	AMD-P	83-08-009	365-55-060	REP	83-06-066
332-44-100	NEW-E	83-03-029	356-14-260	AMD	83-12-002	365-55-070	REP	83-06-066
332-44-110	NEW-E	83-03-029	356-15-020	AMD-P	83-14-013	365-55-080	REP	83-06-066
332-100-040	AMD-P	83-07-037	356-15-030	AMD-P	83-14-013	365-70-010	NEW-P	83-13-113
332-100-040	AMD-E	83-07-038	356-15-090	AMD-P	83-12-035	365-70-010	NEW-E	83-13-114
332-100-040	AMD-E	83-11-007	356-15-130	AMD-P	83-04-035	365-70-020	NEW-P	83-13-113
332-100-040	AMD	83-11-008	356-15-130	AMD	83-08-010	365-70-020	NEW-E	83-13-114
344-12	REVIEW	83-13-098	356-18-050	AMD-P	83-08-009	365-70-030	NEW-P	83-13-113
352-12-010	AMD-P	83-02-057	356-18-050	AMD	83-12-002	365-70-030	NEW-E	83-13-114
352-12-010	AMD	83-06-051	356-18-060	AMD-P	83-10-047	365-70-040	NEW-P	83-13-113
352-12-020	REP-W	83-02-058	356-18-060	AMD-C	83-13-090	365-70-040	NEW-E	83-13-114
352-12-030	REP-W	83-02-058	356-18-070	AMD-P	83-14-013	365-70-050	NEW-P	83-13-113
352-12-040	REP-W	83-02-058	356-18-095	NEW-P	83-14-013	365-70-050	NEW-E	83-13-114
352-12-050	REP-W	83-02-058	356-18-105	AMD-E	83-13-094	365-70-060	NEW-P	83-13-113
352-32-030	AMD-P	83-04-073	356-18-105	AMD-P	83-14-013	365-70-060	NEW-E	83-13-114
352-32-030	AMD	83-09-031	356-26-020	AMD-C	83-05-047	365-70-070	NEW-P	83-13-113
352-32-037	AMD-P	83-04-073	356-26-020	AMD-C	83-07-036	365-70-070	NEW-E	83-13-114
352-32-037	AMD	83-09-031	356-26-070	AMD-P	83-06-043	371-08-255	NEW-P	83-07-031
352-32-045	AMD-P	83-04-073	356-26-070	AMD	83-09-030	371-08-255	NEW-P	83-11-006
352-32-045	AMD	83-09-031	356-26-100	AMD-P	83-04-035	371-08-255	NEW-W	83-14-073
352-32-160	REP-C	83-06-004	356-26-100	AMD	83-08-010	371-08-255	NEW	83-14-074
352-32-160	REP	83-08-032	356-30-030	AMD-P	83-08-009	372-24	REVIEW	83-13-028
352-32-165	NEW-C	83-06-004	356-30-030	AMD	83-12-002	372-36	REVIEW	83-13-028
352-32-165	NEW	83-08-032	356-30-190	AMD-C	83-05-047	381	NEW	83-03-036
352-32-190	REP-C	83-06-004	356-30-190	AMD-C	83-07-036	383-06-010	NEW-P	83-06-053
352-32-190	AMD	83-08-032	356-30-200	AMD-C	83-05-047	383-06-010	NEW-E	83-06-055
352-32-190	REP-P	83-10-055	356-30-200	AMD-C	83-07-036	383-06-010	NEW-C	83-10-030
352-32-190	REP	83-13-089	356-30-210	AMD-C	83-05-047	383-06-020	NEW-P	83-06-053
352-32-195	NEW-P	83-10-055	356-30-210	AMD-C	83-07-036	383-06-020	NEW-E	83-06-055
352-32-195	NEW	83-13-089	356-30-230	AMD-C	83-05-047	383-06-020	NEW-C	83-10-030
352-32-250	AMD-P	83-04-073	356-30-230	AMD-C	83-07-036	383-06-030	NEW-P	83-06-053
352-32-250	AMD	83-09-031	356-30-240	AMD-C	83-05-047A	383-06-030	NEW-E	83-06-055
352-44	REVIEW	83-11-024	356-30-240	AMD-C	83-07-036	383-06-030	NEW-C	83-10-030
352-48	AMD-P	83-10-053	356-30-270	AMD-P	83-12-035	383-06-040	NEW-P	83-06-053
352-48-010	AMD-P	83-10-053	356-30-300	AMD-P	83-14-035	383-06-040	NEW-E	83-06-055
352-48-010	AMD	83-13-087	356-30-300	AMD-C	83-03-035	383-06-040	NEW-C	83-10-030
352-48-020	AMD-P	83-10-053	356-30-330	AMD-C	83-05-047A	383-06-050	NEW-P	83-06-053
352-48-020	AMD	83-13-087	356-30-330	AMD-P	83-08-009	383-06-050	NEW-E	83-06-055
352-48-030	AMD-P	83-10-053	356-30-330	AMD	83-08-010	383-06-050	NEW-C	83-10-030
352-48-030	AMD	83-13-087	356-30-330	AMD-C	83-11-027	383-06-060	NEW-P	83-06-053
352-48-040	AMD-P	83-10-053	356-30-330	AMD	83-13-091	383-06-060	NEW-E	83-06-055
352-48-040	AMD	83-13-087	356-34-020	AMD-P	83-10-047	383-06-060	NEW-C	83-10-030
352-48-050	AMD-P	83-10-053	356-34-020	AMD	83-13-091	383-06-070	NEW-P	83-06-053
352-48-050	AMD	83-13-087	356-34-030	AMD-P	83-10-047	383-06-070	NEW-E	83-06-055
352-48-060	AMD-P	83-10-053	356-34-030	AMD	83-13-091	383-06-070	NEW-C	83-10-030
352-48-060	AMD	83-13-087	356-34-040	AMD-P	83-10-047	383-06-080	NEW-P	83-06-053
352-48-070	AMD-P	83-10-053	356-34-040	AMD	83-13-091	383-06-080	NEW-E	83-06-055
352-48-070	AMD	83-13-087	356-34-060	AMD-P	83-10-047	383-06-080	NEW-C	83-10-030
352-48-080	AMD-P	83-10-053	356-34-060	AMD	83-13-091	383-06-090	NEW-P	83-06-053
352-48-080	AMD	83-13-087	360-10-020	AMD-P	83-14-084	383-06-090	NEW-E	83-06-055
352-56-010	NEW-P	83-10-054	360-12-150	NEW-P	83-06-074	383-06-090	NEW-C	83-10-030
352-56-010	NEW	83-13-088	360-12-150	NEW	83-10-013	383-06-100	NEW-P	83-06-053
352-56-020	NEW-P	83-10-054	360-13-100	NEW-P	83-06-074	383-06-100	NEW-E	83-06-055
352-56-020	NEW	83-13-088	360-13-100	NEW-E	83-10-012	383-06-100	NEW-C	83-10-030
352-56-030	NEW-P	83-10-054	360-13-100	NEW	83-10-013	383-06-110	NEW-P	83-06-053
352-56-030	NEW	83-13-088	360-16-300	NEW-P	83-06-074	383-06-110	NEW-E	83-06-055
352-56-040	NEW-P	83-10-054	360-16-300	NEW	83-10-013	383-06-110	NEW-C	83-10-030
352-56-040	NEW	83-13-088	360-18-020	AMD-P	83-14-084	383-06-120	NEW-P	83-06-053
352-56-050	NEW-P	83-10-054	360-18-030	REP-P	83-14-084	383-06-120	NEW-E	83-06-055
352-56-050	NEW	83-13-088	360-19-010	NEW-P	83-12-047	383-06-120	NEW-C	83-10-030
352-56-060	NEW-P	83-10-054	360-19-020	NEW-P	83-12-047	383-06-130	NEW-P	83-06-053
352-56-060	NEW	83-13-088	360-19-030	NEW-P	83-12-047	383-06-130	NEW-E	83-06-055
352-56-070	NEW-P	83-10-054	360-19-040	NEW-P	83-12-047	383-06-130	NEW-C	83-10-030
352-56-070	NEW	83-13-088	360-19-050	NEW-P	83-12-047	383-06-140	NEW-P	83-06-053
352-56-080	NEW-P	83-10-054	360-19-060	NEW-P	83-12-047	383-06-140	NEW-E	83-06-055
352-56-080	NEW	83-13-088	360-19-070	NEW-P	83-12-047	383-06-140	NEW-C	83-10-030
356-06-055	AMD-P	83-06-043	360-19-080	NEW-P	83-12-047	388-08-435	NEW	83-03-021

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-11-045	AMD-P	83-13-012	388-33-135	AMD	83-04-033	388-54-715	AMD-E	83-04-042
388-11-045	AMD-E	83-13-013	388-33-140	AMD	83-04-033	388-54-715	AMD-P	83-04-043
388-15-208	AMD-P	83-11-012	388-33-140	AMD-P	83-13-059	388-54-715	AMD	83-08-071
388-15-208	AMD	83-14-029	388-33-140	AMD-E	83-13-060	388-54-730	AMD-E	83-04-042
388-15-213	AMD-P	83-11-012	388-33-595	AMD-P	83-13-059	388-54-730	AMD-P	83-04-043
388-15-600	NEW-P	83-05-042	388-33-595	AMD-E	83-13-060	388-54-730	AMD	83-08-071
388-15-600	NEW-E	83-05-042	388-34-160	AMD-P	83-07-053	388-54-730	AMD-P	83-14-025
388-15-600	NEW	83-08-024	388-34-160	AMD	83-10-077	388-54-730	AMD-E	83-14-050
388-15-610	NEW-P	83-05-042	388-37-010	AMD-P	83-05-002	388-54-740	AMD	83-03-015
388-15-610	NEW-E	83-05-043	388-37-010	AMD	83-08-025	388-54-740	AMD-E	83-04-042
388-15-610	NEW	83-08-024	388-37-030	AMD-P	83-05-002	388-54-740	AMD-P	83-04-043
388-15-620	NEW-P	83-05-042	388-37-030	AMD	83-08-025	388-54-740	AMD	83-08-071
388-15-620	NEW-E	83-05-043	388-37-032	AMD-P	83-05-002	388-54-750	AMD-E	83-04-042
388-15-620	NEW	83-08-024	388-37-032	AMD	83-08-025	388-54-750	AMD-P	83-04-043
388-15-630	NEW-P	83-05-042	388-37-035	AMD-P	83-05-002	388-54-750	AMD	83-08-071
388-15-630	NEW-E	83-05-043	388-37-035	AMD	83-08-025	388-54-760	AMD-E	83-04-042
388-15-630	NEW	83-08-024	388-37-036	AMD-P	83-05-002	388-54-760	AMD-P	83-04-043
388-17-100	AMD-P	83-10-074	388-37-036	AMD	83-08-025	388-54-760	AMD	83-08-071
388-17-160	AMD-P	83-10-074	388-37-037	AMD-P	83-05-002	388-54-780	AMD-E	83-04-042
388-17-180	AMD-P	83-10-074	388-37-037	AMD	83-08-025	388-54-780	AMD-P	83-04-043
388-17-100	AMD	83-13-070	388-37-037	AMD	83-08-025	388-54-780	AMD	83-08-071
388-17-160	AMD	83-13-070	388-37-038	AMD-P	83-05-002	388-54-780	AMD	83-03-015
388-17-180	AMD	83-13-070	388-37-038	AMD	83-08-025	388-54-785	AMD	83-04-042
388-20-010	AMD-P	83-11-009	388-37-050	AMD-P	83-05-002	388-54-785	AMD-E	83-04-043
388-20-010	AMD	83-14-028	388-37-060	AMD	83-08-025	388-54-785	AMD-P	83-04-042
388-20-020	REP-P	83-11-009	388-37-060	AMD	83-08-025	388-54-800	AMD	83-08-071
388-20-020	REP	83-14-028	388-38-200	AMD-P	83-10-018	388-54-800	AMD-P	83-08-012
388-24-044	AMD-P	83-13-031	388-38-200	AMD	83-13-095	388-54-800	AMD-E	83-08-013
388-24-044	AMD-E	83-13-032	388-44-010	AMD	83-05-046	388-54-810	AMD	83-12-003
388-28-005	AMD	83-04-033	388-44-020	AMD	83-05-046	388-54-810	REP	83-03-015
388-28-355	AMD	83-04-033	388-44-025	NEW	83-05-046	388-55-010	AMD-P	83-10-075
388-28-400	AMD	83-04-033	388-44-035	AMD	83-05-046	388-55-010	AMD	83-13-069
388-28-415	AMD	83-04-033	388-44-110	AMD	83-05-046	388-55-020	NEW-P	83-10-075
388-28-473	AMD	83-04-033	388-44-115	AMD	83-05-046	388-55-020	NEW	83-13-069
388-28-475	AMD	83-04-033	388-44-125	AMD	83-05-046	388-55-030	NEW-P	83-10-075
388-28-480	AMD	83-04-033	388-44-127	AMD	83-05-046	388-55-040	NEW	83-13-069
388-28-481	AMD	83-04-033	388-44-130	AMD	83-05-046	388-55-040	NEW-P	83-10-075
388-28-482	AMD	83-04-033	388-44-145	AMD	83-05-046	388-55-040	NEW	83-13-069
388-28-483	NEW	83-04-033	388-44-150	AMD	83-05-046	388-70-068	AMD	83-04-061
388-28-484	AMD	83-04-033	388-54-615	AMD-E	83-04-042	388-70-069	AMD	83-04-061
388-28-500	AMD	83-04-033	388-54-615	AMD-P	83-04-043	388-70-080	AMD-P	83-13-011
388-28-530	AMD-P	83-14-008	388-54-615	AMD	83-08-071	388-72-020	REP-P	83-05-003
388-28-530	AMD-E	83-14-049	388-54-630	AMD-E	83-04-042	388-72-020	REP	83-08-023
388-28-535	AMD	83-04-033	388-54-630	AMD-P	83-04-043	388-72-025	REP-P	83-05-003
388-28-560	AMD	83-04-033	388-54-630	AMD	83-08-071	388-72-025	REP	83-08-023
388-28-590	AMD	83-04-060	388-54-640	AMD-E	83-04-042	388-72-030	REP-P	83-05-003
388-28-600	AMD	83-04-033	388-54-640	AMD-P	83-04-043	388-72-035	REP	83-08-023
388-29	AMD-C	83-05-015	388-54-640	AMD	83-08-071	388-72-035	REP-P	83-05-003
388-29-010	AMD	83-11-010	388-54-645	AMD-E	83-04-042	388-72-040	REP	83-08-023
388-29-080	AMD	83-11-010	388-54-645	AMD-P	83-04-043	388-72-040	REP	83-08-023
388-29-100	AMD-P	83-14-008	388-54-645	AMD	83-08-071	388-72-045	REP-P	83-05-003
388-29-100	AMD-E	83-14-049	388-54-650	AMD-E	83-04-042	388-72-045	REP	83-08-023
388-29-110	AMD-P	83-14-008	388-54-650	AMD-P	83-04-043	388-72-050	REP-P	83-05-003
388-29-110	AMD-E	83-14-049	388-54-650	AMD	83-08-071	388-72-050	REP	83-08-023
388-29-112	AMD	83-11-010	388-54-655	AMD-E	83-04-042	388-72-060	REP-P	83-05-003
388-29-112	AMD-P	83-14-008	388-54-655	AMD-P	83-04-043	388-72-060	REP	83-08-023
388-29-112	AMD-E	83-14-049	388-54-655	AMD	83-08-071	388-72-070	REP-P	83-05-003
388-29-125	AMD-P	83-14-008	388-54-660	AMD-P	83-07-010	388-72-070	REP	83-08-023
388-29-125	AMD-E	83-14-049	388-54-660	AMD	83-10-078	388-72-080	REP-P	83-05-003
388-29-130	AMD-P	83-14-008	388-54-665	AMD-E	83-04-042	388-72-080	REP	83-08-023
388-29-130	AMD-E	83-14-049	388-54-665	AMD-P	83-04-043	388-72-090	REP-P	83-05-003
388-29-135	AMD-P	83-14-008	388-54-665	AMD	83-08-071	388-72-090	REP	83-08-023
388-29-135	AMD-E	83-14-049	388-54-665	AMD	83-03-015	388-72-100	REP-P	83-05-003
388-29-145	AMD-P	83-14-008	388-54-670	AMD-E	83-04-042	388-72-100	REP	83-08-023
388-29-145	AMD-E	83-14-049	388-54-670	AMD-P	83-04-043	388-72-105	REP-P	83-05-003
388-29-160	AMD-P	83-14-008	388-54-670	AMD	83-08-071	388-72-105	REP	83-08-023
388-29-160	AMD-E	83-14-049	388-54-675	AMD-E	83-04-042	388-72-110	REP-P	83-05-003
388-29-200	AMD-P	83-14-008	388-54-675	AMD-P	83-04-043	388-72-110	REP	83-08-023
388-29-200	AMD-E	83-14-049	388-54-680	AMD	83-08-071	388-72-115	REP-P	83-05-003
388-29-220	AMD-P	83-14-008	388-54-680	AMD-P	83-07-010	388-72-120	REP	83-08-023
388-29-220	AMD-E	83-14-049	388-54-680	AMD	83-10-078	388-72-120	REP-P	83-05-003
388-29-260	AMD-P	83-14-008	388-54-687	AMD-E	83-04-042	388-72-125	REP	83-08-023
388-29-260	AMD-E	83-14-049	388-54-687	AMD-P	83-04-043	388-72-125	REP-P	83-05-003
388-29-280	AMD-P	83-14-008	388-54-687	AMD	83-08-071	388-72-150	REP	83-08-023
388-29-280	AMD-E	83-14-049	388-54-695	AMD-E	83-04-042	388-72-150	REP-P	83-05-003
388-29-295	AMD-P	83-14-008	388-54-695	AMD-P	83-04-043	388-72-155	REP	83-08-023
388-29-295	AMD-E	83-14-049	388-54-695	AMD	83-08-071		REP-P	83-05-003

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-72-155	REP	83-08-023	388-72-510	REP-P	83-05-003	388-73-504	AMD	83-02-060
388-72-160	REP-P	83-05-003	388-72-510	REP	83-08-023	388-73-602	AMD-P	83-09-047
388-72-160	REP	83-08-023	388-72-515	REP-P	83-05-003	388-73-604	AMD	83-02-060
388-72-165	REP-P	83-05-003	388-72-515	REP	83-08-023	388-73-606	AMD-P	83-09-047
388-72-165	REP	83-08-023	388-72-520	REP-P	83-05-003	388-73-610	AMD-P	83-09-047
388-72-170	REP-P	83-05-003	388-72-520	REP	83-08-023	388-73-708	AMD	83-02-060
388-72-170	REP	83-08-023	388-72-550	REP-P	83-05-003	388-73-714	AMD	83-02-060
388-72-175	REP-P	83-05-003	388-72-550	REP	83-08-023	388-73-900	NEW-P	83-09-047
388-72-175	REP	83-08-023	388-72-555	REP-P	83-05-003	388-73-902	NEW-P	83-09-047
388-72-180	REP-P	83-05-003	388-72-555	REP	83-08-023	388-73-904	NEW-P	83-09-047
388-72-180	REP	83-08-023	388-72-560	REP-P	83-05-003	388-80-005	AMD-P	83-13-066
388-72-200	REP-P	83-05-003	388-72-560	REP	83-08-023	388-80-005	AMD-E	83-14-047
388-72-200	REP	83-08-023	388-72-565	REP-P	83-05-003	388-82-115	AMD-P	83-13-103
388-72-205	REP-P	83-05-003	388-72-565	REP	83-08-023	388-82-125	AMD-P	83-09-046
388-72-205	REP	83-08-023	388-72-570	REP-P	83-05-003	388-82-125	REP	83-12-059
388-72-207	REP-P	83-05-003	388-72-570	REP	83-08-023	388-82-126	AMD-P	83-13-066
388-72-207	REP	83-08-023	388-72-575	REP-P	83-05-003	388-82-126	AMD-E	83-14-047
388-72-210	REP-P	83-05-003	388-72-575	REP	83-08-023	388-83-006	AMD-P	83-13-066
388-72-210	REP	83-08-023	388-72-580	REP-P	83-05-003	388-83-006	AMD-E	83-14-047
388-72-215	REP-P	83-05-003	388-72-580	REP	83-08-023	388-83-028	AMD-P	83-13-103
388-72-215	REP	83-08-023	388-72-585	REP-P	83-05-003	388-83-135	AMD-P	83-09-046
388-72-220	REP-P	83-05-003	388-72-585	REP	83-08-023	388-83-135	REP	83-12-059
388-72-220	REP	83-08-023	388-72-590	REP-P	83-05-003	388-83-140	AMD-P	83-09-046
388-72-225	REP-P	83-05-003	388-72-590	REP	83-08-023	388-83-140	REP	83-12-059
388-72-225	REP	83-08-023	388-72-600	REP-P	83-05-003	388-83-200	NEW-P	83-05-042
388-72-230	REP-P	83-05-003	388-72-600	REP	83-08-023	388-83-200	NEW-E	83-05-043
388-72-230	REP	83-08-023	388-72-605	REP-P	83-05-003	388-83-200	NEW	83-08-024
388-72-235	REP-P	83-05-003	388-72-605	REP	83-08-023	388-84-120	AMD-P	83-13-066
388-72-235	REP	83-08-023	388-72-610	REP-P	83-05-003	388-84-120	AMD-E	83-14-047
388-72-240	REP-P	83-05-003	388-72-610	REP	83-08-023	388-86-005	AMD-E	83-12-036
388-72-240	REP	83-08-023	388-72-615	REP-P	83-05-003	388-86-005	AMD-P	83-12-037
388-72-250	REP-P	83-05-003	388-72-615	REP	83-08-023	388-86-005	AMD-P	83-14-024
388-72-250	REP	83-08-023	388-72-620	REP-P	83-05-003	388-86-005	AMD-E	83-14-052
388-72-255	REP-P	83-05-003	388-72-620	REP	83-08-023	388-86-02301	NEW-P	83-14-024
388-72-255	REP	83-08-023	388-72-625	REP-P	83-05-003	388-86-02301	NEW-E	83-14-052
388-72-260	REP-P	83-05-003	388-72-625	REP	83-08-023	388-86-040	AMD-P	83-07-053
388-72-260	REP	83-08-023	388-72-630	REP-P	83-05-003	388-86-040	AMD	83-10-077
388-72-265	REP-P	83-05-003	388-72-630	REP	83-08-023	388-86-050	AMD-E	83-02-046
388-72-265	REP	83-08-023	388-72-635	REP-P	83-05-003	388-86-050	AMD	83-05-050
388-72-270	REP-P	83-05-003	388-72-635	REP	83-08-023	388-86-050	AMD-E	83-12-036
388-72-270	REP	83-08-023	388-73	AMD-C	83-13-065	388-86-050	AMD-P	83-12-037
388-72-275	REP-P	83-05-003	388-73-012	AMD-P	83-09-047	388-86-050	AMD-P	83-14-024
388-72-275	REP	83-08-023	388-73-014	AMD	83-02-060	388-86-050	AMD-E	83-14-052
388-72-280	REP-P	83-05-003	388-73-014	AMD-P	83-09-047	388-86-075	AMD	83-03-016
388-72-280	REP	83-08-023	388-73-01950	NEW	83-02-060	388-86-120	AMD-P	83-13-066
388-72-285	REP-P	83-05-003	388-73-020	AMD	83-02-060	388-86-120	AMD-E	83-14-047
388-72-285	REP	83-08-023	388-73-024	AMD	83-02-060	388-87-005	AMD-P	83-14-024
388-72-300	REP-P	83-05-003	388-73-042	AMD	83-02-060	388-87-005	AMD-E	83-14-052
388-72-300	REP	83-08-023	388-73-050	AMD	83-02-060	388-87-007	AMD-P	83-07-053
388-72-305	REP-P	83-05-003	388-73-054	AMD-P	83-09-047	388-87-007	AMD	83-10-077
388-72-305	REP	83-08-023	388-73-058	AMD	83-02-060	388-87-007	AMD-P	83-14-027
388-72-310	REP-P	83-05-003	388-73-058	AMD-P	83-09-047	388-87-008	NEW-P	83-07-053
388-72-310	REP	83-08-023	388-73-060	AMD	83-02-060	388-87-008	NEW	83-10-077
388-72-315	REP-P	83-05-003	388-73-062	AMD	83-02-060	388-87-010	AMD-P	83-13-066
388-72-315	REP	83-08-023	388-73-068	AMD	83-02-060	388-87-010	AMD-E	83-14-047
388-72-350	REP-P	83-05-003	388-73-072	AMD-P	83-09-047	388-87-011	AMD-P	83-10-081
388-72-350	REP	83-08-023	388-73-076	AMD	83-02-060	388-87-011	AMD	83-13-071
388-72-355	REP-P	83-05-003	388-73-077	NEW-P	83-09-047	388-87-013	AMD	83-03-016
388-72-355	REP	83-08-023	388-73-102	AMD	83-02-060	388-87-04701	NEW-P	83-14-024
388-72-400	REP-P	83-05-003	388-73-103	NEW	83-02-060	388-87-04701	NEW-E	83-14-052
388-72-400	REP	83-08-023	388-73-108	AMD	83-02-060	388-87-070	AMD	83-03-016
388-72-405	REP-P	83-05-003	388-73-108	AMD-P	83-09-047	388-87-070	AMD-P	83-05-040
388-72-405	REP	83-08-023	388-73-118	AMD	83-02-060	388-87-070	AMD-E	83-05-041
388-72-410	REP-P	83-05-003	388-73-118	AMD-P	83-09-047	388-87-070	AMD	83-08-022
388-72-410	REP	83-08-023	388-73-132	AMD	83-02-060	388-87-070	AMD-P	83-14-043
388-72-415	REP-P	83-05-003	388-73-134	AMD	83-02-060	388-87-070	AMD-E	83-14-054
388-72-415	REP	83-08-023	388-73-136	AMD	83-02-060	388-92-030	AMD-P	83-09-046
388-72-425	REP-P	83-05-003	388-73-140	AMD	83-02-060	388-92-030	AMD	83-12-059
388-72-425	REP	83-08-023	388-73-140	AMD-P	83-09-047	388-92-045	AMD-P	83-07-053
388-72-435	REP-P	83-05-003	388-73-142	AMD	83-02-060	388-92-045	AMD	83-10-077
388-72-435	REP	83-08-023	388-73-142	AMD-P	83-09-047	388-93-015	AMD-P	83-07-053
388-72-445	REP-P	83-05-003	388-73-144	AMD	83-02-060	388-93-015	AMD	83-10-077
388-72-445	REP	83-08-023	388-73-144	AMD-P	83-09-047	388-93-035	AMD-P	83-07-053
388-72-500	REP-P	83-05-003	388-73-146	AMD	83-02-060	388-93-035	AMD	83-10-077
388-72-500	REP	83-08-023	388-73-146	AMD-P	83-09-047	388-93-060	AMD-P	83-07-053
388-72-505	REP-P	83-05-003	388-73-304	AMD	83-02-060	388-93-060	AMD	83-10-077
388-72-505	REP	83-08-023	388-73-310	AMD	83-02-060	388-93-080	AMD-P	83-07-053

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-93-080	AMD	83-10-077	388-96-104	AMD-P	83-14-046	388-96-539	AMD	83-05-007
388-95	AMD-P	83-09-046	388-96-104	AMD-E	83-14-056	388-96-539	AMD-P	83-14-046
388-95	AMD	83-12-059	388-96-107	AMD-P	83-14-046	388-96-539	AMD-E	83-14-056
388-95-005	REP-P	83-09-046	388-96-107	AMD-E	83-14-056	388-96-543	AMD-P	83-14-046
388-95-005	REP	83-12-059	388-96-108	AMD-P	83-14-046	388-96-543	AMD-E	83-14-056
388-95-010	REP-P	83-09-046	388-96-108	AMD-E	83-14-056	388-96-553	AMD	83-05-007
388-95-010	REP	83-12-059	388-96-110	AMD-P	83-14-046	388-96-553	AMD-P	83-14-046
388-95-025	REP-P	83-09-046	388-96-110	AMD-E	83-14-056	388-96-553	AMD-E	83-14-056
388-95-025	REP	83-12-059	388-96-113	AMD	83-05-007	388-96-554	NEW	83-05-007
388-95-030	REP-P	83-09-046	388-96-113	AMD-P	83-14-046	388-96-554	AMD-P	83-14-046
388-95-030	REP	83-12-059	388-96-113	AMD-E	83-14-056	388-96-554	AMD-E	83-14-056
388-95-035	REP-P	83-09-046	388-96-125	REP-P	83-14-046	388-96-557	AMD-P	83-14-046
388-95-035	REP	83-12-059	388-96-125	REP-E	83-14-056	388-96-557	AMD-E	83-14-056
388-95-040	REP-P	83-09-046	388-96-128	AMD-P	83-14-046	388-96-561	AMD-P	83-14-046
388-95-040	REP	83-12-059	388-96-128	AMD-E	83-14-056	388-96-561	AMD-E	83-14-056
388-95-045	REP-P	83-09-046	388-96-131	AMD-P	83-14-046	388-96-565	AMD-P	83-14-046
388-95-045	REP	83-12-059	388-96-131	AMD-E	83-14-056	388-96-565	AMD-E	83-14-056
388-95-055	REP-P	83-09-046	388-96-134	AMD-P	83-14-046	388-96-572	AMD-P	83-14-046
388-95-055	REP	83-12-059	388-96-134	AMD-E	83-14-056	388-96-572	AMD-E	83-14-056
388-95-060	REP-P	83-09-046	388-96-201	REP-P	83-14-046	388-96-573	AMD	83-05-007
388-95-060	REP	83-12-059	388-96-201	REP-E	83-14-056	388-96-585	AMD-P	83-14-046
388-95-065	REP-P	83-09-046	388-96-202	NEW-E	83-14-055	388-96-585	AMD-E	83-14-056
388-95-065	REP	83-12-059	388-96-204	AMD-P	83-14-046	388-96-710	AMD-P	83-14-046
388-95-070	REP-P	83-09-046	388-96-204	AMD-E	83-14-056	388-96-710	AMD-E	83-14-056
388-95-070	REP	83-12-059	388-96-207	AMD-P	83-14-046	388-96-713	AMD-P	83-14-046
388-95-075	REP-P	83-09-046	388-96-207	AMD-E	83-14-056	388-96-713	AMD-E	83-14-056
388-95-075	REP	83-12-059	388-96-210	AMD-P	83-14-046	388-96-716	AMD-P	83-14-046
388-95-080	REP-P	83-09-046	388-96-210	AMD-E	83-14-056	388-96-716	AMD-E	83-14-056
388-95-080	REP	83-12-059	388-96-213	AMD-P	83-14-046	388-96-717	NEW-P	83-14-046
388-95-210	REP-P	83-09-046	388-96-213	AMD-E	83-14-056	388-96-717	NEW-E	83-14-056
388-95-210	REP	83-12-059	388-96-216	AMD-P	83-14-046	388-96-719	AMD-P	83-14-046
388-95-215	REP-P	83-09-046	388-96-216	AMD-E	83-14-056	388-96-719	AMD-E	83-14-056
388-95-215	REP	83-12-059	388-96-219	REP-P	83-14-046	388-96-720	REP-P	83-14-046
388-95-225	REP-P	83-09-046	388-96-219	REP-E	83-14-056	388-96-720	REP-E	83-14-056
388-95-225	REP	83-12-059	388-96-220	NEW-P	83-14-046	388-96-722	AMD-P	83-14-046
388-95-235	REP-P	83-09-046	388-96-220	NEW-E	83-14-056	388-96-722	AMD-E	83-14-056
388-95-235	REP	83-12-059	388-96-221	NEW-P	83-14-046	388-96-727	AMD-P	83-14-046
388-95-255	REP-P	83-09-046	388-96-221	NEW-E	83-14-056	388-96-727	AMD-E	83-14-056
388-95-255	REP	83-12-059	388-96-222	AMD	83-05-007	388-96-735	AMD-P	83-14-046
388-95-260	REP-P	83-09-046	388-96-222	REP-P	83-14-046	388-96-735	AMD-E	83-14-056
388-95-260	REP	83-12-059	388-96-222	REP-E	83-14-056	388-96-743	AMD-P	83-14-046
388-95-265	REP-P	83-09-046	388-96-223	REP-P	83-14-046	388-96-743	AMD-E	83-14-056
388-95-265	REP	83-12-059	388-96-223	REP-E	83-14-056	388-96-750	AMD-P	83-14-046
388-95-270	REP-P	83-09-046	388-96-224	NEW-P	83-14-046	388-96-750	AMD-E	83-14-056
388-95-270	REP	83-12-059	388-96-224	NEW-E	83-14-056	388-96-760	AMD-P	83-14-046
388-95-280	REP-P	83-09-046	388-96-225	AMD	83-05-007	388-96-760	AMD-E	83-14-056
388-95-280	REP	83-12-059	388-96-225	REP-P	83-14-046	388-96-772	REP-P	83-14-046
388-95-300	NEW-P	83-09-046	388-96-225	REP-E	83-14-056	388-96-772	REP-E	83-14-056
388-95-300	NEW	83-12-059	388-96-226	NEW-P	83-14-046	388-96-773	NEW-P	83-14-046
388-95-320	NEW-P	83-09-046	388-96-226	NEW-E	83-14-056	388-96-773	NEW-E	83-14-056
388-95-320	NEW	83-12-059	388-96-227	AMD	83-05-007	388-96-807	AMD-P	83-14-046
388-95-340	NEW-P	83-09-046	388-96-227	REP-P	83-14-046	388-96-807	AMD-E	83-14-056
388-95-340	NEW	83-12-059	388-96-227	REP-E	83-14-056	388-96-813	AMD-P	83-14-046
388-95-360	NEW-P	83-09-046	388-96-228	NEW-P	83-14-046	388-96-813	AMD-E	83-14-056
388-95-360	NEW	83-12-059	388-96-228	NEW-E	83-14-056	388-96-816	AMD-P	83-14-046
388-95-360	AMD-P	83-14-062	388-96-229	NEW-P	83-14-046	388-96-816	AMD-E	83-14-056
388-95-360	AMD-E	83-14-063	388-96-229	NEW-E	83-14-056	388-99-020	AMD-P	83-14-045
388-95-380	NEW-P	83-09-046	388-96-310	NEW-P	83-14-046	388-99-020	AMD-E	83-14-053
388-95-380	NEW	83-12-059	388-96-310	NEW-E	83-14-056	388-99-035	AMD-P	83-10-081
388-95-390	NEW-P	83-09-046	388-96-369	AMD-P	83-14-046	388-99-035	AMD	83-13-071
388-95-390	NEW	83-12-059	388-96-369	AMD-E	83-14-056	388-99-045	AMD-P	83-09-046
388-95-400	NEW-P	83-09-046	388-96-372	AMD-P	83-14-046	388-99-045	REP	83-12-059
388-95-400	NEW	83-12-059	388-96-372	AMD-E	83-14-056	388-99-060	AMD	83-03-016
388-96-010	AMD-P	83-14-046	388-96-521	AMD-P	83-14-046	388-100-005	AMD-P	83-10-081
388-96-010	AMD-E	83-14-056	388-96-521	AMD-E	83-14-056	388-100-005	AMD	83-13-071
388-96-020	AMD-P	83-14-046	388-96-523	AMD-P	83-14-046	388-100-025	AMD-P	83-10-081
388-96-020	AMD-E	83-14-056	388-96-523	AMD-E	83-14-056	388-100-025	AMD	83-13-071
388-96-023	AMD-P	83-14-046	388-96-529	AMD-P	83-14-046	388-100-030	AMD-P	83-14-026
388-96-023	AMD-E	83-14-056	388-96-529	AMD-E	83-14-056	388-100-030	AMD-E	83-14-051
388-96-026	AMD-P	83-14-046	388-96-531	AMD-P	83-14-046	388-100-035	AMD-P	83-14-026
388-96-026	AMD-E	83-14-056	388-96-531	AMD-E	83-14-056	388-100-035	AMD-E	83-14-051
388-96-029	AMD-P	83-14-046	388-96-533	AMD-P	83-14-046	388-320-220	AMD	83-03-021
388-96-029	AMD-E	83-14-056	388-96-533	AMD-E	83-14-056	389-12-010	AMD-E	83-13-017
388-96-032	AMD-P	83-14-046	388-96-534	AMD-P	83-14-046	389-12-020	AMD-E	83-13-017
388-96-032	AMD-E	83-14-056	388-96-534	AMD-E	83-14-056	389-12-030	AMD-E	83-13-017
388-96-101	AMD-P	83-14-046	388-96-535	AMD-P	83-14-046	389-12-040	AMD-E	83-13-017
388-96-101	AMD-E	83-14-056	388-96-535	AMD-E	83-14-056	389-12-050	AMD-E	83-13-017

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
389-12-080	AMD-E	83-13-017	392-163-105	NEW-P	83-04-054
389-12-100	AMD-E	83-13-017	392-163-105	NEW	83-08-030
389-12-130	AMD-E	83-13-017	392-163-110	NEW-P	83-04-054
389-12-230	AMD-E	83-13-017	392-163-110	NEW	83-08-030
389-12-270	AMD-E	83-13-017	392-163-115	NEW-P	83-04-054
390-13-010	NEW-P	83-06-033	392-163-115	NEW	83-08-030
390-13-010	NEW	83-11-004	392-163-120	NEW-P	83-04-054
390-13-100	NEW-P	83-14-036	392-163-120	NEW	83-08-030
390-20-145	AMD-P	83-13-046	392-163-125	NEW-P	83-04-054
390-20-146	NEW-P	83-13-046	392-163-125	NEW	83-08-030
392-101-001	NEW-P	83-14-087	392-163-130	NEW-P	83-04-054
392-101-005	AMD-P	83-14-087	392-163-130	NEW	83-08-030
392-137-010	AMD-P	83-14-088	392-163-135	NEW-P	83-04-054
392-137-020	AMD-P	83-14-088	392-163-135	NEW	83-08-030
392-137-040	AMD-P	83-14-088	392-163-140	NEW-P	83-04-054
392-137-045	AMD-P	83-14-088	392-163-140	NEW	83-08-030
392-137-055	AMD-P	83-14-088	392-163-140	AMD-P	83-14-091
392-137-060	AMD-P	83-14-088	392-163-142	NEW-P	83-04-054
392-137-065	AMD-P	83-14-088	392-163-142	NEW	83-08-030
392-137-070	NEW-P	83-14-088	392-163-142	AMD-P	83-14-091
392-138	AMD-C	83-03-004	392-163-145	NEW-P	83-04-054
392-138-003	NEW-P	83-14-089	392-163-145	NEW	83-08-030
392-138-010	AMD-P	83-14-089	392-163-170	NEW-P	83-04-054
392-138-012	NEW-P	83-14-089	392-163-170	NEW	83-08-030
392-138-014	NEW-P	83-14-089	392-163-175	NEW-P	83-04-054
392-138-015	REP-P	83-14-089	392-163-175	NEW	83-08-030
392-138-016	NEW-P	83-14-089	392-163-180	NEW-P	83-04-054
392-138-017	NEW-P	83-14-089	392-163-180	NEW	83-08-030
392-138-020	REP-P	83-14-089	392-163-180	AMD-P	83-14-091
392-138-025	REP-P	83-14-089	392-163-185	NEW-P	83-04-054
392-138-030	AMD-P	83-14-089	392-163-185	NEW	83-08-030
392-138-035	AMD-P	83-14-089	392-163-190	NEW-P	83-04-054
392-138-047	NEW-P	83-14-089	392-163-190	NEW	83-08-030
392-138-050	AMD-P	83-14-089	392-163-195	NEW-P	83-04-054
392-138-071	NEW-P	83-14-089	392-163-195	NEW	83-08-030
392-138-075	AMD-P	83-14-089	392-163-200	NEW-P	83-04-054
392-138-100	NEW-P	83-14-089	392-163-200	NEW	83-08-030
392-139-001	NEW-P	83-14-090	392-163-205	NEW-P	83-04-054
392-139-005	AMD-P	83-14-090	392-163-205	NEW	83-08-030
392-139-016	AMD-P	83-14-090	392-163-210	NEW-P	83-04-054
392-139-019	NEW-P	83-14-090	392-163-210	NEW	83-08-030
392-139-021	AMD-P	83-14-090	392-163-215	NEW-P	83-04-054
392-139-022	NEW-P	83-14-090	392-163-215	NEW	83-08-030
392-139-036	AMD-P	83-14-090	392-163-220	NEW-P	83-04-054
392-140-010	AMD-E	83-13-052	392-163-220	NEW	83-08-030
392-140-010	AMD-P	83-14-009	392-163-225	NEW-P	83-04-054
392-140-011	AMD-E	83-13-052	392-163-225	NEW	83-08-030
392-140-011	AMD-P	83-14-009	392-163-230	NEW-P	83-04-054
392-140-013	AMD-E	83-13-052	392-163-230	NEW	83-08-030
392-140-013	AMD-P	83-14-009	392-163-235	NEW-P	83-04-054
392-140-014	AMD-E	83-13-052	392-163-235	NEW	83-08-030
392-140-014	AMD-P	83-14-009	392-163-240	NEW-P	83-04-054
392-140-015	AMD-E	83-13-052	392-163-240	NEW	83-08-030
392-140-015	AMD-P	83-14-009	392-163-245	NEW-P	83-04-054
392-140-016	AMD-E	83-13-052	392-163-245	NEW	83-08-030
392-140-016	AMD-P	83-14-009	392-163-250	NEW-P	83-04-054
392-140-017	AMD-E	83-13-052	392-163-250	NEW	83-08-030
392-140-017	AMD-P	83-14-009	392-163-255	NEW-P	83-04-054
392-140-018	AMD-E	83-13-052	392-163-255	NEW	83-08-030
392-140-018	AMD-P	83-14-009	392-163-255	AMD-P	83-14-091
392-140-019	AMD-E	83-13-052	392-163-260	NEW-P	83-04-054
392-140-019	AMD-P	83-14-009	392-163-260	NEW	83-08-030
392-140-020	AMD-E	83-13-052	392-163-300	NEW-P	83-04-054
392-140-020	AMD-P	83-14-009	392-163-300	NEW	83-08-030
392-140-021	AMD-E	83-13-052	392-163-305	NEW-P	83-04-054
392-140-021	AMD-P	83-14-009	392-163-305	NEW	83-08-030
392-140-022	AMD-E	83-13-052	392-163-310	NEW-P	83-04-054
392-140-022	AMD-P	83-14-009	392-163-310	NEW	83-08-030
392-140-023	AMD-E	83-13-052	392-163-315	NEW-P	83-04-054
392-140-023	AMD-P	83-14-009	392-163-315	NEW	83-08-030
392-163	NEW-C	83-07-058	392-163-320	NEW-P	83-04-054
392-163	NEW	83-08-030	392-163-320	NEW	83-08-030
392-163	AMD-P	83-14-091	392-163-322	NEW-P	83-04-054
392-163-005	REP-P	83-04-054	392-163-322	NEW	83-08-030
392-163-005	REP-P	83-14-091	392-163-325	NEW-P	83-04-054
392-163-100	NEW-P	83-04-054	392-163-325	NEW	83-08-030
392-163-100	NEW	83-08-030	392-163-330	NEW-P	83-04-054
392-163-330	NEW	83-08-030			
392-163-335	NEW-P	83-04-054			
392-163-335	NEW	83-08-030			
392-163-340	NEW-P	83-04-054			
392-163-340	NEW	83-08-030			
392-163-345	NEW-P	83-04-054			
392-163-345	NEW	83-08-030			
392-163-350	NEW-P	83-04-054			
392-163-350	NEW	83-08-030			
392-163-355	NEW-P	83-04-054			
392-163-355	NEW	83-08-030			
392-163-360	NEW-P	83-04-054			
392-163-360	NEW	83-08-030			
392-163-365	NEW-P	83-04-054			
392-163-365	NEW	83-08-030			
392-163-370	NEW-P	83-04-054			
392-163-370	NEW	83-08-030			
392-163-375	NEW-P	83-04-054			
392-163-375	NEW	83-08-030			
392-163-385	NEW-P	83-04-054			
392-163-385	NEW	83-08-030			
392-163-385	AMD-P	83-14-091			
392-163-390	NEW-P	83-04-054			
392-163-390	NEW	83-08-030			
392-163-400	NEW-P	83-04-054			
392-163-400	NEW	83-08-030			
392-163-405	NEW-P	83-04-054			
392-163-405	NEW	83-08-030			
392-163-410	NEW-P	83-04-054			
392-163-410	NEW	83-08-030			
392-163-415	NEW-P	83-04-054			
392-163-415	NEW	83-08-030			
392-163-420	NEW-P	83-04-054			
392-163-420	NEW	83-08-030			
392-163-425	NEW-P	83-04-054			
392-163-425	NEW	83-08-030			
392-163-425	AMD-E	83-13-053			
392-163-430	NEW-P	83-14-091			
392-163-430	NEW	83-08-030			
392-163-440	NEW-P	83-04-054			
392-163-440	NEW	83-08-030			
392-163-445	NEW-P	83-04-054			
392-163-445	NEW	83-08-030			
392-163-450	NEW-P	83-04-054			
392-163-450	NEW	83-08-030			
392-163-455	NEW-P	83-04-054			
392-163-455	NEW	83-08-030			
392-163-460	NEW-P	83-04-054			
392-163-460	NEW	83-08-030			
392-163-465	NEW-P	83-04-054			
392-163-465	NEW	83-08-030			
392-163-500	NEW-P	83-14-091			
392-171	AMD-C	83-07-057			
392-171	AMD	83-08-029			
392-171-386	AMD-P	83-04-072			
392-171-386	AMD	83-08-029			
392-171-401	AMD-P	83-04-072			
392-171-401	AMD	83-08-029			
392-171-631	AMD-P	83-04-072			
392-171-631	AMD	83-08-029			
392-171-661	AMD-P	83-04-072			
392-171-661	AMD	83-08-029			
392-171-691	AMD-P	83-04-072			
392-171-691	AMD	83-08-029			
392-171-761	AMD-P	83-04-072			
392-171-761	AMD	83-08-029			
392-171-766	AMD-P	83-04-072			
392-171-766	AMD	83-08-029			
392-171-771	AMD-P	83-04-072			
392-171-771	AMD	83-08-029			
392-171-776	AMD-P	83-04-072			
392-171-781	AMD-P	83-04-072			
419-14-020	AMD-P	83-13-040			
419-14-020	AMD-E	83-13-043			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
419-14-090	NEW-P	83-13-040	458-20-128	AMD-P	83-04-063	458-20-180	AMD	83-07-033
419-14-090	NEW-E	83-13-043	458-20-128	AMD	83-07-034	458-20-181	AMD-P	83-04-064
419-14-100	NEW-P	83-13-040	458-20-130	AMD-P	83-04-063	458-20-181	AMD	83-07-033
419-14-100	NEW-E	83-13-043	458-20-130	AMD	83-07-034	458-20-184	AMD-P	83-04-064
419-14-110	NEW-P	83-13-040	458-20-131	AMD-P	83-04-063	458-20-184	AMD	83-07-033
419-14-110	NEW-E	83-13-043	458-20-131	AMD	83-07-034	458-20-185	AMD-P	83-04-062
419-18-020	AMD-P	83-13-041	458-20-132	AMD-P	83-04-063	458-20-185	AMD	83-07-032
419-18-020	AMD-E	83-13-042	458-20-132	AMD	83-07-034	458-20-186	AMD-P	83-04-062
419-18-040	AMD-P	83-13-041	458-20-134	AMD-P	83-04-062	458-20-186	AMD	83-07-032
419-18-040	AMD-E	83-13-042	458-20-134	AMD	83-07-032	458-20-18801	AMD-P	83-04-062
419-18-050	NEW-P	83-13-041	458-20-135	AMD-P	83-04-063	458-20-18801	AMD	83-07-032
419-18-050	NEW-E	83-13-042	458-20-135	AMD	83-07-034	458-20-189	AMD-P	83-04-064
419-18-060	NEW-P	83-13-041	458-20-136	AMD-P	83-04-062	458-20-189	AMD	83-07-033
419-18-060	NEW-E	83-13-042	458-20-136	AMD	83-07-032	458-20-190	AMD-P	83-04-064
419-18-070	NEW-P	83-13-041	458-20-137	AMD-P	83-04-063	458-20-190	AMD	83-07-033
419-18-070	NEW-E	83-13-042	458-20-137	AMD	83-07-034	458-20-191	AMD-P	83-04-064
419-28	REVIEW	83-14-077	458-20-140	AMD-P	83-04-063	458-20-191	AMD	83-07-033
419-28-060	NEW	83-05-022	458-20-140	AMD	83-07-034	458-20-193A	AMD-P	83-04-064
419-36	REVIEW	83-14-077	458-20-141	AMD-P	83-04-063	458-20-193A	AMD	83-07-033
419-40	REVIEW	83-14-077	458-20-141	AMD	83-07-034	458-20-193B	AMD-P	83-04-064
419-44-010	NEW	83-05-022	458-20-142	AMD-P	83-04-063	458-20-193B	AMD	83-07-033
419-44-020	NEW-W	83-05-021	458-20-142	AMD	83-07-034	458-20-193C	AMD-P	83-04-064
419-52	REVIEW	83-14-077	458-20-143	AMD-P	83-04-063	458-20-193C	AMD	83-07-033
419-56-010	NEW-P	83-14-078	458-20-143	AMD	83-07-034	458-20-193D	AMD-P	83-04-064
440-44-035	AMD-P	83-09-048	458-20-143	AMD-P	83-13-026	458-20-193D	AMD	83-07-033
440-44-035	AMD	83-12-058	458-20-145	AMD-P	83-04-062	458-20-194	AMD-P	83-05-048
440-44-040	AMD-P	83-08-005	458-20-145	AMD	83-07-032	458-20-194	AMD	83-08-026
440-44-040	AMD-P	83-09-048	458-20-146	AMD-P	83-04-062	458-20-195	AMD-P	83-05-048
440-44-040	AMD	83-12-058	458-20-146	AMD	83-07-032	458-20-195	AMD	83-08-026
440-44-048	NEW-P	83-10-076	458-20-148	AMD-P	83-04-063	458-20-196	AMD-P	83-04-062
440-44-048	NEW	83-14-038	458-20-148	AMD	83-07-034	458-20-196	AMD	83-07-032
440-44-050	AMD-P	83-09-048	458-20-150	AMD-P	83-04-063	458-20-198	AMD-P	83-04-062
440-44-050	AMD	83-12-058	458-20-150	AMD	83-07-034	458-20-198	AMD	83-07-032
440-44-057	AMD-P	83-09-048	458-20-151	AMD-P	83-04-062	458-20-199	AMD-P	83-04-062
440-44-057	AMD	83-12-058	458-20-151	AMD	83-07-032	458-20-199	AMD	83-07-032
440-44-060	NEW-P	83-09-048	458-20-153	AMD-P	83-04-064	458-20-201	AMD-P	83-05-048
440-44-060	NEW	83-12-058	458-20-153	AMD	83-07-033	458-20-201	AMD	83-08-026
440-44-065	AMD-P	83-12-015	458-20-156	AMD-P	83-04-064	458-20-201	AMD	83-08-026
446-50-080	AMD	83-03-008	458-20-156	AMD	83-07-033	458-20-206	AMD-P	83-05-048
458-14-040	AMD-E	83-10-017	458-20-156	AMD	83-07-033	458-20-206	AMD	83-08-026
458-20	AMD-C	83-08-015	458-20-159	AMD-P	83-04-064	458-20-209	AMD-P	83-05-048
458-20-100	AMD-P	83-04-062	458-20-159	AMD	83-07-033	458-20-209	AMD	83-08-026
458-20-100	AMD	83-07-032	458-20-161	AMD-P	83-04-064	458-20-210	AMD-P	83-05-048
458-20-101	AMD-P	83-04-062	458-20-161	AMD	83-07-033	458-20-210	AMD	83-08-026
458-20-101	AMD	83-07-032	458-20-162	AMD	83-07-033	458-20-211	AMD	83-08-026
458-20-102	AMD-P	83-04-063	458-20-163	AMD-P	83-04-064	458-20-214	AMD-P	83-05-048
458-20-102	AMD	83-07-034	458-20-163	AMD	83-07-033	458-20-214	AMD	83-08-026
458-20-104	AMD-P	83-04-063	458-20-164	AMD-P	83-14-059	458-20-215	AMD-P	83-05-048
458-20-104	AMD	83-07-034	458-20-164	AMD-E	83-14-060	458-20-215	AMD	83-08-026
458-20-106	AMD-P	83-04-063	458-20-165	AMD-P	83-04-064	458-20-218	AMD-P	83-05-048
458-20-106	AMD	83-07-034	458-20-165	AMD	83-07-033	458-20-218	AMD	83-08-026
458-20-107	AMD-P	83-04-063	458-20-166	AMD-P	83-04-064	458-20-219	AMD-P	83-05-048
458-20-107	AMD	83-07-034	458-20-166	AMD	83-07-033	458-20-219	AMD	83-08-026
458-20-108	AMD-P	83-04-063	458-20-167	AMD-P	83-04-062	458-20-221	AMD-P	83-05-048
458-20-108	AMD	83-07-034	458-20-167	AMD	83-07-032	458-20-221	AMD	83-08-026
458-20-112	AMD-P	83-04-063	458-20-168	AMD-P	83-04-064	458-20-222	AMD-P	83-05-048
458-20-113	AMD-P	83-04-063	458-20-168	AMD	83-07-033	458-20-222	AMD	83-08-026
458-20-113	AMD-C	83-07-035	458-20-169	AMD-P	83-04-064	458-20-223	AMD-P	83-05-048
458-20-114	AMD-P	83-04-062	458-20-169	AMD	83-07-033	458-20-223	AMD	83-08-026
458-20-116	AMD-P	83-04-063	458-20-170	AMD-P	83-04-064	458-20-224	AMD-P	83-04-062
458-20-116	AMD	83-07-034	458-20-170	AMD	83-07-033	458-20-224	AMD	83-07-032
458-20-118	AMD-P	83-04-063	458-20-171	AMD-P	83-04-064	458-20-224	AMD-P	83-14-059
458-20-118	AMD	83-07-034	458-20-172	AMD-P	83-04-064	458-20-224	AMD-E	83-14-060
458-20-121	AMD-P	83-04-063	458-20-172	AMD	83-07-033	458-20-226	AMD-P	83-05-048
458-20-121	AMD	83-07-034	458-20-173	AMD-P	83-04-064	458-20-226	AMD	83-08-026
458-20-123	AMD-P	83-04-063	458-20-173	AMD	83-07-033	458-20-227	AMD-P	83-05-048
458-20-123	AMD	83-07-034	458-20-174	AMD-P	83-04-064	458-20-227	AMD	83-08-026
458-20-124	AMD-P	83-04-063	458-20-174	AMD	83-07-033	458-20-228	AMD-E	83-13-024
458-20-124	AMD	83-07-034	458-20-175	AMD-P	83-04-064	458-20-228	AMD-P	83-13-025
458-20-125	AMD-P	83-04-063	458-20-175	AMD	83-07-033	458-20-229	AMD-P	83-05-048
458-20-125	AMD	83-07-034	458-20-176	AMD-P	83-04-064	458-20-229	AMD	83-08-026
458-20-126	AMD-P	83-04-063	458-20-176	AMD	83-07-033	458-20-231	AMD-P	83-05-048
458-20-126	AMD	83-07-034	458-20-177	AMD-P	83-05-048	458-20-231	AMD	83-08-026
458-20-126	AMD-P	83-14-059	458-20-177	AMD	83-08-026	458-20-232	AMD-P	83-05-048
458-20-126	AMD-E	83-14-060	458-20-178	AMD-P	83-04-064	458-20-232	AMD	83-08-026
458-20-127	AMD-P	83-04-063	458-20-178	AMD	83-07-033	458-20-234	AMD-P	83-05-048
458-20-127	AMD	83-07-034	458-20-180	AMD-P	83-04-064	458-20-234	AMD	83-08-026

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
458-20-235	AMD-P	83-04-062	458-57-020	REP-P	83-13-120
458-20-235	AMD	83-07-032	458-57-030	REP-P	83-13-120
458-20-236	AMD-P	83-05-048	458-57-040	REP-P	83-13-120
458-20-237	AMD-P	83-06-046	458-57-050	REP-P	83-13-120
458-20-237	AMD-E	83-06-047	458-57-060	REP-P	83-13-120
458-20-237	AMD	83-09-028	458-57-070	REP-P	83-13-120
458-20-238	AMD-P	83-05-048	458-57-080	REP-P	83-13-120
458-20-238	AMD	83-08-026	458-57-090	REP-P	83-13-120
458-20-239	AMD-P	83-05-048	458-57-100	REP-P	83-13-120
458-20-239	AMD	83-08-026	458-57-110	REP-P	83-13-120
458-20-240	AMD-P	83-05-048	458-57-120	REP-P	83-13-120
458-20-240	AMD	83-08-026	458-57-130	REP-P	83-13-120
458-20-241	AMD-P	83-05-048	458-57-140	REP-P	83-13-120
458-20-241	AMD	83-08-026	458-57-150	REP-P	83-13-120
458-20-242A	AMD-P	83-05-048	458-57-160	REP-P	83-13-120
458-20-242A	AMD	83-08-026	458-57-170	REP-P	83-13-120
458-20-243	AMD-P	83-05-048	458-57-180	REP-P	83-13-120
458-20-243	AMD	83-08-026	458-57-190	REP-P	83-13-120
458-20-244	AMD-P	83-14-059	458-57-200	REP-P	83-13-120
458-20-244	AMD-E	83-14-060	458-57-210	REP-P	83-13-120
458-20-245	NEW-P	83-14-059	458-57-220	REP-P	83-13-120
458-20-245	NEW-E	83-14-060	458-57-230	REP-P	83-13-120
458-40-18600	AMD-P	83-11-037	458-57-240	REP-P	83-13-120
458-40-18600	AMD-E	83-14-039	458-57-250	REP-P	83-13-120
458-40-18600	AMD	83-14-040	458-57-260	REP-P	83-13-120
458-40-18688	NEW-P	83-11-037	458-57-270	REP-P	83-13-120
458-40-18688	NEW-E	83-14-039	458-57-280	REP-P	83-13-120
458-40-18688	NEW	83-14-040	458-57-290	REP-P	83-13-120
458-40-18689	NEW-P	83-11-037	458-57-300	REP-P	83-13-120
458-40-18689	NEW-E	83-14-039	458-57-310	REP-P	83-13-120
458-40-18689	NEW	83-14-040	458-57-320	REP-P	83-13-120
458-40-18690	NEW-P	83-11-037	458-57-330	REP-P	83-13-120
458-40-18690	NEW-E	83-14-039	458-57-340	REP-P	83-13-120
458-40-18690	NEW	83-14-040	458-57-350	REP-P	83-13-120
458-40-18691	NEW-P	83-11-037	458-57-360	REP-P	83-13-120
458-40-18691	NEW-E	83-14-039	458-57-370	REP-P	83-13-120
458-40-18691	NEW	83-14-040	458-57-380	REP-P	83-13-120
458-40-18692	NEW-P	83-11-037	458-57-390	REP-P	83-13-120
458-40-18692	NEW-E	83-14-039	458-57-400	REP-P	83-13-120
458-40-18692	NEW	83-14-040	458-57-410	REP-P	83-13-120
458-40-18693	NEW-P	83-11-037	458-57-420	REP-P	83-13-120
458-40-18693	NEW-E	83-14-039	458-57-430	REP-P	83-13-120
458-40-18693	NEW	83-14-040	458-57-440	REP-P	83-13-120
458-40-18694	NEW-P	83-11-037	458-57-450	REP-P	83-13-120
458-40-18694	NEW-E	83-14-039	458-57-460	REP-P	83-13-120
458-40-18694	NEW	83-14-040	458-57-470	REP-P	83-13-120
458-40-18695	NEW-P	83-11-037	458-57-480	REP-P	83-13-120
458-40-18695	NEW-E	83-14-039	458-57-490	REP-P	83-13-120
458-40-18695	NEW	83-14-040	458-57-500	REP-P	83-13-120
458-40-18696	NEW-P	83-11-037	458-57-510	NEW-P	83-13-120
458-40-18696	NEW-E	83-14-039	458-57-520	NEW-P	83-13-120
458-40-18696	NEW	83-14-040	458-57-530	NEW-P	83-13-120
458-40-19000	AMD-P	83-11-037	458-57-540	NEW-P	83-13-120
458-40-19000	AMD-E	83-14-039	458-57-550	NEW-P	83-13-120
458-40-19000	AMD	83-14-040	458-57-560	NEW-P	83-13-120
458-40-19001	AMD-P	83-11-037	458-57-570	NEW-P	83-13-120
458-40-19001	AMD-E	83-14-039	458-57-580	NEW-P	83-13-120
458-40-19001	AMD	83-14-040	458-57-590	NEW-P	83-13-120
458-40-19002	AMD-P	83-11-037	458-57-600	NEW-P	83-13-120
458-40-19002	AMD-E	83-14-039	458-57-610	NEW-P	83-13-120
458-40-19002	AMD	83-14-040	458-57-620	NEW-P	83-13-120
458-40-19003	AMD-P	83-11-037	458-57-630	NEW-P	83-13-120
458-40-19003	AMD-E	83-14-039	458-57-640	NEW-P	83-13-120
458-40-19003	AMD	83-14-040	458-57-650	NEW-P	83-13-120
458-40-19004	AMD-P	83-11-037	458-57-660	NEW-P	83-13-120
458-40-19004	AMD-E	83-14-039	460-24A-050	AMD	83-03-024
458-40-19004	AMD	83-14-040	460-33A-010	NEW	83-03-025
458-40-19101	AMD-P	83-02-056	460-33A-015	NEW	83-03-025
458-40-19101	AMD	83-05-013	460-33A-015	AMD-E	83-09-034
458-53-051	NEW-P	83-13-047	460-33A-015	AMD-P	83-11-023
458-53-070	AMD-P	83-13-047	460-33A-016	NEW	83-03-025
458-53-080	AMD-P	83-13-047	460-33A-017	NEW	83-03-025
458-53-090	AMD-P	83-13-047	460-33A-020	NEW	83-03-025
458-53-100	AMD-P	83-13-047	460-33A-025	NEW	83-03-025
458-53-165	NEW-P	83-13-047	460-33A-030	NEW	83-03-025
458-57	AMD-P	83-13-120	460-33A-035	NEW	83-03-025
458-57-010	REP-P	83-13-120	460-33A-040	NEW	83-03-025
460-33A-050	NEW	83-03-025			
460-33A-055	NEW	83-03-025			
460-33A-060	NEW	83-03-025			
460-33A-065	NEW	83-03-025			
460-33A-070	NEW	83-03-025			
460-33A-075	NEW	83-03-025			
460-33A-080	NEW	83-03-025			
460-33A-085	NEW	83-03-025			
460-33A-090	NEW	83-03-025			
460-33A-100	NEW	83-03-025			
460-33A-105	NEW	83-03-025			
460-33A-110	NEW	83-03-025			
460-46A-020	AMD-P	83-12-038			
460-46A-040	AMD-P	83-12-038			
460-46A-080	AMD-P	83-12-038			
460-46A-085	AMD-P	83-12-038			
460-46A-090	AMD-P	83-12-038			
460-46A-091	NEW-P	83-12-038			
460-46A-095	AMD-P	83-12-038			
460-46A-155	AMD-P	83-12-038			
460-65A-010	NEW	83-03-024			
460-65A-020	NEW	83-03-024			
460-65A-030	NEW	83-03-024			
460-65A-040	NEW	83-03-024			
460-65A-100	NEW	83-03-024			
460-65A-105	NEW	83-03-024			
460-65A-110	NEW	83-03-024			
460-65A-115	NEW	83-03-024			
460-65A-125	NEW	83-03-024			
460-90-100	REP-P	83-03-056			
460-90-100	REP	83-06-076			
460-90-110	REP	83-06-076			
460-90-120	REP-P	83-03-056			
460-90-120	REP	83-06-076			
460-90-122	REP-P	83-03-056			
460-90-122	REP	83-06-076			
460-90-125	REP-P	83-03-056			
460-90-125	REP	83-06-076			
460-90-130	REP-P	83-03-056			
460-90-130	REP	83-06-076			
460-90-140	REP-P	83-03-056			
460-90-140	REP	83-06-076			
460-90-150	REP-P	83-03-056			
460-90-150	REP	83-06-076			
460-90-160	REP-P	83-03-056			
460-90-160	REP	83-06-076			
460-90-170	REP-P	83-03-056			
460-90-170	REP	83-06-076			
460-90-180	REP-P	83-03-056			
460-90-180	REP	83-06-076			
460-90-190	REP-P	83-03-056			
460-90-190	REP	83-06-076			
460-90-200	REP-P	83-03-056			
460-90-200	REP	83-06-076			
460-90-300	REP-P	83-03-056			
460-90-300	REP	83-06-076			
460-90-310	REP-P	83-03-056			
460-90-310	REP	83-06-076			
460-90-320	REP-P	83-03-056			
460-90-320	REP	83-06-076			
460-90-330	REP-P	83-03-056			
460-90-330	REP	83-06-076			
460-90-400	REP-P	83-03-056			
460-90-400	REP	83-06-076			
460-90-410	REP-P	83-03-056			
460-90-410	REP	83-06-076			
460-90-420	REP-P	83-03-056			
460-90-420	REP	83-06-076			
460-90-430	REP-P	83-03-056			
460-90-430	REP	83-06-076			
460-90-440	REP-P	83-03-056			
460-90-440	REP	83-06-076			
460-90-450	REP-P	83-03-056			
460-90-450	REP	83-06-076			
460-90-460	REP-P	83-03-056			
460-90-460	REP	83-06-076			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
480-62-120	NEW-P	83-06-021	504-17-220	NEW	83-08-060	516-12-290	REP-P	83-09-040
480-62-120	NEW	83-09-003	504-17-230	NEW	83-08-060	516-12-290	REP	83-14-014
480-63	REVIEW	83-11-003	504-17-240	NEW	83-08-060	516-12-300	REP-P	83-09-040
480-66	REVIEW	83-11-003	504-17-250	NEW	83-08-060	516-12-300	REP	83-14-014
480-69	REVIEW	83-11-003	504-17-900	NEW	83-08-060	516-12-310	REP-P	83-09-040
480-70	REVIEW	83-11-003	504-17-910	NEW	83-08-060	516-12-310	REP	83-14-014
480-70-330	AMD-P	83-03-055	504-17-930	NEW	83-08-060	516-12-320	REP-P	83-09-040
480-70-330	AMD	83-06-015	516-12-010	REP-P	83-09-040	516-12-320	REP	83-14-014
480-70-400	AMD-P	83-03-055	516-12-010	REP	83-14-014	516-12-400	NEW-P	83-09-040
480-70-400	AMD	83-06-015	516-12-020	REP-P	83-09-040	516-12-400	NEW	83-14-014
480-80	REVIEW	83-11-003	516-12-020	REP	83-14-014	516-12-410	NEW-P	83-09-040
480-90	REVIEW	83-11-003	516-12-030	REP-P	83-09-040	516-12-410	NEW	83-14-014
480-93	REVIEW	83-11-003	516-12-030	REP	83-14-014	516-12-420	NEW-P	83-09-040
480-100	REVIEW	83-11-003	516-12-040	REP-P	83-09-040	516-12-420	NEW	83-14-014
480-105	REVIEW	83-11-003	516-12-040	REP	83-14-014	516-12-430	NEW-P	83-09-040
480-110	REVIEW	83-11-003	516-12-050	REP-P	83-09-040	516-12-430	NEW	83-14-014
480-120	REVIEW	83-11-003	516-12-050	REP	83-14-014	516-12-440	NEW-P	83-09-040
480-120-046	AMD-P	83-08-087	516-12-060	REP-P	83-09-040	516-12-440	NEW	83-14-014
480-120-046	AMD	83-11-020	516-12-060	REP	83-14-014	516-12-450	NEW-P	83-09-040
480-125-010	NEW-P	83-14-023	516-12-070	REP-P	83-09-040	516-12-450	NEW	83-14-014
480-125-020	NEW-P	83-14-023	516-12-070	REP	83-14-014	516-12-460	NEW-P	83-09-040
480-125-030	NEW-P	83-14-023	516-12-073	REP-P	83-09-040	516-12-460	NEW	83-14-014
480-125-040	NEW-P	83-14-023	516-12-073	REP	83-14-014	516-12-470	NEW-P	83-09-040
480-125-050	NEW-P	83-14-023	516-12-076	REP-P	83-09-040	516-12-470	NEW	83-14-014
480-125-060	NEW-P	83-14-023	516-12-076	REP	83-14-014	516-12-480	NEW-P	83-09-040
480-125-070	NEW-P	83-14-023	516-12-080	REP-P	83-09-040	516-12-480	NEW	83-14-014
480-125-080	NEW-P	83-14-023	516-12-080	REP	83-14-014	516-13-010	AMD-P	83-09-040
480-125-090	NEW-P	83-14-023	516-12-090	REP-P	83-09-040	516-13-010	AMD	83-14-014
480-125-100	NEW-P	83-14-023	516-12-090	REP	83-14-014	516-13-020	AMD-P	83-09-040
480-125-110	NEW-P	83-14-023	516-12-100	REP-P	83-09-040	516-13-020	AMD	83-14-014
480-130	REVIEW	83-11-003	516-12-100	REP	83-14-014	516-13-030	AMD-P	83-09-040
480-140	REVIEW	83-11-003	516-12-110	REP-P	83-09-040	516-13-030	AMD	83-14-014
480-140-040	AMD-P	83-03-023	516-12-110	REP	83-14-014	516-13-070	NEW-P	83-09-040
480-140-040	AMD	83-06-016	516-12-120	REP-P	83-09-040	516-13-070	NEW	83-14-014
480-140-160	AMD-P	83-03-023	516-12-120	REP	83-14-014	516-13-080	NEW-P	83-09-040
480-140-160	AMD	83-06-016	516-12-130	REP-P	83-09-040	516-13-080	NEW	83-14-014
480-143	REVIEW	83-11-003	516-12-130	REP	83-14-014	516-14-010	REP-P	83-09-040
480-146	REVIEW	83-11-003	516-12-140	REP-P	83-09-040	516-14-010	REP	83-14-014
480-149-120	AMD-P	83-08-038	516-12-140	REP	83-14-014	516-14-020	REP-P	83-09-040
480-149-120	AMD	83-11-019	516-12-145	REP-P	83-09-040	516-14-020	REP	83-14-014
490-28A-003	NEW	83-10-003	516-12-145	REP	83-14-014	516-14-030	REP-P	83-09-040
490-36A-040	NEW	83-10-003	516-12-150	REP-P	83-09-040	516-14-030	REP	83-14-014
490-500-060	AMD-P	83-14-007	516-12-150	REP	83-14-014	516-14-040	REP-P	83-09-040
490-500-060	AMD-E	83-14-048	516-12-160	REP-P	83-09-040	516-14-040	REP	83-14-014
490-500-190	AMD-P	83-14-007	516-12-160	REP	83-14-014	516-14-050	REP-P	83-09-040
490-500-190	AMD-E	83-14-048	516-12-170	REP-P	83-09-040	516-14-050	REP	83-14-014
504-16	REP-C	83-04-010	516-12-170	REP	83-14-014	516-14-060	REP-P	83-09-040
504-16-100	REP	83-08-060	516-12-175	REP-P	83-09-040	516-14-060	REP	83-14-014
504-16-110	REP	83-08-060	516-12-175	REP	83-14-014	516-14-070	REP-P	83-09-040
504-16-115	REP	83-08-060	516-12-180	REP-P	83-09-040	516-14-070	REP	83-14-014
504-16-120	REP	83-08-060	516-12-180	REP	83-14-014	516-14-080	REP-P	83-09-040
504-16-140	REP	83-08-060	516-12-190	REP-P	83-09-040	516-14-080	REP	83-14-014
504-16-150	REP	83-08-060	516-12-190	REP	83-14-014	516-14-090	REP-P	83-09-040
504-16-160	REP	83-08-060	516-12-200	REP-P	83-09-040	516-14-090	REP	83-14-014
504-16-170	REP	83-08-060	516-12-200	REP	83-14-014	516-14-100	REP-P	83-09-040
504-17	AMD-C	83-04-010	516-12-210	REP-P	83-09-040	516-14-100	REP	83-14-014
504-17-010	NEW	83-08-060	516-12-210	REP	83-14-014	516-14-110	REP-P	83-09-040
504-17-020	NEW	83-08-060	516-12-220	REP-P	83-09-040	516-14-110	REP	83-14-014
504-17-030	NEW	83-08-060	516-12-220	REP	83-14-014	516-14-200	NEW-P	83-09-040
504-17-040	NEW	83-08-060	516-12-230	REP-P	83-09-040	516-14-200	NEW	83-14-014
504-17-050	NEW	83-08-060	516-12-230	REP	83-14-014			
504-17-060	NEW	83-08-060	516-12-240	REP-P	83-09-040			
504-17-070	NEW	83-08-060	516-12-240	REP	83-14-014			
504-17-080	NEW	83-08-060	516-12-250	REP-P	83-09-040			
504-17-090	NEW	83-08-060	516-12-250	REP	83-14-014			
504-17-100	NEW	83-08-060	516-12-255	REP-P	83-09-040			
504-17-110	NEW	83-08-060	516-12-255	REP	83-14-014			
504-17-120	NEW	83-08-060	516-12-256	REP-P	83-09-040			
504-17-130	NEW	83-08-060	516-12-256	REP	83-14-014			
504-17-140	NEW	83-08-060	516-12-260	REP-P	83-09-040			
504-17-150	NEW	83-08-060	516-12-260	REP	83-14-014			
504-17-160	NEW	83-08-060	516-12-265	REP-P	83-09-040			
504-17-170	NEW	83-08-060	516-12-265	REP	83-14-014			
504-17-180	NEW	83-08-060	516-12-268	REP-P	83-09-040			
504-17-190	NEW	83-08-060	516-12-268	REP	83-14-014			
504-17-200	NEW	83-08-060	516-12-280	REP-P	83-09-040			
504-17-210	NEW	83-08-060	516-12-280	REP	83-14-014			

Subject/Agency Index

(Citations in **bold type** refer to material in this issue)

ABORTIONS		AGRICULTURE, DEPARTMENT OF—cont.	
Certificate of approval	83-01-066	Inspections	83-03-047
Definitions	83-01-066		83-03-058
Facility approval	83-01-066		83-03-060
ACCOUNTANCY, BOARD OF			83-06-063
Basic requirements, amounts	83-09-049	Motor fuels and home heating	83-05-039
Continuing education	83-02-036		83-09-012
Public Accountancy Act of 1983	83-14-032	Pesticides on pollinating insects	83-13-076
ACUPUNCTURE (See MEDICAL EXAMINERS)			83-14-005
AERONAUTICS (See TRANSPORTATION, DEPARTMENT OF)		Public records	83-01-098
AGRICULTURE, DEPARTMENT OF		Quarantined feedlots	83-03-050
Alfalfa, clover, mint, chemical use on	83-13-076	Seeds	83-08-064
	83-14-005		83-08-065
Agency organization	83-01-098		83-08-066
Apple orchards, endrin	83-12-044		83-08-067
Asparagus	83-03-059	State laboratory coordinating council	83-11-030
	83-06-049	Swine	83-11-031
	83-06-050	importation of animals	83-09-045
Bean certification fees	83-10-039	Weeds	83-02-001
Cattle			83-08-065
brucellosis	83-02-061		83-11-029
	83-04-030	AIR POLLUTION (See ECOLOGY, DEPARTMENT OF)	
	83-04-031		
	83-06-064	ALCOHOLISM	
	83-07-029	County plan	83-02-025
feedlots quarantined	83-03-050	Hospitals	
	83-07-028	infection control	83-06-010
importation of animals	83-01-105		83-10-079
	83-01-106	Public assistance	83-05-002
	83-01-135		83-08-025
	83-01-136	ANACORTES	
	83-04-030	Shoreline management master program	83-02-004
	83-04-031	ASIAN-AMERICAN AFFAIRS COMMISSION	
	83-05-016	Meeting schedule	83-01-085
	83-06-064	ARCHITECTS (See LICENSING, DEPARTMENT OF)	
	83-09-009	ATTORNEY GENERAL, OFFICE OF THE	
sale requirements	83-02-061	Community college education, board	
	83-03-051	vocational education duties	83-01-070
	83-06-002	Constitutional convention by initiative	83-07-054
	83-06-064	Counties	
scabies	83-04-031	home rule charter	83-01-035
	83-06-064	officer salaries	83-01-035
slaughter	83-09-009	Election records tape duplication tests	83-13-030
temporary grazing	83-04-030	Firefighter as council member	83-07-047
	83-04-031	Hospital districts	
vesicular stomatitis	83-06-064	commissioner compensation	83-08-027
Chemicals on alfalfa, clover, mint	83-13-076	Judges	
	83-14-005	jurisdiction of judicial	
Crop dusting		qualifications commission	83-01-048
(See TRANSPORTATION, DEPARTMENT OF)		LEOFF contributions	83-08-033
Dairy products		Pharmacists, others licensed to dispense drugs	83-13-107
filled dairy products	83-01-053	Public utility district records	83-11-040
	83-02-031	Public work prevailing wage law	83-07-030
Endrin	83-12-044	School districts	
Fruits and vegetable movement	83-03-060	fund transfers	83-12-046
	83-06-050	public schools employee salaries	83-02-047
Grain, hay, beans, peas	83-03-047	social security participation	83-08-003
	83-06-063	Superintendent of public instruction	
	83-08-064	vocational education duties	83-01-070
Grain storage and warehousing	83-12-063	University of Washington open public meetings	83-07-011
	83-13-010	Vocational education commission	
Gypsy moth	83-04-022	vocational education duties	83-01-070
Hops, assessment increase	83-07-052	Vocation rehabilitation	
Horses		retroactive/prospective	83-09-042
importation	83-05-016	ATTORNEYS (See also SUPREME COURT)	
slaughter	83-06-064	Disciplinary rules	83-04-045
	83-09-009	Limited practice rule, closing officers	83-02-044
Horticultural inspection fees	83-03-058	form approval	83-14-070
	83-06-048	AVIATION (See TRANSPORTATION, DEPARTMENT OF, subtopic Aeronautics)	
Insects, pollinating, protect from chemicals	83-13-076		
	83-14-005	BANKS (See GENERAL ADMINISTRATION, DEPARTMENT OF)	

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

BARBERS (See LICENSING, DEPARTMENT OF)			
BEER (See LIQUOR CONTROL BOARD)			
BELLEVUE			
Shoreline master program	83-02-065		
BELLEVUE COMMUNITY COLLEGE (District 8)			
Alcohol and chemical dependency of employees	83-13-074		
Amendment to bylaws	83-01-043		
	83-05-051		
General operating policies	83-13-074		
Meeting schedule	83-01-040		
	83-01-043		
	83-05-051		
	83-08-058		
Student code	83-07-040		
	83-12-012		
BLIND			
Prevention of blindness program			
appeal and fair hearing	83-05-014		
	83-06-067		
	83-10-034		
	83-10-035		
eye physicians advisory committee	83-01-068		
	83-01-069		
financial eligibility	83-05-014		
	83-06-067		
	83-10-034		
	83-10-035		
medical eligibility	83-05-014		
	83-06-067		
	83-10-034		
	83-10-035		
ophthalmologist consultant	83-01-068		
	83-01-069		
purpose	83-01-068		
	83-01-069		
services	83-05-014		
	83-06-067		
	83-10-034		
	83-10-035		
social and health services cooperative agreement	83-01-068		
	83-01-069		
Repeal of obsolete sections	83-05-003		
	83-08-023		
Vocational rehabilitation			
confidential information—disclosure	83-01-080		
definitions	83-01-080		
eligibility	83-10-033		
group services	83-01-080		
liability insurance	83-01-080		
program termination	83-01-080		
sheltered workshops	83-01-080		
training	83-01-080		
college and trade school	83-06-068		
	83-10-033		
vocational	83-06-068		
	83-10-033		
BOARDING ROOMS (See HEALTH, STATE BOARD OF; SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)			
BOATS (See LICENSING, DEPARTMENT OF implementation of ch 7 Laws of 1983)			
BOTHELL			
Shoreline master program	83-02-064		
	83-03-069		
BUILDING CODE ADVISORY COUNCIL			
Amendments	83-10-082		
Barrier free facilities	83-07-012		
CATTLE (See AGRICULTURE, DEPARTMENT OF)			
CEMETERY BOARD			
Development plan	83-02-063		
Endowment care fund records	83-02-063		
Gross sales price defined	83-02-063		
CEMETERY BOARD—cont.			
Prerangement trust fund records		83-02-063	
CENTRAL WASHINGTON UNIVERSITY			
College facilities use			
bookstore		83-07-024	
		83-08-070	
		83-11-033	
Library policies		83-01-036	
Meeting schedule		83-05-010	
Parking and traffic regulations		83-13-034	
CENTRALIA COLLEGE AND OLYMPIA TECHNICAL COMMUNITY COLLEGE (District 12)			
Environmental protection		83-12-043	
Meeting schedule		83-01-079	
		83-04-015	
		83-08-035	
		83-08-068	
		83-13-057	
Personnel rules			
faculty tenure and probationary employment		83-07-067	
leave policies for professionals		83-03-072	
		83-07-067	
procedures for professional negotiations		83-03-072	
		83-07-067	
repeal administrative leave, tenure and probation		83-03-072	
		83-07-067	
work load for full-time faculty		83-03-072	
		83-07-067	
CHILDBIRTH CENTERS (See HEALTH, STATE BOARD OF)			
CHILDREN/JUVENILES			
Day care (See DAY CARE)			
CHIROPRACTIC EXAMINERS, BOARD OF			
Colleges			
educational standards required for accreditation		83-01-028	
CIVIL DEFENSE (See EMERGENCY SERVICES, DEPARTMENT OF)			
CLALLAM COUNTY			
Shoreline management master program		83-02-008	
CLAMS (See FISHERIES, DEPARTMENT OF, subtopic Shellfish)			
CLARK COLLEGE (District 14)			
Meeting schedule		83-03-001	
		83-04-034	
COCKTAIL LOUNGES (See LIQUOR CONTROL BOARD)			
COLLEGES (See individual colleges)			
COMMON CARRIERS (See UTILITIES AND TRANSPORTATION COMMISSION)			
COMMUNITY COLLEGE DISTRICT 1 (See PENINSULA COLLEGE)			
COMMUNITY COLLEGE DISTRICT 2 (See GRAYS HARBOR COMMUNITY COLLEGE)			
COMMUNITY COLLEGE DISTRICT 4 (See SKAGIT VALLEY COLLEGE)			
COMMUNITY COLLEGE DISTRICT 5 (See EDMONDS AND EVERETT COMMUNITY COLLEGES)			
COMMUNITY COLLEGE DISTRICT 6 (See SEATTLE COMMUNITY COLLEGE)			
COMMUNITY COLLEGE DISTRICT 7 (See SHORELINE COMMUNITY COLLEGE)			
COMMUNITY COLLEGE DISTRICT 8 (See BELLEVUE COMMUNITY COLLEGE)			
COMMUNITY COLLEGE DISTRICT 10 (See GREEN RIVER COMMUNITY COLLEGE)			

Subject/Agency Index
(Citations in bold type refer to material in this issue)

COMMUNITY COLLEGE DISTRICT 11 (See FORT STEILACOOM COMMUNITY COLLEGE)		CORRECTIONS, DEPARTMENT OF—cont. stationary and postage	83-02-019 83-02-020 83-07-006 83-07-007 83-08-063
COMMUNITY COLLEGE DISTRICT 12 (SEE CENTRALIA COLLEGE AND OLYMPIA TECHNICAL COMMUNITY COLLEGE)		telephone usage	83-02-018 83-02-021 83-06-011 83-08-007 83-08-063 83-08-006 83-11-021
COMMUNITY COLLEGE DISTRICT 14 (See CLARK COLLEGE)		Legal services contracts	83-08-006 83-11-021
COMMUNITY COLLEGE DISTRICT 17 (See SPOKANE COMMUNITY COLLEGES)		Probation and parole cost of supervision interstate compact Work/training release	83-01-137 83-01-139 83-07-049 83-10-042
COMMUNITY COLLEGE DISTRICT 20 (See WALLA WALLA COMMUNITY COLLEGE)			
COMMUNITY COLLEGE DISTRICT 21 (See WHATCOM COMMUNITY COLLEGE)			
COMMUNITY COLLEGE EDUCATION, STATE BOARD FOR (See also individual community colleges)		COUNCIL FOR POSTSECONDARY EDUCATION Displaced homemaker program	83-10-064 83-14-041 83-09-010 83-09-043 83-10-065 83-13-092
Meetings	83-11-016	Residency status	
Vocational education duties	83-01-070		
COMMUNITY ECONOMIC REVITALIZATION BOARD		COUNTIES	
General provisions	83-03-061 83-07-003	Alcoholism county plan	83-02-025 83-03-011
Loans and grants	83-03-061 83-07-003 83-10-041	Community mental health program (See MENTAL HEALTH/ILLNESS)	
Meeting schedule	83-01-086 83-03-062 83-14-076	Developmental disabilities county plan	83-02-025 83-03-011
Practice and procedures	83-03-061 83-07-003	Drug abuse county plan	83-02-025 83-03-011 83-01-020 83-01-021 83-01-095 83-01-096 83-03-009
Public records	83-03-061 83-07-003	Flooding emergency	
SEPA	83-03-061 83-07-003	Health board on-site sewage disposal	83-01-125 83-01-035
COMMUNITY MENTAL HEALTH (See MENTAL HEALTH/ILLNESS)		Home rule charter	
CONTRACTORS		Probation and parole cost of supervision interstate compact Salaries of county officers	83-01-137 83-01-139 83-01-035
Small works roster	83-02-024	CRAB (See FISHERIES, DEPARTMENT OF, subtopic Shellfish)	
CONVENTION AND TRADE CENTER		CREDIT UNIONS (See GENERAL ADMINISTRATION, DEPARTMENT OF)	
Corporate organization	83-06-035	CRIME VICTIMS COMPENSATION (See LABOR AND INDUSTRIES, subtopic Industrial insurance)	
General procedures	83-02-054	CRIMINAL JUSTICE TRAINING COMMISSION	
Meeting schedule	83-03-006	Basic law enforcement training	83-04-009 83-04-014 83-04-007 83-04-013 83-07-044 83-07-045 83-07-046 83-04-008 83-04-012
Public records	83-02-054 83-06-035	equivalency certification	
SEPA compliance	83-02-053 83-06-034	prior training	
CONSERVATION COMMISSION		CRIPPLED CHILDREN'S SERVICES (See HEALTH, STATE BOARD OF)	
Meetings	83-13-117	DAIRY PRODUCTS COMMISSION	
CONSUMER FINANCE ACT (See GENERAL ADMINISTRATION, DEPARTMENT OF)		Milk assessment	83-04-048 83-08-018 83-08-019
CORRECTIONS, DEPARTMENT OF			
Community residential programs	83-05-009		
Facility review committee membership	83-01-084 83-05-009		
Inmates mail	83-02-048 83-02-050 83-06-011 83-08-007 83-08-063 83-13-015 83-01-138 83-02-049 83-02-051 83-06-011 83-08-007 83-08-063		
marriages out-of-state transfer personal property			

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

DANGEROUS WASTE (See ENERGY FACILITY SITE EVALUATION COUNCIL; STATE PATROL)		ECOLOGY, DEPARTMENT OF—cont.	
		general regulations	83-03-070
			83-09-013
DAY CARE		implementation	83-09-036
Abuse, neglect, exploitation	83-02-060		83-03-070
Fire standards	83-02-060		83-09-013
General and seasonal services described	83-02-028		83-13-118
Handicapped (see DEVELOPMENTALLY DISABLED)		kraft pulping mills	83-03-070
Licensing			83-09-036
adult family homes	83-02-060		83-13-118
capacity	83-02-060	lead ambient air control plan	83-12-032
family day care homes	83-02-060	primary aluminum plants	83-03-070
juvenile detention facilities	83-02-060		83-09-036
Religious activities	83-02-060	sulfite pulping mills	83-03-070
Safety and maintenance	83-02-060		83-09-036
			83-13-118
DEFERRED COMPENSATION, COMMITTEE FOR		Beverage containers, pull tabs	83-12-062
Retirement rules		Dangerous wastes	83-01-127
amendments	83-09-020	Environmental hearings office	
	83-09-021	(See ENVIRONMENTAL HEARINGS OFFICE)	
	83-10-050	Groundwater	
	83-13-044	designation of areas; management policy	
new sections	83-09-020	Quincy	83-07-079
	83-09-021		83-12-060
	83-10-050	Walla Walla	83-02-039
	83-13-044	Instream resources	
		Wenatchee river basin	83-09-053
DENTAL DISCIPLINARY BOARD			83-10-062
Identification of treating dentist	83-08-020		83-13-016
Prescription drugs		NPDES	
inventory and recording	83-04-050	public hearings	83-02-040
Scheduled drugs			83-07-078
recording	83-04-050		83-10-063
DENTAL EXAMINERS, BOARD OF		Review of rules	83-13-028
Examination content	83-04-049	Shorelines management programs	
	83-08-021	Anacortes	83-02-004
Foreign trained dentists	83-04-049	Bellevue	83-02-065
	83-08-021		83-07-080
DEVELOPMENTALLY DISABLED AND HANDI-CAPPED		Bothell	83-02-064
Barrier free facilities	83-07-012		83-03-069
Community training program	83-01-118	Clallam county	83-07-019
	83-05-017		83-02-008
County plan	83-02-025	Elma	83-02-066
	83-03-011	Franklin county	83-02-003
Day care/group homes			83-10-061
licensing	83-09-047	Jefferson county	83-14-010
	83-13-065		83-11-048
Developmentally disabled planning council	83-01-033	Kitsap county	83-14-086
Discrimination in public accommodations and real estate (See HUMAN RIGHTS COMMISSION)			83-02-010
Education for handicapped children	83-04-072	Puyallup	83-03-067
	83-07-057		83-08-002
Governor's committee on employment of the handicapped	83-13-021	Richland	83-08-072
Group homes			83-12-017
mental/physical handicap	83-01-119	Seattle	83-10-061
	83-06-013		83-14-003
Residential treatment facilities			83-02-065
infection control	83-10-079		83-07-081
Severely handicapped criteria	83-14-007		83-09-052
	83-14-048		83-11-047
Special fuel tax	83-14-059		83-12-016
Vocational rehabilitation economic need standard	83-14-007		83-13-029
	83-14-048		83-14-011
		Skagit county	83-02-007
			83-02-065
		Snohomish county	83-07-082
		Spokane county	83-13-119
			83-02-005
			83-02-065
			83-07-083
DRUGS (See PHARMACY, BOARD OF)		Tacoma	83-12-018
EASTERN WASHINGTON UNIVERSITY		Westport	83-14-085
Appeals and grievance procedures	83-14-021	Whatcom county	83-02-006
Meeting schedules	83-07-002	Solid waste	
	83-14-066	minimum standards for handling	83-02-009
ECOLOGY, DEPARTMENT OF			83-03-068
Air pollution sources	83-03-070		83-09-017
		State/EPA agreement	83-09-051

Subject/Agency Index

(Citations in bold type refer to material in this issue)

ECOLOGY, DEPARTMENT OF—cont.		ENVIRONMENTAL HEARINGS OFFICE	
State laboratory coordinating council	83-09-045	Forest practices appeals board practice and procedure	83-03-005
Wastewater treatment works construction grants	83-12-061	Pollution control hearings board permit disposition	83-07-031 83-11-006 83-14-073 83-14-074
EDMONDS AND EVERETT COMMUNITY COL- LEGES (District 5)		Shorelines hearing board rules of practice	83-01-019 83-04-037 83-06-031
Edmonds			
meeting schedule	83-08-069		
Everett			
admission and registration	83-05-020 83-05-037 83-10-025 83-10-026		
meeting schedule	83-01-063 83-07-027	EQUIPMENT COMMISSION	
		Automotive engineers standard numbers	83-07-013 83-11-028
EDUCATION, STATE BOARD OF		Special motor vehicles, construction and equipment	83-05-001 83-11-028 83-07-084 83-11-028 83-03-014
Academic excellence	83-08-061	Towing businesses	
Central purchasing	83-08-044 83-13-001 83-13-097	Traction devices	
Educational service districts	83-05-038		
Public records	83-08-016	EVERETT COMMUNITY COLLEGE (See EDMONDS AND EVERETT COMMUNITY COLLEGES)	
Pupils		EVERGREEN STATE COLLEGE (See THE EVERGREEN STATE COLLEGE)	
tests and immunizations	83-13-096	EXAMINING COMMITTEE OF PHYSICAL THERA- PISTS	
uniform entry qualifications	83-01-131 83-05-023 83-08-042 83-13-004 83-13-005	Annual report	83-01-116
Secondary education		Chairman	83-05-032
State support of public schools		Examination passing score	83-01-116 83-05-032 83-01-116 83-05-032 83-01-116 83-05-032
annual reporting and review	83-13-002	results may be withheld when held	
lack of classroom space	83-08-043 83-13-002	Reciprocity	
Teacher's retirement	83-08-045 83-13-003	Reinstatement	83-01-116 83-05-032
ELECTRIC ENERGY		EXECUTIVE ORDERS (See GOVERNOR, OFFICE OF THE)	
Public utility tax	83-01-059	FINANCIAL MANAGEMENT, OFFICE OF	
Weatherization assistance plan hearing	83-03-064	General fund allotments expenditure reductions	83-01-101 83-06-014 83-03-003
ELMA		Motor vehicle use	
Shoreline management master program	83-02-003	FIREARMS (See GUNS)	
EMERGENCY SERVICES, DEPARTMENT OF		FIRE MARSHALL (See INSURANCE COMMISSION- ER)	
Aircraft rescue transmitters	83-01-039	FISHERIES, DEPARTMENT OF	
Flooding		<u>Agency procedures</u>	
Pend Oreille county	83-08-001	hydraulic project approval	83-06-062 83-09-019 83-09-026 83-02-024
tidal shorelines	83-01-095	small works roster	
western Washington	83-01-020 83-01-021 83-01-096 83-03-009 83-03-019 83-12-023 83-13-112	<u>Commercial fishing</u>	
Mt. St. Helens restricted zone		bottomfish	83-04-036 83-01-133 83-04-025 83-04-036 83-01-133 83-04-025 83-06-032 83-07-069 83-14-093 83-04-036 83-09-008 83-13-027 83-10-014 83-06-024 83-07-071
EMPLOYMENT SECURITY, DEPARTMENT OF		anchovy	
CETA phase-out	83-01-022	baitfish regulations	
Employment security advisory council	83-13-051	candle fish	
Job Training Partnership Act		closed areas, trawl gear	
coordinating council created	83-01-022	coastal seasons	
implementation	83-01-022	herring	
labor market information system	83-01-022	roe herring	
ENERGY FACILITY SITE EVALUATION COUNCIL		zoo food	
Council purpose	83-01-127	pacific cod	
Definition of issues before hearing	83-01-126	pacific hake	
Dangerous wastes	83-01-127		
monitoring and enforcement	83-01-127		
Energy facility applications			
legal descriptions and ownership	83-01-128		
transmission system criteria	83-01-128		
Prehearing conferences			
attendance by members	83-01-126		
orders	83-01-126		
Request for preemption			
contested case	83-04-023 83-04-047 83-08-014 83-08-031		

Subject/Agency Index
(Citations in bold type refer to material in this issue)

FISHERIES, DEPARTMENT OF—cont.

pacific ocean perch 83-06-032
 83-07-069
 83-10-016
 83-13-048
 pilchard 83-04-036
 rockfish 83-06-032
 83-07-069
 83-10-016
 83-13-048
 sablefish 83-07-069
 83-10-016
 83-13-048
 shad 83-11-035
 shortbelly rockfish 83-06-032
 83-10-016
 83-13-048
 widow rockfish 83-03-007
 83-06-032
 83-07-069
 83-10-016
 83-13-048
 salmon
 Chehalis river and tributaries 83-07-041
 83-07-055
 83-10-015
 Columbia river
 gill net season 83-05-025
 treaties 83-05-008
 troll fishery 83-10-040
 83-14-037
 Grays Harbor and tributaries 83-07-055
 83-10-080
 83-13-054
 83-14-094
 Hoh river 83-07-070
 83-11-015
 Humptulips river 83-01-011
 83-01-017
 Puget Sound
 fishery restrictions
 83-01-008
 83-01-012
 83-01-027
 83-01-044
 83-01-100
 83-09-035
 83-10-007
 83-11-039
 83-13-008
 83-14-020
 83-14-064
 83-03-071
 83-10-022
 83-10-040
 83-14-037
 83-10-080
 83-13-054
 plan for chinook
 troll fishery
 83-10-040
 83-14-037
 83-10-080
 83-13-054
 Willapa harbor
 83-10-080
 83-13-054
 shellfish
 crab
 dungeness 83-01-026
 harvest logs 83-09-014
 sea urchin etc. 83-01-133
 83-04-025
 83-09-027
 83-14-015
 shrimp 83-01-133
 83-04-025
 83-06-044
 83-09-014
 83-10-019
 83-01-133
 83-04-025
 83-14-015
 smelt 83-04-025
 squid **83-14-015**
 sturgeon
 Columbia river compact 83-06-023

FISHERIES, DEPARTMENT OF—cont.

gear 83-04-005
 seasons 83-03-030
 83-04-053
 Indians (See INDIANS)
Personal use and sport fishing rules
 bottomfish
 barbless hook rule 83-03-071
 lingcod areas and seasons 83-03-071
 83-07-043
 83-08-040
 83-13-045
 possession limits 83-03-071
 83-07-043
 83-08-040
 83-03-071
 general procedures for 1983-84 season
 possession of foodfish/shellfish
 in unlawful condition 83-07-043
 salmon
 bag limit codes 83-08-040
 83-08-046
 Banks lake 83-08-040
 barbless hook rule 85-03-071
 83-07-043
 closed areas 83-03-071
 83-07-043
 83-08-046
 Columbia river 83-08-041
 Cowlitz river 83-11-014
 Goose lake 83-08-040
 Hoh river 83-13-009
 Icicle river 83-12-056
 Lewis river 83-10-023
 saltwater seasons and bag limits 83-03-071
 83-07-043
 83-08-040
 83-08-046
 83-12-030
 83-13-104
 83-14-042
 83-03-071
 size rule
 spring chinook
 Columbia river 83-06-045
 Icicle river 83-13-049
 Little White Salmon 83-12-029
 83-13-023
 shad
 areas and seasons 83-03-071
 83-07-043
 shellfish
 clams
 possession limits 83-01-134
 83-04-027
 hardshells, cockles, mussels 83-03-071
 83-07-043
 83-08-040
 razor clams
 areas and seasons 83-01-025
 83-01-132
 83-03-026
 83-03-071
 83-07-043
 83-08-040
 83-13-022
 sanctuaries 83-07-043
 shrimp 83-10-019
 squid or octopus 83-03-071
 83-05-011
 83-07-043
 sturgeon
 areas and seasons 83-03-071
 83-07-043
 subsistence (See INDIANS)
FISHING-GAME FISH (See GAME, DEPARTMENT OF)
FOODFISH (See FISHERIES, DEPARTMENT OF)

Subject/Agency Index

(Citations in **bold type** refer to material in this issue)

FOREST PRACTICES APPEALS BOARD (See ENVIRONMENTAL HEARINGS OFFICE)		FRANKLIN COUNTY	
		Shoreline management master program	83-10-061
FOOD STAMPS			83-14-010
(See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)		FUNERAL DIRECTORS AND EMBALMERS	
		(See LICENSING, DEPARTMENT OF)	
FORESTS AND FOREST PRODUCTS		GAMBLING COMMISSION (See also LOTTERY COMMISSION)	
Forest land values	83-02-056	Amusement games	
	83-05-013	authorized types	83-01-107
Timber tax			83-06-077
conversion definitions and factors	83-02-032	Bingo	
	83-02-033	daily records	83-10-001
	83-11-037		83-13-050
	83-14-039	equipment	83-10-001
definitions	83-02-032		83-13-050
	83-02-033	gross receipts limited	83-08-049
	83-11-037	monthly records	83-13-050
	83-14-039	operation dates	83-10-001
	83-14-040		83-13-050
harvester adjustments	83-02-032	prizes	83-10-001
	83-02-033	temporary prize limits	83-08-050
	83-11-037		83-09-033
	83-14-039	Card games	
	83-14-040	limits on wagers	83-01-045
hauling distance zones	83-02-032	Charitable and nonprofit organizations	
	83-02-033	gambling receipt deposits	83-01-107
	83-11-037		83-04-067
	83-14-039		83-08-051
	83-14-040	Commission meeting schedule	83-02-059
small harvester option	83-02-032	Licenses	
	83-02-033	amusement games	83-01-107
	83-11-037	annual activity reports	83-01-107
	83-14-039		83-06-077
	83-14-040	bingo	83-01-107
stumpage value areas	83-02-032	activity reports	83-01-107
	83-02-033	annual	83-01-107
	83-11-037		83-06-077
	83-14-039	quarterly	83-01-107
	83-14-040	exemptions	83-06-077
stumpage value tables	83-02-032	fund raisers	83-01-107
	83-02-033		83-06-077
	83-11-037	raffles	83-01-107
	83-14-039	annual activity reports	83-01-107
	83-14-040		83-06-077
taxable stumpage value	83-14-039	recordkeeping	83-01-107
	83-14-040	social and public card rooms	
timber piling volume	83-02-032	employee pictures	83-01-107
	83-02-033		83-06-077
	83-11-037	quarterly activity reports	83-01-107
	83-14-039		83-06-077
	83-14-040	Prize disclosure	83-08-048
timber pole volume	83-02-032	Pull tab, monthly records	83-10-001
	83-02-033	Raffles	
	83-11-037	records	83-08-048
	83-14-039		83-11-034
	83-14-040	temporary prize limits	83-01-046
timber quality code numbers	83-02-032		83-06-072
	83-02-033	tickets	83-06-078
	83-11-037	conditions	83-10-001
	83-14-039	limitations and requirements for use	83-08-048
	83-14-040	Records	83-11-034
FORT STEILACOOM COMMUNITY COLLEGE (District 11)		distributor's	83-06-072
Meeting schedule	83-09-007		83-10-002
	83-09-011	manufacturer's	83-06-072
	83-09-018		83-10-002
	83-09-032	GAME, DEPARTMENT OF	
FOSTER CARE		<u>Agency procedures</u>	
Earnings of foster child	83-01-120	hydraulic code	83-04-040
	83-04-061		83-06-060
Licensing of homes	83-02-060		83-09-019
Resources and income	83-01-120	meeting schedule	83-09-026
	83-04-061	small works roster	83-02-035
Support enforcement child referral	83-13-011	Dogs	83-02-024

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

GAME, DEPARTMENT OF—cont.		GAME, DEPARTMENT OF—cont.	
training with game birds	83-08-055	Harris lake	83-14-079
	83-08-076	Lenice lake	83-14-079
	83-12-055	Lower crab creek	83-14-079
when they can be destroyed	83-03-017	provisions repealed	83-12-051
Fishing		Rocky ford springs	83-14-079
Chehalis river closed	83-03-048	Winchester wasteway	83-14-079
	83-03-057	Trapping	
Cowlitz county		baiting, unlawful use	83-12-053
certain lakes	83-01-004	Mt. St. Helens' closure	83-14-081
Elwha river	83-07-001	seasons and regulations	83-12-050
game fish and catch limits for 1984	83-14-083		
game fish classification	83-14-082	GAS (See OIL AND GAS)	
game fish seasons and catch limits for 1983	83-01-005	GENERAL ADMINISTRATION, DEPARTMENT OF	
	83-06-038	Banking	
	83-06-057	commercial banks	
	83-09-024	excess fund transactions	83-02-015
	83-09-025	holding company acquisitions	
	83-12-005	special assessment for working capital	83-06-065
	83-12-006		83-09-037
	83-12-039	take-over legislation, implementation	83-10-037
Grant county	83-04-039	U.S. government securities	
	83-08-088	purchase or sale	83-01-081
Mt. St. Helens' area closure	83-14-081		83-01-082
Skamania county			83-03-020
certain lakes	83-01-004	Capitol grounds parking and traffic	83-13-108
steelhead			83-13-109
Bogachiel river	83-07-005	Consumer Finance Act	83-14-071
Calawah river	83-07-005	Credit unions	83-05-022
certain marine waters closed	83-01-091	audit and accounts	83-01-064
Chehalis river closed to Indians	83-03-048		83-05-021
	83-03-057	commercial business activities rule review	83-14-077
Columbia river	83-08-054	examination and supervision fees	83-13-041
Dickey river	83-07-005		83-13-042
Elwha river closed to Indians	83-06-037	generally	83-01-073
Grand Ronde river	83-12-054	investment practice and approval rule review	83-14-077
Green river closed to Indians	83-05-026	loan limitation waiver	83-14-078
Hoh river closed to Indians	83-05-026	Minority and women's businesses	83-03-038
Humptulips river closed to Indians	83-05-026	Savings and loan associations	
Lake Washington closed to Indians	83-05-026	examination and supervision fees	83-13-040
Nisqually river closed to Indians	83-04-024		83-13-043
Nooksack river closed to Indians	83-04-024	satellite/network system	83-01-064
punchcard amendment	83-14-082		83-01-073
Pysht bay, Morse creek, Sekiu river	83-03-049	application	83-01-065
Pysht river closed to Indians	83-04-024		83-02-013
Quillayute river	83-06-003	definitions	83-05-022
	83-07-005	forms and fees, rule review	83-01-065
	83-08-053	modification	83-14-077
Samish river closed to Indians	83-06-007	troubled associations, merger, rule review	83-01-065
Skagit river closed to Indians	83-04-024		83-14-077
Snake river		Small works roster	83-02-024
open fishing season	83-02-043		
	83-12-054	GLIDERS (See TRANSPORTATION, DEPARTMENT OF)	
	83-07-005		
Soleduck river	83-04-024	GOVERNOR, OFFICE OF THE	
Sooes rivers closed to Indians	83-04-024	CETA phase-out	83-01-022
Waatch river closed to Indians	83-04-024	Developmental disabilities planning council	83-01-033
Hunting		Emergency	
Colville Indian reservation	83-06-030	Mt. St. Helens	
	83-06-056	hazard zone I, II and III	83-13-062
	83-09-022	Pend Oreille county	83-08-001
fall opening dates	83-06-058	tidal shorelines	83-01-095
	83-09-023		83-03-019
management units	83-08-078	western Washington	83-01-020
mountain goats, sheep and moose	83-06-059		83-01-021
Mt. St. Helens' closure	83-14-081		83-01-096
muzzle loaders	83-12-004		83-03-019
seasons and game bag limits 1983	83-08-078	Skagit county	83-03-009
spring bear and turkey seasons	83-06-061		83-12-023
	83-12-052		83-03-009
unlawful firearms	83-01-006	Whatcom county	83-03-009
	83-08-077		83-12-023
land migratory game bird and migratory waterfowl	83-12-052	General fund allotments	
	83-14-080	expenditure reductions	83-01-052
	83-08-075		83-01-101
Livestock grazing			83-06-014
Reserves			83-08-008
Bayview	83-14-079	Governor's committee on employment	
Frenchmen hills	83-14-079	of the handicapped	83-13-021

Subject/Agency Index

(Citations in **bold type** refer to material in this issue)

GOVERNOR, OFFICE OF THE—cont.		HIGHER EDUCATION PERSONNEL BOARD	
Hazardous materials advisory board	83-14-075	Annual leave accrual	83-04-065
Hazardous materials emergency preparedness	83-14-075		83-10-029
Hiring freeze	83-08-008	Appointment, instructional year	83-10-029
Job training coordinating council	83-01-022	Cyclic year position	83-06-079
Job Training Partnership Act	83-01-022		83-10-029
Laboratory location	83-09-045	Definitions	
Legislature extra session	83-10-024	cyclic year	83-04-065
	83-12-024		83-10-029
	83-13-019	instructional year	83-04-065
	83-13-020		83-10-029
Minority and women's business enterprises	83-03-038	lay off	83-01-122
Radioactive waste management council	83-05-045		83-04-016
Recreation resource advisory committee	83-07-063		83-04-066
State laboratory coordinating council	83-09-045	lay off seniority	83-07-056
			83-04-065
GRAYS HARBOR COLLEGE (District 2)			83-10-029
Meeting schedule	83-01-102	Dismissal notice	83-06-079
GREEN RIVER COMMUNITY COLLEGE (District 10)		Hearings	83-06-079
Meeting schedule	83-01-071		83-10-029
GROUNDWATER (See ECOLOGY, DEPARTMENT OF)		Holidays	83-04-065
GUNS		Leave of absence without pay	83-10-029
Hunting		Periodic increment date	83-04-065
unlawful firearms	83-01-006	Superior court appeals	83-10-029
		Work period designations	83-14-058
HANDICAPPED (See DEVELOPMENTALLY DISABLED AND HANDICAPPED)		HIGH LEVEL RADIOACTIVE WASTE MANAGEMENT ADVISORY COUNCIL	
HEALTH, STATE BOARD OF		Membership increased	83-05-045
Abortions (See ABORTIONS)		HIGHWAYS (See TRANSPORTATION, DEPARTMENT OF)	
Boarding homes	83-09-001	HORSE RACING COMMISSION	
	83-13-068	Double entries	83-13-115
Childbirth center		Jockey apprentice allowance and extensions	83-05-027
license	83-03-043		83-08-057
	83-07-016	Medication misuse	83-13-115
procedures	83-03-044	Wagering	83-13-115
	83-07-017	HOSPICES (See HEALTH, STATE BOARD OF)	
Crippled children's services		HOSPITAL COMMISSION	
authorization of services	83-01-002	Alcoholism and psychiatric	
definitions	83-01-002	infection control	83-06-010
eligibility	83-01-002	Accounting and reporting manual	83-04-032
fees	83-01-002	Budget and rate requests	83-04-006
funding ceilings	83-01-002		83-12-041
hospital qualifications	83-01-002	Operations and procedures	83-13-038
third-party resources	83-01-002	meetings	83-06-036
Cytogenetic laboratory services	83-07-073		83-06-036
	83-12-049	records	83-13-037
Dietary department	83-04-059		83-14-004
	83-07-048		83-06-036
Food service	83-04-059	HOUSING FINANCE COMMISSION	
	83-07-048	Organization and procedures	83-14-069
Health districts	83-04-011	HUMAN RIGHTS COMMISSION	
Hospice care centers		Handicapped discrimination in public accommodation	
infection control	83-03-042	reasonable accommodation	83-02-012
	83-07-015	structural barriers to accessibility	83-02-012
Hospitals		waiver of rights as condition unfair	83-02-012
definitions	83-01-003	Handicap discrimination in real estate transaction	
design requirements	83-03-026	structural barriers to accessibility	83-02-012
intravenous administration	83-10-058	Meeting schedule	83-01-078
	83-13-061		83-11-022
intravenous preparation	83-10-058		83-13-036
	83-13-061	INDIANS	
licensing manual amendments	83-14-022	Colville Indian reservation hunting closure	83-06-030
Kidney centers	83-13-102		83-06-056
On-site sewage disposal	83-01-125	Liquor sales	83-09-022
	83-07-061		83-01-060
	83-13-014		83-01-123
Pharmacy standards		Motor vehicle tax exemption	83-04-017
hospital construction	83-10-057	Salmon	83-05-055
	83-13-067		
hospital pharmacists	83-10-056		
Public water supplies	83-07-060		
	83-13-101		
HEALTH CARE FACILITIES AUTHORITY			
Equipment financing			
applications	83-01-061		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

INDIANS—cont.		JEFFERSON COUNTY	
Chehalis river and tributaries	83-07-041	Shoreline management master program	83-11-048
	83-07-055		83-14-086
	83-10-015	JOB TRAINING COORDINATING COUNCIL	
Columbia river		(See EMPLOYMENT SECURITY, DEPARTMENT OF)	
ceremonial and subsistence	83-11-013	JUDGES	
Grays Harbor and tributaries	83-07-055	Judicial qualification commission	
Hoh river closed	83-07-070	jurisdiction	83-01-048
Humptulips river	83-01-011	KITSAP COUNTY	
	83-01-017	Shoreline management master program	83-02-010
Klickitat river subsistence	83-10-020		83-03-067
	83-13-035		83-08-002
	83-13-072	LABOR AND INDUSTRIES, DEPARTMENT OF	
plan for Puget Sound chinook	83-03-071	Carnival equipment	83-12-008
Puget Sound commercial fishing restrictions	83-01-008	Contractor registration	83-12-020
	83-01-012	Electricians	
	83-01-027	inspection fees	83-12-019
	83-01-044	journeyman	83-03-039
	83-01-100		83-07-074
	83-09-035		83-12-011
Yakima Indian subsistence	83-13-008		83-12-021
Yakima, Warm Springs, Nez Perce,	83-10-020	specialty	83-03-039
Umatilla treaties	83-05-008		83-07-074
Steelhead			83-12-011
certain rivers closed	83-04-024		83-12-021
Chehalis river closed	83-03-048	trainee	83-07-074
	83-03-057		83-12-011
Elwha river closed	83-06-037		83-12-021
Green river closed	83-05-026	Industrial insurance (See also Workers' compensation this topic)	
Hoh river closed	83-05-026	appeals board	
Humptulips river closed	83-05-026	administration and organization	83-01-001
Lake Washington closed	83-05-026	crime victims compensation	83-01-001
Pysht bay, Morse creek, Sekiu river	83-03-049	hearing rules	83-01-001
Quillayute river closed	83-06-003	practice and procedures	83-01-001
Samish river closed	83-06-007	public records	83-01-001
Sturgeon	83-03-030	vocational rehabilitation appeals	83-01-001
	83-04-053	state fund deficit	83-04-057
			83-07-075
INDUSTRIAL INSURANCE (See LABOR AND INDUSTRIES)		Industrial Safety and Health Act	83-04-044
INSURANCE COMMISSIONER		Logging	83-03-022
Disability insurance			83-05-024
loss ratio standards	83-10-060	Mobile homes	
	83-14-002	building requirements	83-01-018
Fire protection standards		fees	83-01-018
adult residential treatment facilities	83-01-049	inspections	83-01-018
	83-03-028	installation permits	83-01-018
private adult treatment homes	83-01-024	installation requirements	83-01-018
	83-03-027	Plumbers	
	83-06-022	examinations	83-14-018
Funeral regulations		fees	83-14-019
obsolete provisions repealed	83-11-005		83-14-019
	83-14-001	Recreational vehicles, reciprocal agreement	83-06-041
			83-06-042
INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION			83-12-014
Applications	83-01-030	Safety and health standards	
Definitions	83-01-030	definitions amended	83-13-006
Federal overlay	83-01-030	logging	83-13-007
Funds	83-01-030	machines, alarms	83-05-024
Goals and objectives	83-01-030	power tools	83-13-006
Grant-in-aid policy	83-01-030	recordkeeping	83-13-007
Local agency requirements	83-01-030	Self-insurance	
Meeting schedules	83-01-009	chemonucleolysis	83-06-012
	83-08-011	claim log	83-04-002
	83-10-048		83-04-058
Off-road vehicles	83-01-030		83-07-009
Organization, operations and procedures	83-01-030	deficit assessment	83-04-057
Participation manuals	83-01-030		83-07-075
Project contract	83-01-030	groups	
Public records	83-01-030	admission of new members	83-01-023
Restrictions of sponsors	83-01-030		83-01-075
JAIL COMMISSION		application	83-01-023
Maximum capacities	83-04-004		83-01-075
	83-11-046	funds	83-01-023
New facilities certification	83-04-003		83-01-075
	83-07-059		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

LABOR AND INDUSTRIES, DEPARTMENT OF

—cont.	
reports	83-01-023 83-01-075
reserves	83-01-023 83-01-075
surplus distribution	83-01-023 83-01-075
termination of individual members	83-01-023 83-01-075
trustee responsibilities	83-01-023 83-01-075 83-01-076 83-09-045
State laboratory coordinating council	
Vocational rehabilitation	
counselor registration qualification	83-13-033 83-13-110
Workers' compensation	
chemonucleolysis	83-06-012 83-12-013
classifications, rates, rating system	
employees supporting separate operations	83-02-037 83-01-129
evaluation of incurred losses	83-05-018 83-01-129
group dividends	83-01-129 83-05-018
interstate, intrastate, or foreign carriers	83-02-038 83-04-038 83-08-056 83-10-038 83-13-018
medical aid and vocation rehabilitation rules and fee schedule	83-06-012 83-12-013 83-13-121
penalty assessments	83-01-130 83-05-019
qualifications for employer participation	83-01-129
retrospective rating formula	83-01-129 83-05-018
risk classification	83-01-130 83-05-019
employees supporting separate operations	83-02-037
state fund deficit	83-04-057 83-07-075

LAWYERS (See ATTORNEYS)

LIBRARY, STATE

Grants of federal funds for public	
library construction	83-13-075
Library network rules and regulations	83-03-073 83-07-077
Meetings	
reconsideration of proposals and grant awards	83-01-047
title II, fiscal 1983 construction funds	83-14-006
Public disclosure exemption	83-03-074 83-07-076
State library commission	
grants of federal funds for public library	
construction	83-10-066

LICENSED PRACTICAL NURSES (See LICENSING, DEPARTMENT OF)

LICENSING, DEPARTMENT OF

Appearance and practice before agency	
solicitation unethical	83-06-028 83-09-050
Architects	
corporate practice	83-04-071
examination	
fees	83-01-110 83-05-006
form—oral and written	83-04-071
licenses	83-04-071 83-05-006
meetings	83-04-071
reciprocity	83-04-071
registration	

LICENSING, DEPARTMENT OF—cont.

fees	83-01-110
schools—approved	83-04-071
Barber examining committee	
	83-11-011 83-11-025 83-11-045 83-14-031
Boat registration (ch 7 Laws of 1983 implementation)	
vessel dealer	83-10-021 83-11-044 83-14-061
vessel registration	83-10-051 83-11-043 83-13-105
Camping clubs	83-03-056 83-06-076
Charitable Solicitations Act	
definitions	83-01-112
exemption not transferable	83-01-112
percentage limitation waiver	83-01-112
Dental hygiene	
examination	83-04-070 83-07-051 83-13-116
Fees, numerous categories	
Funeral directors and embalmers	
definitions	83-04-020
licenses	83-04-020
reciprocity applications	83-01-111
restrictions	83-04-020
Funeral services, prearrangement	83-04-021
Investment advisor	83-03-024
Licensed practical nurses	83-02-062 83-05-033
Motor vehicles	
excise tax, Indians exempt	83-05-055 83-08-052
impoundment	83-04-068 83-06-029 83-12-025 83-13-116
Professional licensing fees	
Real estate	
closing officers	83-02-044
Real estate commission	
meeting schedule	83-02-042
Securities	
definitions	83-09-034 83-11-023
investment advisor	83-03-024
limited offering exemption	83-12-038
mortgages, trust, contracts	83-03-025
LIGHT AND POWER BUSINESSES (See ELECTRIC ENERGY)	
LIQUOR CONTROL BOARD	
Advertising	83-03-013
Identification card	83-09-016 83-12-022
Indians	
sales on reservations	83-01-060 83-01-123 83-04-017
Licenses	
advertising	83-06-025
class H	
liquor purchases	83-01-029
premises without lounge	83-07-066 83-10-031 83-10-046 83-13-056
conduct on premises	83-03-013 83-06-026
employees	
prohibited conduct with patrons	83-10-059 83-13-055
revocation	83-10-032
Rules review	83-11-026

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

MENTAL HEALTH/ILLNESS

Community mental health program
county administration regulations 83-01-014
83-03-065
83-03-066
83-09-002

definitions 83-01-014
83-03-065
83-03-066
83-09-002

licensed service providers 83-01-014
83-03-065
83-03-066
83-09-002

priorities 83-01-014
83-03-065
83-03-066
83-09-002

County plan 83-02-025
83-03-011
83-03-065
83-03-066
83-09-002

Group homes
infection control 83-10-079
mentally and physically handicapped 83-01-119

Institutional recipients
medical care 83-09-046

Psychiatric hospitals
infection control 83-06-010
83-10-079

Public assistance 83-05-002
83-08-025

Recertification of facilities 83-03-010

MEXICAN-AMERICAN AFFAIRS, COMMISSION ON

Meeting schedule 83-01-140

MOBILE HOMES (See LABOR AND INDUSTRIES, DEPARTMENT OF)

NATIONAL GUARD

Emergency
flooding in tidal shorelines 83-01-095
flooding in western Washington 83-01-020
83-01-021
83-01-096
83-03-009
83-03-019
83-12-023

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(See ECOLOGY, DEPARTMENT OF, subtopic NPDES)**

NATURAL RESOURCES, DEPARTMENT OF

Aquatic lands 83-02-055

Board meetings 83-04-018

Forest fire advisory board meeting 83-05-035
83-08-028
83-10-011
83-14-065

Forest fire danger closures

Forest patrol, forest fire suppression account
assessment procedures 83-01-099

Industrial fire tool requirements 83-09-015

Log patrol closure on Lake Whatcom 83-03-029

Log transportation 83-07-072

Oil and gas
lease royalties 83-01-103
83-05-004
83-06-040
83-07-039

Outdoor burning
winter burning 83-07-068
83-07-021
83-09-015
83-11-001

Pier spacing rules 83-02-055

Review of rules 83-13-098

NATURAL RESOURCES, DEPARTMENT OF—cont.

Timber tax
(See FORESTS AND FORESTS PRODUCTS)

Yacolt burn closure removed 83-07-068
83-10-036

Trust lands
deduction discontinuation 83-07-037
83-07-038
83-11-007
83-11-008

NOXIOUS WEED CONTROL BOARD

List of noxious weeds 83-04-055
83-07-042

NURSING, BOARD OF

Continuing education 83-12-031

CRN renewal 83-04-051

Legend drugs 83-12-031

License renewal 83-12-031

Long-term care drug therapy 83-08-073
83-12-026

NURSING HOMES

Accounting and reimbursement system 83-01-074
83-05-007
83-14-044
83-14-046
83-14-056
83-14-057

Definitions 83-01-016

IMR program and reimbursement system **83-14-044**
83-14-057

Medicaid contractors
final settlement 83-01-067

Personnel 83-01-016

Rate setting procedures **83-14-055**

Residents
intermediate nursing care residents 83-01-016
skilled nursing care residents 83-01-016

OIL AND GAS

Lease royalties 83-01-103

OKANOGAN COUNTY

Dog problem 83-03-017

**OLYMPIA TECHNICAL COMMUNITY COLLEGE
(See CENTRALIA COLLEGE AND
OLYMPIA TECHNICAL COMMUNITY COLLEGE)**

OPTOMETRY BOARD

Examination 83-06-073
83-10-052

OSTEOPATHIC MEDICINE AND SURGERY

Acupuncture assistants 83-12-048

Physician assistants
training 83-12-048

Prescriptive authority 83-12-048

PARACHUTING (See TRANSPORTATION, DEPARTMENT OF)

PARKS AND RECREATION

Environmental learning centers 83-04-073
83-09-031

Governor's recreation resource advisory
committee established 83-07-063

Marine facilities
moorage and use 83-02-057
83-02-058
83-06-051
83-01-113
83-01-124
83-14-030

Meeting schedule

Public use of park area
assemblies, meetings 83-02-041
83-06-004
83-08-032

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

PARKS AND RECREATION—cont.

religious services 83-02-041
83-06-004
83-08-032
solicitation 83-02-041
83-06-004
83-08-032
83-10-055
83-13-089
Rule review
 recreational conveyances 83-11-024
Small works roster 83-02-024
Snowmobile grants and contracts 83-10-053
83-13-087
Winter recreation program 83-10-054
83-13-088

PENINSULA COLLEGE (District 1)

Admission 83-09-041
83-14-068
Discipline 83-09-041
83-14-068
Drugs 83-09-041
83-14-068
Foreign students 83-09-041
83-14-068
Meeting schedule **83-14-067**
Scholastic standards 83-09-041
83-14-068
Trespass 83-09-041
83-14-068
Tuition refund 83-09-041
83-14-068

PERSONNEL, DEPARTMENT OF/PERSONNEL BOARD

Abandonment of position 83-10-047
83-13-091
Appointments 83-08-009
Board
 meeting schedule 83-03-018
 powers and duties 83-01-042
83-05-047
83-07-064
83-08-009
83-11-027
83-13-073
83-13-091
Classified positions
 transfer from/to exempt 83-06-043
83-09-030
Compensation time
 liquidation 83-08-009
83-12-002
Definitions
 exit leave 83-01-115
 seniority 83-01-115
Demotion
 reduction in salary 83-10-047
83-13-091
 subsequent elevation 83-01-093
83-05-047A
83-07-036
 voluntary 83-01-042
83-05-047
83-07-036
Dismissal 83-10-047
83-12-035
83-13-091
Exit leave 83-01-094
83-01-115
83-13-094
83-14-013
Insurance board
 eligible employees and retirees 83-07-065
83-08-017
83-12-007

PERSONNEL, DEPARTMENT OF/PERSONNEL BOARD—cont.

group coverage when not in pay status 83-13-106
Overtime provisions and compensation **83-14-013**
Performance evaluation **83-14-035**
Political activity 83-01-115
Probationary periods 83-07-064
83-12-035
Reduction in force
 reasons, regulations 83-01-041
83-01-094
83-01-115
83-03-035
83-05-047A
83-08-009
83-08-010
83-11-027
83-13-091
Registers
 appointments 83-01-042
83-05-047
83-07-036
83-12-002
 certification
 exceptions 83-06-043
83-09-030
 local areas 83-04-035
83-08-010
 designation 83-01-115
Salaries 83-03-035
 maximum, overtime accumulation 83-12-035
 performance increases, management 83-07-064
 reduction, demotion procedure 83-10-047
83-13-091
 reduction in force register appointment 83-06-005
 special pay ranges 83-04-035
83-08-010
Schedule/shift change, provisions and compensation 83-12-035
Sick leave 83-08-009
83-10-047
83-12-002
83-13-090
83-14-013
83-10-047
83-13-091
Suspension, duration, procedure 83-10-047
83-13-091
Transfer
 between agencies 83-01-042
83-07-036
 between class 83-01-042
83-05-047
83-07-036
 within class 83-01-042
83-05-047
83-07-036
Vacation leave 83-01-115
83-14-013
83-14-013
Work period designation
PHARMACY, BOARD OF
Condom regulations 83-01-083
 wholesale/retail license 83-01-083
Drug abuse county plan 83-02-025
83-03-011
Drug abuse, public assistance 83-05-002
83-08-025
Drug therapy, monitoring 83-06-074
Legend drugs, imprint law 83-06-074
Licenses
 dispensing by non-pharmacists 83-13-107
 licensing periods 83-01-037
83-01-082
 pharmacy, closing procedure 83-06-074
Long-term care facilities
 drug therapy 83-10-012
83-10-013
Mail order drugs 83-06-074
Operations and procedures of board 83-01-083

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

PHARMACY, BOARD OF—cont.		PRODUCTIVITY BOARD—cont.	
Patient medication record systems	83-01-083	recognition of merit	83-06-053
	83-12-047		83-06-055
Pharmacy interns	83-14-084		83-10-030
Public records	83-01-083	responsibilities of evaluators	83-06-053
Schedule V controlled substances	83-01-083		83-06-055
			83-10-030
PHYSICIAN ASSISTANTS (See MEDICAL EXAMINERS)		suggestion acceptability	83-06-053
			83-06-055
PHYSICAL THERAPISTS (See EXAMINING COMMITTEE ON PHYSICAL THERAPISTS)			83-10-030
		suggestion format	83-06-053
			83-06-055
PILOTAGE COMMISSIONERS, BOARD OF			83-10-030
Grays harbor pilotage district	83-11-038	Repealers	83-06-054
Marine pilot liability	83-03-037		
Puget Sound pilotage district	83-12-027	PSYCHOLOGY EXAMINERS BOARD	
Retirement fund contribution	83-02-045	Continuing education	83-11-042
	83-05-049		
	83-10-008	PUBLIC ASSISTANCE (See SOCIAL AND HEALTH SERVICES)	
Vessel certification form	83-14-072		
		PUBLIC DEPOSIT PROTECTION COMMISSION	
PLANNING AND COMMUNITY AFFAIRS AGENCY		Public depositaries	
Community services advisory council meeting	83-05-044	practice and procedure	83-13-017
	83-11-036		
Drug abuse prevention office	83-06-052	PUBLIC DISCLOSURE COMMISSION	
Housing bonds—allocation among local agencies	83-13-113	Campaign finance reports	83-14-036
	83-13-114	election officials duties	
		Lobbyist	
Small cities community development block grant program	83-08-034	entertainment reporting	83-13-046
		event reporting	83-13-046
Weatherization plan hearing	83-03-064	Meeting schedule	83-02-030
	83-12-040	Optional format for requests for lists of individuals	83-11-004
repealer of certain low-income sections	83-06-066	Public records release	83-06-033
PODIATRY BOARD		PUBLIC UTILITIES (See also UTILITIES AND TRANSPORTATION COMMISSION)	
Advertisements	83-03-032	Public utility tax	83-01-059
Examination	83-03-032		
Licenses	83-03-032	PUYALLUP	
Schools	83-03-032	Shoreline management master program	83-08-072
			83-12-017
POLLUTION CONTROL HEARINGS BOARD (See ENVIRONMENTAL HEARINGS OFFICE)			
PREGNANCY TERMINATION (See ABORTION)		QUINCY GROUNDWATER (See ECOLOGY, DEPARTMENT OF)	
PRISON TERMS AND PAROLES			
Public records	83-03-036	RAFFLES (See GAMBLING COMMISSION)	
		REAL ESTATE (See LICENSING, DEPARTMENT OF)	
PROCLAMATIONS (See GOVERNOR, OFFICE OF THE)		REFUGEES (See SOCIAL AND HEALTH SERVICES, DEPARTMENT OF)	
PRODUCTIVITY BOARD		REVENUE, DEPARTMENT OF	
Employee suggestion program/incentive pay programs	83-06-053	Appeal procedure	
	83-06-055	administrative law judge	83-01-097
amount of awards	83-06-053	in general	83-04-062
	83-06-055		83-07-032
	83-10-030	Board of equalization	
appeals	83-06-053	reconvening boards	83-10-017
	83-06-055	Boats, see LICENSING, DEPARTMENT OF	
	83-10-030	Border counties	83-06-046
appointment of agency coordinators	83-06-053	Business and occupation tax	
	83-06-055	banks	83-04-062
	83-10-030		83-07-032
definitions	83-06-053	casual or isolated sales	83-07-034
	83-06-055	CATV	83-05-048
	83-10-030		83-08-015
duties of program administrator	83-06-053	conditional and installment sales	83-08-026
	83-06-055	credit losses, bad debts, recoveries	83-01-097
	83-10-030	dishonored checks	83-04-062
eligibility for awards	83-06-053		83-07-032
	83-06-055	exemptions—volume of business	83-07-034
	83-10-030	farming services	83-05-048
	83-10-030		83-08-015
eligibility to participate	83-06-053	fees, dues, contributions, donations	83-08-026
	83-06-055		83-04-062
	83-10-030	gross amounts subject to retail sales tax	83-07-032
functions of the board	83-06-053		83-07-033
	83-06-055		
	83-10-030		
procedures for processing multi-agency suggestions	83-06-053		
	83-06-055		
	83-10-030		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

REVENUE, DEPARTMENT OF—cont.		REVENUE, DEPARTMENT OF—cont.	
hospitals dispensing drugs	83-04-062	deferral	83-02-022
	83-04-064	definitions	83-02-022
	83-07-032	earnest money	83-02-022
	83-07-033	escrow, abstract, title business	83-04-064
insurance agents, brokers and solicitors	83-14-059		83-07-033
	83-14-060	foreclosure	83-02-022
libraries	83-04-063	gifts	83-02-022
	83-07-034	nominee	83-02-022
manufacturer, definition revised	83-04-062	refunds	83-02-022
	83-07-032	trustee sale	83-02-022
radio and television	83-05-048	Rate of change	83-04-062
	83-08-015		83-07-032
	83-08-026	Resale certificates	83-04-063
service tax	83-04-062		83-07-034
	83-07-032	Sales tax	
sports	83-05-048	alcohol	83-05-048
	83-08-015		83-07-034
	83-08-026		83-08-015
tax liability accounting method	83-01-097		83-08-026
telephone services	83-14-059	amusement and recreation services	83-14-059
	83-14-060		83-14-060
various services described	83-04-064	animals sold for breeding purposes	83-07-034
	83-07-033	collection schedules	83-06-047
warehousing	83-05-048		83-09-028
	83-08-015	conditional and installment sales	83-04-062
	83-08-026		83-07-032
Conveyance tax		credit losses, bad debts, recoveries	83-01-097
inventory tax credit application	83-13-024	farm	83-04-063
	83-13-025		83-05-048
Deductibility, generally	83-05-048		83-07-034
	83-07-033		83-08-015
	83-08-015	food products	83-08-026
	83-08-026		83-14-059
Doing business, in and out-of-state	83-05-048		83-14-060
	83-08-015	fuels, motor vehicle and special	83-14-059
	83-08-026		83-14-060
Estate and Transfer Tax Reform Act	83-13-120	generally	83-07-033
Food products	83-14-059	lessees	83-05-048
	83-14-060		83-08-015
Forest land values		local tax	83-08-026
(See FORESTS AND FOREST PRODUCTS)			83-04-062
Fuel sales	83-04-063		83-06-046
	83-07-034	motor vehicle and special fuels	83-07-032
	83-14-059		83-14-059
motor vehicle and special fuels	83-14-060		83-14-060
Grain	83-04-064	motor vehicle and special fuels	83-13-026
	83-07-033		83-07-034
Ingredients or components	83-07-035	racing forms	83-05-048
Inheritance tax—repeal	83-13-120	soda fountains	83-08-015
Leasehold excise tax	83-05-048	sports	83-08-026
	83-08-015		83-08-026
	83-08-026	state agency exemption	83-04-062
Libraries	83-07-034		83-07-032
Nonprofit organizations		telephone services	83-14-059
excise tax exceptions	83-07-033		83-14-060
special fuels	83-14-059	Selling price	
	83-14-060	returned goods	83-07-034
Property tax annual ratio study	83-13-047	warranties	83-07-034
Public transportation		Stockbrokers	83-07-033
motor vehicle and special fuels	83-14-059	Timber tax (See FORESTS AND FOREST PRODUCTS)	
	83-14-060	Tobacco	83-04-062
	83-06-046		83-04-063
sales and use tax	83-01-059		83-07-032
Public utility tax	83-14-059	Use tax (See also Sales tax, this topic)	83-07-034
common carrier special fuels	83-14-060	certificate of registration fee increased	83-04-062
	83-01-097		83-07-032
credit losses, bad debts, recoveries	83-07-034	commercial or industrial	
exemptions—volume of business	83-04-063	pit run gravel	83-04-062
heat as service	83-07-034		83-07-032
	83-05-048	conditional and installment sales	83-04-062
in-state, out-of-state	83-08-015		83-07-032
	83-08-026	exemptions	83-04-064
telephone services	83-14-059		83-07-033
	83-14-060	bailees	83-05-048
Real estate excise tax			83-08-015
assignments, purchasers, transfers	83-02-022		83-08-026

Subject/Agency Index

(Citations in **bold type** refer to material in this issue)

REVENUE, DEPARTMENT OF—cont.		SHORELINE COMMUNITY COLLEGE (District 7)	
insulin, oxygen, prosthetics	83-04-062	—cont.	
	83-07-032	Student conduct code	83-01-031
orthotics	83-04-062		83-07-020
	83-07-032	Vice president for student services	
ostomic	83-04-062	enforcement of determinations	83-01-077
	83-07-032		
state agencies	83-04-062	SHORELINES HEARING BOARD	
vessels, nonresident	83-05-048	(See ENVIRONMENTAL HEARINGS OFFICE)	
	83-08-015	SHORELINE MANAGEMENT (See ECOLOGY, DEPARTMENT OF)	
	83-08-026		
RICHLAND		SKAGIT COUNTY	
Shoreline management master program	83-10-061	Emergency	83-03-009
	83-14-003		83-12-023
		Shoreline management master program	83-02-007
ROCKETS AND MISSILES (See TRANSPORTATION, DEPARTMENT OF)		SKAGIT VALLEY COLLEGE (District 4)	
SALMON (See FISHERIES, DEPARTMENT OF)		Meeting schedule	83-01-062
SAVINGS AND LOAN ASSOCIATIONS (See GENERAL ADMINISTRATION, DEPARTMENT OF)			83-12-034
SCHOOLS		SMALL WORKS ROSTER (See GENERAL ADMINISTRATION, DEPARTMENT OF)	
Chiropractic accreditation	83-01-028	SOCIAL AND HEALTH SERVICES, DEPARTMENT OF	
Colleges (See individual colleges)		AFDC and continuing general assistance	
Handicapped education	83-04-072	alien sponsorship	
	83-07-057	income of sponsor	83-01-034
Kindergarten/1st grade			83-04-060
uniform entry qualifications	83-01-131	budgeting, prospective and retrospective	83-01-104
Public schools employee salaries	83-02-047		83-04-060
Universities (See individual universities)		copayments and deductibles, references removed	83-13-066
SEATTLE		eligibility	
Shoreline management master program	83-02-065	alcoholism and drug abuse, incapacity	83-05-002
	83-07-081		83-08-025
	83-09-052	date of change	83-01-104
	83-11-047		83-13-060
	83-12-016	prospective	83-01-104
	83-13-029	WIN/employment and training	83-01-104
	83-14-011	grant income or decrease	83-01-057
			83-01-104
SEATTLE COMMUNITY COLLEGE (District 6)		exemption	83-01-057
Board of trustees		mental, emotional, physical incapacity	83-05-002
appointing authority	83-09-044		83-08-025
	83-13-058	nonexempt resource and income	83-01-104
rules and regulations	83-09-044		83-04-033
	83-13-058	mandatory monthly reporting	83-13-031
tenure	83-09-044		83-13-032
	83-13-058	residence sharing	83-01-121
Meeting schedule	83-01-032	retroactive eligibility removed	83-13-066
	83-01-051	rules applicability	83-11-009
	83-02-011		83-14-028
	83-03-002	standards of assistance	83-01-121
	83-04-001		83-05-015
	83-04-046	after initial one or two payment months	83-11-010
	83-05-012	one-time grant	83-13-059
	83-10-027		83-13-060
	83-11-017	transfer of property	83-01-104
	83-13-111		83-04-033
	83-14-033	verifying	83-10-018
Student policies and procedures	83-01-114		83-13-095
	83-06-001	financial need	
SENTENCING GUIDELINES COMMISSION		computing income	83-01-104
Meeting schedule	83-01-054		83-04-033
	83-09-006	effect of resources and income	83-01-104
			83-04-033
SHELLFISH (See FISHERIES, DEPARTMENT OF)		net income	83-01-104
SHIPS (See LICENSING, DEPARTMENT OF, subtopic Boats)			83-04-033
SHORELINE COMMUNITY COLLEGE (District 7)		rules and procedures	83-01-104
Faculty and staff parking	83-01-077		83-04-033
Fines and penalties	83-01-077	types of income	83-01-104
Grievance proceedings	83-01-077	food	
Meeting schedule	83-01-092	WIC program hearing	83-08-062
Mitigation and suspension	83-01-077	hearing	83-03-021
		income defined	83-01-104
		institutionalized recipient	

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

SOCIAL AND HEALTH SERVICES, DEPARTMENT

SOCIAL AND HEALTH SERVICES, DEPARTMENT

OF—cont.

OF—cont.

allocation of income 83-14-062
83-14-063
 medical treatment policies 83-05-002
 monthly standards **83-14-049**
 person in institution other than nursing home 83-07-053
 83-10-077
 pilot project, medical criteria
 Spokane, Rainier, Pierce 83-10-049
 presumptive spouse 83-01-104
 83-04-033
 Alcoholism hospitals
 infection control 83-06-010
 Blind (See **BLIND**)
 Boarding homes 83-08-005
83-14-008
83-14-049
 Child care (see **DAY CARE**)
 Chore services 83-11-012
83-14-029
 Community mental health program
 (See **MENTAL HEALTH/ILLNESS**)
 Community option program entry system 83-05-042
 83-05-043
 83-08-024
 Day care (See **DAY CARE**)
 Developmental disabilities
 (See **DEVELOPMENTALLY DISABLED AND**
 HANDICAPPED)
 Employment and training—work incentive
 community work experience program 83-01-057
 job search program duration 83-01-057
 refusal of training or work 83-01-057
 Fees 83-09-048
 83-12-058
 Food stamps
 aliens 83-07-010
 83-10-078
 application and participation 83-04-042
 83-04-043
 83-08-071
 certification periods 83-01-055
 83-04-042
 83-04-043
 83-08-071
 eligibility standards **83-14-025**
 83-14-050
 hearing 83-03-021
 household determination 83-04-042
 83-04-043
 83-08-071
 income deductions 83-03-015
 83-04-042
 83-04-043
 83-08-071
 income eligibility 83-04-042
 83-04-043
 83-08-071
 lost 83-08-012
 83-08-013
 monthly allotment 83-03-015
 83-04-042
 83-04-043
 83-08-071
 replacement 83-12-003
 resources 83-04-042
 83-04-043
 83-08-071
 social security number 83-08-071
 student eligibility 83-03-015
 83-04-042
 83-04-043
 83-08-071
 verification 83-08-071
 WIC program 83-08-062

work registration 83-04-042
 83-04-043
 83-08-071
 Foster care (See **FOSTER CARE**)
 Group homes
 mental/physical handicap 83-01-119
 83-06-013
 Handicapped (See **DEVELOPMENTALLY DISABLED AND**
HANDICAPPED)
 Hearings
 WIC program 83-08-062
 Limited casualty program
 deductibles, reference removed 83-13-066
 hospital care, payment 83-03-016
 medically indigent 83-13-071
83-14-026
83-14-051
 medically needy in own home
 certification 83-01-058
 eligibility determination 83-01-058
 83-10-081
83-14-045
83-14-053
 resource standards 83-13-071
 medicare benefits 83-10-081
 83-13-071
 83-03-016
 outpatient and emergency care 83-03-016
 Medical care services
 alcohol and drug abuse 83-05-002
 83-08-025
 83-14-047
 definitions
 eligibility 83-02-027
 allocation of income 83-02-027
 certification 83-09-046
 institutional 83-12-059
 83-07-053
 grandfathered recipients 83-10-077
 83-07-053
 hearing aids 83-10-077
 83-05-040
 hospital care, payment 83-05-041
 83-08-022
 83-14-043
 83-14-054
 institutional recipients 83-09-046
 83-12-059
 allocation of income 83-09-046
 83-12-059
 medicare
 deductible and coinsurance 83-13-071
 scope 83-10-081
 outpatient and emergency care 83-03-016
 payment 83-10-077
83-14-024
83-14-052
 private duty nursing services 83-01-056
 provider agreement, refunds **83-14-027**
 providers—ownership disclosure 83-07-053
 83-10-077
 services provided 83-01-056
 83-12-036
 83-12-037
83-14-024
83-14-052
 inpatient hospital care 83-02-023
 83-02-046
 83-05-050
 83-12-036
 83-12-037
 social security benefits
 burial plots and contracts 83-07-053
 83-10-077
 eligibility determination 83-02-026

Subject/Agency Index

(Citations in **bold type** refer to material in this issue)

SOCIAL AND HEALTH SERVICES, DEPARTMENT

OF—cont.

monthly standards 83-09-046
83-12-059
83-13-104

special categories

Mental health, see **MENTAL HEALTH**
Nursing homes (See **NURSING HOMES**)

Overpayment and repayment of assistance definitions

intentional overpayment 83-02-016
83-02-017
83-05-046

overpayment 83-02-016
83-02-017
83-05-046

underpayment 83-02-016
83-02-017
83-05-046

effective dates 83-02-016
83-02-017

liability 83-02-016
83-02-017

mandatory grant reduction 83-02-016
83-02-017

repayment 83-02-016
83-02-017

verification 83-02-016
83-02-017

Psychiatric hospitals infection control 83-06-010

Public records 83-03-021

Refugee assistance 83-01-034
83-10-075
83-13-069

Senior citizens' services program 83-10-074
83-13-070

Shellfish program certification fees 83-12-015

Support enforcement child referral 83-13-011

fees 83-02-029

service requirements 83-13-012

83-13-013

Water service area conflicts 83-01-015

Water system project review 83-10-076

83-14-038

SOLID WASTE (See **ECOLOGY, DEPARTMENT OF**)

SNOHOMISH COUNTY

Shoreline management master program 83-13-119

SPOKANE COMMUNITY COLLEGES (District 17)

Meeting schedule 83-04-041

83-06-071

Public records 83-06-009

83-07-004

83-10-004

SPOKANE COUNTY

Shoreline management master program 83-02-005

STATE EMPLOYEES INSURANCE BOARD

(See **PERSONNEL, DEPARTMENT OF**)

STATE PATROL

Hazardous materials 83-03-008

STEELHEAD (See **GAME, DEPARTMENT OF**)

SUPERINTENDENT OF PUBLIC INSTRUCTION

Elementary and Secondary Education Act 83-04-054

Finance

ASB moneys 83-02-002

83-03-004

83-14-089

83-14-090

83-14-088

83-13-057

83-14-009

83-13-057

83-14-009

SUPERINTENDENT OF PUBLIC INSTRUCTION

—cont.

Grants management 83-04-054

83-07-058

83-08-030

83-13-053

83-14-091

83-04-072

83-07-057

83-08-029

83-14-087

83-01-070

Handicapped children

Practice and procedures

Vocational education duties **83-14-087**

SUPREME COURT

CJC's **83-14-017**

Disciplinary rules 83-04-045

Ethics advisory committee **83-14-017**

83-14-017

83-14-017

83-14-017

Judicial qualifications commission

jurisdiction 83-01-048

Limited practice rule, closing officers

form approval 83-02-044

83-14-070

83-14-012

83-14-012

SWINE (See **AGRICULTURE, DEPARTMENT OF**)

TACOMA

Shoreline management master program 83-12-018

TAVERNS (See **LIQUOR CONTROL BOARD**)

TAXATION (See **REVENUE, DEPARTMENT OF**)

THE EVERGREEN STATE COLLEGE

Facilities usage policy 83-05-034

Governance and decision-making 83-11-018

Students

accounts collection policy 83-08-004

83-12-001

TRAFFIC SAFETY COMMISSION

Meeting 83-12-033

TRANSPORTATION, DEPARTMENT OF

Aeronautics

operating airports 83-08-039

state airport rules 83-11-041

pilot registration and fees 83-01-038

pilot seminars and clinics 83-01-038

Federal and secondary road funds 83-10-009

83-10-010

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

83-13-099

TRAPPING (See **GAME, DEPARTMENT OF**)

UNIVERSITIES (See **individual universities**)

